

MINUTES of the Regular  
Meeting of the City Council of the City of Rye  
held in City Hall on December 16, 1998 at 8:00  
P.M.

PRESENT:

STEVEN OTIS, Mayor  
CAROLYN C. CUNNINGHAM  
ROBERTA DOWNING  
ROBERT H. HUTCHINGS  
ROSAMOND LARR  
ARTHUR STAMPLEMAN  
KATHLEEN E. WALSH  
Councilmen

ABSENT: None

1. Pledge of Allegiance

Mayor Otis invited the audience to join the council in the Pledge of Allegiance.

2. Roll Call

Mayor Otis called the meeting to order; a quorum was present to conduct official City business.

A. On behalf of the City Council, Mayor Otis expressed good wishes for a speedy recovery to City Manager Frank Culross.

B. The Mayor apprised the council that the children in the Rye YMCA After School Program decorated the Christmas tree and placed the Menorah in the lobby of City Hall. The Mayor expressed his appreciation to the Westchester County Chapter of the American Red Cross for donating the tree; Lillian Vernon for the decorations; the children for participating; and Mr. Jeffrey Stonehill, administrative assistant, for organizing this event. Also in attendance were County Legislator George Latimer, and Mr. David Hochberg, vice president of Public Affairs for the Lillian Vernon Corporation. The tree decorating ceremony concluded with each child receiving a gift through the kindness and generosity of Lillian Vernon.

3. Discussion of proposed local law amending the Code of the City of Rye by creating a new chapter, Chapter 165, Sign Regulation

Corporation Counsel Gardella said he had already forwarded a revised draft of the Sign Regulation and will submit another alternate to the council. He stated that the council did not have to schedule another public hearing because the changes made to the proposed local law are less restrictive.

The Mayor favored having public comment on the proposed local law at the January 6, 1999 meeting. He said that the meeting date and the new version of the proposed local law will be publicized in the newspaper.

Mr. Nicholas Everett, chairman of the Board of Architectural Review (BAR), said the BAR had not received copies of the changes in the proposed local law.

Councilman Stampleman explained that there were only two changes; namely not to have renewals for sign permits, and the property owners were required to maintain signs.

After he has researched the legal questions raised by former Councilman Joseph Latwin, Corporation Counsel Gardella said he will forward copies of the new revision to the BAR.

4. Public hearing on proposed local law amending Chapter 68, Building Construction, of the Code of the City of Rye with respect to fees

Mayor Otis opened the public hearing.

The Mayor said the proposed local law amending Chapter 68, Building Construction, proposes an increase from \$300 to \$1,000 which is payable when construction work has commenced prior to the issuance of a building permit.

There being no one wishing to address this proposed local law, the Mayor closed the public hearing.

Councilman Hutchings noted that this proposed local and the subsequent laws being considered this evening ( agenda items #4 through 8) have been thoroughly discussed by the City Council at budget workshops.

Councilwoman Downing made a motion, seconded by Councilman Hutchings, to adopt the following local law:

CITY OF RYE  
LOCAL LAW NO. 10 - 1998

A local law amending Chapter 68, Building Construction, of the Code of the City of Rye with respect to fees.

Be it enacted by the Council of the City of Rye as follows:

Section 1. Section 68-12, Subsection D, is hereby amended to read as follows:

- D. Due to large additional administrative and inspection expenses incurred by the city, an additional application fee of one thousand dollars (\$1,000.) shall be payable when construction work has been commenced prior to the issuance of the building permit.

Section 2. This local law shall take effect immediately upon filing in the Office of the Secretary of State.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS: None

ABSENT: None

The local law was adopted.

5. Public hearing on proposed local law amending Chapter 73, Coastal Zone Management, of the Code of the City of Rye with respect to fees

Mayor Otis opened the public hearing.

The Mayor explained that this proposed local law would remove the fees from the Code of the City of Rye and allow the fees to be set annually by council resolution in the future.

There being no one wishing to address this proposed local law, the Mayor closed the public hearing.

Councilwoman Cunningham made a motion, seconded by Councilwoman Walsh, to adopt the following local law:

CITY OF RYE  
LOCAL LAW NO. 11 - 1998

A local law amending Chapter 73, Coastal Zone Management, of the Code of the City of Rye with respect to fees.

Be it enacted by the Council of the City of Rye as follows:

Section 1. §73-6, Fees and Consultants, subsection A. of the Code of the City of Rye is hereby to reads as follows:

- A. Upon the filing of an application for a determination of consistency, excluding reviews of federal and state agency actions and actions proposed to be directly undertaken by an agency of the City of Rye, an application fee shall be payable. The City Council shall set the fee annually by resolution before adoption of the budget.

Section 2. This local law shall take effect immediately upon filing in the office of the Secretary of State.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The local law was adopted.

6. Public hearing on proposed local law amending Chapter 93, Filming, of the Code of the City of Rye with respect to fees

Mayor Otis opened the public hearing.

The Mayor stated that this proposed local law would increase application fees for filming on private property from \$150 to \$300.

There being no one wishing to address this proposed local law, the Mayor closed the public hearing.

Councilman Stampleman made a motion, seconded by Councilwoman Larr, to adopt the following local law:

CITY OF RYE  
LOCAL LAW NO. 12 - 1998

A local law amending Chapter 93, Filming, of the Code of the City of Rye with respect to fees.

Be it enacted by the Council of the City of Rye as follows:

Section 1. Section 93-6, Subsection B, is hereby amended to read as follows:

B. License fee for use of private property. The fee for filming on private property shall be three hundred dollars (\$300.) per day.

Section 2. This local law shall take effect immediately upon filing in the Office of the Secretary of State.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The local law was adopted.

7. Public hearing on proposed local law amending Chapter 170, Subdivision of Land, of the Code of the City of Rye with respect to fees

Mayor Otis opened the public hearing.

The Mayor explained that this proposed local law would remove the fees from the Code of the City of Rye and allow the fees to be set annually by council resolution in the future.

There being no one wishing to address this proposed local law, the Mayor closed the public hearing.

Councilman Stampleman made a motion, seconded by Councilwoman Downing, to adopt the following local law:

CITY OF RYE  
LOCAL LAW NO. 13 - 1998

A local law amending Chapter 170, Subdivision of Land, of the Code of the City of Rye with respect to fees.

Be it enacted by the Council of the City of Rye as follows:

Section 1. § 170-5, Applicability and general procedure, subsection D. is hereby amended to read as follows:

- D. Informal review. Prior to making an application for tentative approval of a preliminary layout, as provided for in § 170-6 of this chapter, the subdivider may request an informal review of his subdivision concept by the Planning Commission. The request shall be made by submitting a letter explaining the concept, with a sketch layout attached, along with seventeen (17) copies, and be accompanied by an informal review application fee. The City Council shall set the fee annually by resolution before adoption of the budget. The letter shall be presented to the City Planner for filing with the Planning Commission. Prior to the meeting at which the informal review will be heard, the subdivider shall post a sign on the property in accordance with the same requirements as set forth in § 170-7C(6) of this chapter for a public hearing.

Section 2. § 170-6., Procedure for tentative approval of preliminary layout, subsection B., Application procedure, subdivision (1)(d) is hereby amended to read as follows:

- (d) Be accompanied by an application fee to be set by the City Council annually by resolution before adoption of the budget. In addition, the Planning Commission, in the review of the application, may refer such application to the Westchester County Soil and Water Conservation District for a written review. Fees charged by the Westchester County Soil and Water Conservation District for its written review shall be paid by the applicant before action is taken on the application. Payment of the fee shall be a check made payable to the Westchester County Soil and Water Conservation District and shall be submitted to the City Planner for transmittal to the Westchester County Soil and Water Conservation District.

Section 3. § 170-6., Procedure for tentative approval of preliminary layout, subsection B., Application procedure, subdivision (2) is hereby amended to read as follows:

- (2) Due to the large additional administrative and inspection expenses incurred by the city, an additional application fee, to be set by the City

Council annually by resolution before adoption of the budget, shall be payable when construction or occupancy has commenced prior to the issuance of a resolution of approval from the Rye City Planning Commission or when construction and/or use which requires modification of a previous approval has commenced prior to the issuance of a resolution of approval from the Rye City Planning Commission, except in the following specific cases:

Section 4. § 170-6., Procedure for tentative approval of preliminary layout, subsection F., is hereby amended to read as follows:

- F. Informal public hearing and public notification by subdivider. The Planning Commission, at its discretion, may hold an informal public hearing on the preliminary layout, particularly where the layout of the subdivision will affect adjacent properties. In the event that more than one (1) informal public hearing is held, a fee, to be set by the City Council annually by resolution before adoption of the budget, shall be paid for each additional informal public hearing. To facilitate notification of the public, a public notification list shall be prepared by the subdivider, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner's name and owner's mailing address for each property located wholly or partially within five hundred (500) feet of the perimeter of the property that is the subject of the application, when said property is located in R-1 through R-6, RT, RA-1 through RA-5 or RFWP Zoning Districts, and seven hundred fifty (750) feet when said property is located in RS, B-1 through B-7, LPD, MC, WR or C Zoning Districts. If a property on the public notification list is also listed as a cooperative or an apartment on a list entitled "Apartment List City of Rye," maintained by the City Assessor's Office, the address of each of the dwelling units in the building shall also be listed under the name "Occupant," and each "Occupant" shall be considered a property owner for the purposes of the list. When an informal public hearing is required by the Planning Commission, the subdivider shall deliver a copy of the public notice provided by the City Planner to all of the property owners contained on the public notification list either personally or by first-class mail, posted within Westchester County at a post office or official depository of the Postal Service, and shall post a sign on the property in accordance with the following requirements:

Section 5. § 170-7. Procedure for approval of subdivision plat, subsection A., Application procedure, subdivision (1)(f) is hereby amended to read as follows:

- (f) Be accompanied by an application fee, except that the fee for a subdivision or resubdivision subject to the waiver provisions of § 170-5C shall be as set forth therein. In the event that more than one (1) public hearing is held, a fee shall be paid for each additional public hearing. The City Council shall set the fees annually by resolution before adoption of the budget. In addition, the Planning Commission in the review of the application may refer such application to the Westchester County Soil and Water Conservation District for a written review. Fees charged by the Westchester County Soil and Water Conservation District for its written review shall be paid by the applicant before action is taken on the application. Payment of the fee shall be a check made payable to the Westchester County Soil and Water Conservation District and shall be submitted to the City Planner for transmittal to the Westchester County Soil and Water Conservation District.

Section 6. § 170-7. Procedure for approval of subdivision plat, subsection A., Application procedure, subdivision (2) is hereby amended to read as follows:

- (2) Due to the large additional administrative and inspection expenses incurred by the city, an additional application fee, to be set by the City Council annually by resolution before adoption of the budget, shall be payable when construction or occupancy has commenced prior to the issuance of a resolution of approval from the Rye City Planning Commission or when construction and/or use which requires modification of a previous approval has commenced prior to the issuance of a resolution of approval from the Rye City Planning Commission, except in the following specific cases:

Section 7. § 170-8, Required improvements and agreements, subsection B., Inspection of improvements, subdivision (3) is hereby amended to read as follows:

- (3) The City Engineer or other designated official shall inspect required improvements during the construction to assure their satisfactory completion, and the Planning Commission shall require a certificate from such official stating that all required improvements have been satisfactorily completed. The City Planner shall inspect the subdivision for compliance with the conditions of approval. The subdivider shall pay to the city an inspection fee, to be set by the City Council annually by resolution before adoption of the budget, and the subdivision plat

shall not be signed by the Chairman and the Secretary of the Planning Commission until such fee has been paid. In order to facilitate inspection, the subdivider's engineer shall set stakes not more than fifty (50) feet apart outside of the area to be disturbed by construction along all street utility and drainage lines to be built, marked with proper center-line stations, offset from the center line and cut or fill at center line. Where several lines run parallel to each other, only one (1) set of stakes shall be required.

Section 8. § 170-11, Modifications in approved subdivisions, subsection B., Modification fees, subdivisions (1) through (5) are hereby amended to read as follows:

- (1) For modifications of tentative approvals of preliminary subdivision layouts or requirements the applicant shall pay to the city an application fee. If the approval has expired, then the fee shall be the above fee plus that fee times the number of years or fraction thereof that have elapsed since the expiration of the approval. The City Council shall set the fees annually by resolution before adoption of the budget.
- (2) For modifications of subdivision plats or requirements the applicant shall pay to the city an application fee. If the approval has expired, then the fee shall be the above fee plus that fee times the number of years or fraction thereof that have elapsed since the expiration of the approval. The City Council shall set the fees annually by resolution before adoption of the budget.
- (3) In the event that more than one (1) public hearing is held for a modification of an approved subdivision plat or requirements, a fee shall be paid for each additional public hearing. The City Council shall set the fee annually by resolution before adoption of the budget.
- (4) The Planning Commission in the review of the application may refer such application to the Westchester County Soil and Water Conservation District for a written review. Fees charged by the Westchester County Soil and Water Conservation District for its written review shall be paid by the applicant before action is taken on the application. Payment of the fee shall be a check made payable to the Westchester County Soil and Water Conservation District and shall be submitted to the City Planner for transmittal to the Westchester County Soil and Water Conservation District.

- (5) Due to the large additional administrative and inspection expenses incurred by the city, an additional application fee, to be set by the City Council annually by resolution before adoption of the budget, shall be payable when construction or occupancy has commenced prior to the issuance of a resolution of approval from the Rye City Planning Commission, or when construction and/or use which requires modification of a previous approval has commenced prior to the issuance of a resolution of approval from the Rye City Planning Commission, except in the following specific cases:
- (a) The additional fee shall not apply to trees removed without prior approval, such removal shall remain subject to the fees set forth in §170-11B (1) and (2) of this Section.
  - (b) If a building permit and/or a certificate of occupancy has been issued by the Building Department or a street opening permit and/or Surface Water Control Permit has been issued by the Engineering Department prior to construction, the additional fee shall be reduced by seventy-five percent (75%).
  - (c) The additional fee shall not apply to minor variations in the siting of buildings and other site improvements, such site variations shall remain subject to the fees set forth in §170-11B (1) and (2) of this Section.

Section 9. § 170-11, Modifications in approved subdivisions, subsection C is hereby amended to read as follows:

- C. Apportionment's prepared by a licensed surveyor may be approved by the City Planner and Building Inspector when the apportionment has been prepared by a surveyor without submission to the Planning Commission. The applicant shall pay to the city an application fee to be set by the City Council annually by resolution before adoption of the budget.

Section 10. § 170-15, Improvements, subsection D, Tree preservation, subdivision (9) and subdivision (10), Modifications of tree preservation plan requirements, is hereby amended to read as follows:

- (9) In cases where the number of trees required to satisfy the penalty can not be accommodated on the site of the violation, the penalty shall

include planting of trees on available public spaces and/or payment of \$1,500.00 to the City Tree Fund.

- (10) Modification of tree preservation plan requirements. If at any time before or during the construction of required improvements or a residence on a lot, it is demonstrated to the satisfaction of the City Planner, that unforeseen conditions or the design of the actual residence proposed to be constructed make it necessary or preferable to modify the subdivision tree preservation plan, the City Planner may authorize such modifications upon written request of the subdivider with a supporting letter from the landscape architect who prepared the original tree preservation plan and receipt of a fee payable to the city. The City Council shall set the fee annually by resolution before adoption of the budget. This supporting letter shall include a revised tree preservation plan for the lot or other area affected by the proposed modification prepared by the subdivider's landscape architect, provided that such modifications are within the spirit and intent of the Planning Commission's approval. The City Planner may, at his discretion, decide not to exercise his authority to modify a tree preservation plan and may, instead, require the person requesting the modification to apply to the Planning Commission for a modification of the subdivision approval. The City Planner shall at its next regular meeting, subject to the following limitations:

Section 11. § 170-17, Reservations and easements, Subsection A, Parks and playgrounds, subdivision (1) and (1)(a) of the Code of the City of Rye are hereby amended to read as follows:

- (1) Land shall be reserved for park and playground purposes in locations designated on the City Development Plan or Official Map or otherwise where the Planning Commission shall deem such reservation to be appropriate. Each reservation shall be of suitable size, dimension, topography and general character for park and playground purposes and shall have adequate street access for the purpose. The area shall be shown and marked on the plat as "reserved for park or playground purposes." The Planning Commission shall determine the amount of land to be reserved but in no case more than ten percent (10%) of the land in the subdivision, excluding land in any lot with an existing house. Where the Planning Commission deems, with respect to a particular subdivision, that a reservation of land would be inadequate in size for park or playground use, either alone or in conjunction with abutting

reservations on adjoining subdivisions, or otherwise inappropriate for such use, the Planning Commission may waive the requirement for such reservation, subject to the condition that the subdivider deposit with the City Comptroller a cash payment in lieu of land reservation. In such event, the Commission may accept either a payment to the city of an amount calculated based on the fee schedule, excluding land in any lot with an existing house and land within any proposed street right-of-way, or any equivalent combination of land in the subdivision and money:

(a) The City Council shall set the cash payment annually by resolution before adoption of the budget.

Section 12. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The local law was adopted.

8. Public hearing on proposed local law amending Chapter 197, Zoning, of the Code of the City of Rye with respect to fees

Mayor Otis opened the public hearing.

The Mayor explained that this proposed local law would remove the fees from the Code of the City of Rye and allow the fees to be set annually by council resolution in the future.

There being no one wishing to address this proposed local law, the Mayor closed the public hearing.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr, to adopt the following local law:

CITY OF RYE  
LOCAL LAW NO. 14 - 1998

A local law amending Chapter 197, Zoning, of the Code of the City of Rye with respect to fees.

Be it enacted by the Council of the City of Rye as follows:

Section 1. § 197-84C, Certificate of Compliance, subdivision (3), is hereby amended to read as follows:

- (3) Upon written request from the owner and payment by him of a fee, to be set by the City Council annually by resolution before adoption of the budget, the Clerk shall issue a certificate of occupancy, after inspection and approval by the Building Inspector, for any building or premises for which no certificate has been issued or no record of an application can be found, certifying the extent and kind of use or disposition of the building or premises and whether such use or disposition conforms to the provisions of this chapter.

Section 2. § 197-84.F, Fees, subsections is hereby amended to read as follows:

F. Fees.

- (1) Upon the filing of an application for site development plans and uses subject to additional standards and requirements fees shall be payable in connection with the following. The City Council shall set the fees annually by resolution before adoption of the budget:
  - (a) Informal review of a new use or building.
  - (b) Preliminary application for a new use or building. In the event that more than one (1) public hearing is held, a fee shall be paid for each additional public hearing.
  - (c) Final application for a new use or building. In the event more than one (1) public hearing is held, a fee shall be paid for each additional public hearing.
  - (d) Application for modification of a preliminary approval requiring public hearing. In the event that more than one (1) public hearing is held, a fee shall be paid for each additional public hearing. If the approval has expired, then the fee shall be the above fee plus that fee times the number of years or fraction thereof that have elapsed since the expiration of the approval.

- (e) Application for modification of a preliminary approval not requiring public hearing. If the approval has expired, then the fee shall be the above fee plus that fee times the number of years or fraction thereof that have elapsed since the expiration of the approval.
- (f) Application for modification of a final approval requiring public hearing. In the event that more than one (1) public hearing is held, a fee shall be paid for each additional public hearing. If the approval has expired, then the fee shall be the above fee plus that fee times the number of years or fraction thereof that have elapsed since the expiration of the approval.
- (g) Application for modification of a final approval not requiring public hearing. If the approval has expired, then the fee shall be the above fee plus that fee times the number of years or fraction thereof that have elapsed since the expiration of the approval.
- (h) An inspection fee.

NOTE: An application involving both a site development plan and use subject to additional standards and requirements will be required to pay only one (1) fee.

- (i) In addition, the Planning Commission in the review of the application may refer such application to the Westchester County Soil and Water Conservation District for a written review. Fees charged by the Westchester County Soil and Water Conservation District for its written review shall be paid by the applicant before action is taken on the application. Payment of the fee shall be a check made payable to the Westchester County Soil and Water Conservation District and shall be submitted to the City Planner for transmittal to the Westchester County Soil and Water Conservation District.
- (j) Due to the large additional administrative and inspection expenses incurred by the city, an additional application fee shall be payable when construction or occupancy has commenced prior to the issuance of a resolution of approval from the Rye City Planning Commission, or when construction and/or use which requires modification of a previous approval has

commenced prior to the issuance of a resolution of approval from the Rye City Planning Commission, except in the following specific cases:

- [1] The additional fee shall not apply to trees removed without prior approval, such removal shall remain subject to the fees set forth in §197-84.F.(1) (f) and (g).
  - [2] If a building permit and/or a certificate of occupancy has been issued by the Building Department or a street opening permit and/or surface water control permit has been issued by the Engineering Department prior to construction, the additional fee shall be reduced by seventy-five percent (75%).
  - [3] The additional fee shall not apply to minor variations in the siting of buildings and other site improvements, such site variations shall remain subject to the fees set forth in §197-84.F (1) (f) and (g).
- (k) The Planning Commission in the review of any application may refer such application to such engineering, planning, legal, technical or environmental consultant or other professionals, herein after referred to as “consultant or consultants”, as it deems reasonably necessary to enable it to review such application as required by law, provided the required expertise is not available from City staff, and subject to the following:
- [1] The detailed statement of the consulting services to be provided by the consultant shall include the consultant’s fees for said services and a statement by the consultant that the Applicant, not the City, shall be ultimately responsible to the consultant for the services provided. The detailed statement shall be sent to the Applicant by the City Planner certified mail return receipt requested.
  - [2] If the Applicant wishes to review the services and the costs with the Planning Commission, the request for a review shall be in writing and mailed to the City Planner certified mail return receipt requested within seven days

of their receipt of the service and cost statement provided by the City Planner. The Planning Commission shall review the services and costs with the applicant at its next regular meeting following receipt of the request.

- [3] The City Planner shall authorize the consultant to proceed if he has not received a written request for a review of the consultant's services and costs from the Applicant within seven days of the Applicant's receipt of the City Planner's transmittal. The receipt date is the date shown as received on the return receipt card returned by the post office.
  - [4] The applicant shall pay the consultant's fee upon receipt of the consultant's detailed statement for the services provided. The statement will be forwarded to the applicant by the City Planner.
  - [5] Payment of the consultant's fees shall be required in addition to any and all other fees required by this or any other section of this chapter or any other city law or regulation.
  - [6] The Planning Commission document taking final action on the application shall not be issued until all consultant's fees charged in connection with the review of the applicant's project have been paid. Payment of the consultant's fees shall be by check made payable to the consultant and shall be submitted to the City Planner for transmittal to the consultant.
  - [7] This Subsection F(1)(k) shall expire two years after the date of its adoption, unless specifically re-enacted by the City Council.
- (2) Upon the filing of an application for rezoning (to be refunded if no public hearing is held).
  - (3) Upon the filing of an application to the Board of Appeals fees shall be payable in connection with the following.

- (a) For any application for a one-family residence.
- (b) For all other applications.

Section 3. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The local law was adopted.

These agenda items were taken out of order.

26. Consideration of Stipulation of Agreement between the Rye Police Association of the City of Rye, Inc. and the City of Rye, for 1999-2000

Mayor Otis acknowledged the December 11, 1998 memo from City Manager Culross forwarding a memorandum of agreement with the Rye Police Association of the City of Rye, Inc. and the City of Rye for 1999-2000. The Mayor said it was a very positive experience working through this process in an amicable way before the current contracts expire.

Councilman Stampleman made a motion, seconded by Mayor Otis, to adopt the following resolution:

**RESOLVED**, that the City Council of the City of Rye approves the Stipulation of Agreement between the Rye Police Association of the City of Rye, Inc. and the City of Rye, for 1999-2000.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

Councilwoman Cunningham congratulated the City Manager and the Police for finalizing the agreement in a timely manner.

Councilman Stampleman said it is very good for morale that the police officers will receive their increases immediately.

26 a. Consideration of Stipulation of Agreement between the Rye Professional Fire Fighters Association of the City of Rye, Inc. and the City of Rye, for 1999-2000

Councilman Stampleman made a motion, seconded by Mayor Otis, to adopt the following resolution:

**RESOLVED**, that the City Council of the City of Rye approves the Stipulation of Agreement between the Rye Fire Fighters Association of the City of Rye, Inc. and the City of Rye, for 1999-2000.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

27. Consideration of the request of *First Night Rye* to:

- to use City Hall and the Village Green as part of the *First Night Rye* celebration;
- to close Haviland Lane from 6:00 p.m. until midnight;
- to close Purchase Street from the railroad station to City Hall from 6:30 p.m. until 7:00 p.m. for a parade;

- to close Purchase Street from Locust Avenue to Haviland Lane from 7:00 p.m. until midnight;
- to request the Department of Public Works to place extra trash cans on Purchase Street and along Haviland Lane for the event and to pick up same after the event;
- to place luminarias by the entrance to each of the venues on New Year's Eve, weather permitting; and
- to display ice sculptures on the Village Green

Mrs. Bruce Macleod respectfully requested permission to extend the parade route from City Hall to the Methodist Church on Milton Road.

The council expressed concern about extending the parade route because it might interfere with traffic on the Boston Post Road. Permission was granted subject to review and approval by Police Commissioner William Pease.

Councilman Stampleman questioned if the *First Night Rye* Committee had contacted Mrs. Gretchen Pulverman to notify her tenants about closing Haviland Lane.

Councilman Hutchings made a motion, seconded by Councilman Stampleman and unanimously carried, to adopt the following resolution as amended and subject to the Police Commissioner's approval and notification to Mrs. Pulverman:

**RESOLVED**, that the City Council of the City of Rye approves the request of *First Night Rye*

- to use City Hall and the Village Green as part of the *First Night Rye* celebration;
- to close Haviland Lane from 6:00 p.m. until midnight;
- to close Purchase Street from the railroad station to the Methodist Church on Milton Road from 6:30 p.m. until 7:00 p.m. for a parade;
- to close Purchase Street from Locust Avenue to Haviland Lane from 7:00 p.m. until midnight;
- to request the Department of Public Works to place extra trash cans on Purchase Street and along Haviland Lane for the event and to pick up same after the event;

- to place luminarias by the entrance to each of the venues on New Year's Eve, weather permitting; and
- to display ice sculptures on the Village Green

9. Residents may be heard who have matters to discuss that do not appear on the agenda

There were no residents wishing to discuss matters that do not appear on the agenda.

10. Resolution establishing certain fees, effective January 1, 1999

Mayor Otis informed the public that the following resolutions (agenda items # 10 through 22) have been discussed thoroughly at budget workshops and/or executive sessions.

Councilwoman Downing made a motion, seconded by Councilwoman Larr, to adopt the following resolution:

**RESOLVED**, that the following fees are hereby established, effective January 1, 1999:

ASSESSOR

Aerial Maps	15.00
City Maps 3' x 5'	15.00
Drain & Sewer Maps	60.00
From blueprint (blue on white):	
Tax index map (40 x 64")	15.00
Tax Maps	15.00
Topographical Maps	60.00
Zoning Map 3' x 5'	15.00

(Above fees are the same in Building, Engineering and Planning Departments)

BOARD OF APPEALS

Appeals - Single Family	75.00
Multi & Commercial	200.00

BUILDING DEPARTMENT

Building Permits (min. fee)	50.00
Add'l charge per \$1,000 est. work	13.00
Changes in Approved Plans	50.00

Demolition Permits	75.00
Plumbing Permits:	
w/o Building Permit Required (min)	25.00
For each fixture above 5	2.00
Per sewer or storm drain connection	25.00
Oil or Gas Heating Permits in existing buildings w/o building permit required:	
New heating equipment installation or replacement	50.00
Electrical Permits in existing buildings where a building permit is not required:	
For one & two family dwellings with contracts valued at \$500 or more	25.00
For multiple residences, commercial or industrial buildings	50.00
Certificate of Occupancy:	
To be paid with application for building permit	50.00
Search of Municipal Records/Pre-Date Letters	50.00
New certificates for old bldgs.	60.00
Commercial Buildings	150.00

In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of fifty percent (50%) of the fee paid, provided that no construction has been commenced. If construction work has been started and the application is not approved, the fees paid shall not be refunded.

Due to large additional administrative and inspection expenses incurred by the City, an additional application fee of one thousand dollars (\$1000) shall be payable when construction work has been commenced prior to the issuance of a building permit. (Increase from \$300 - See SECTION 68-12D)

CITY CLERK

Alarms:	
Alarm Permit - owner	25.00
Alarm Charges:	

2nd alarm per annum	20.00
3rd & 4th alarm each per annum	50.00
Per alarm over 4 per annum	100.00
Auctioneer	5.00
Birth Certificate	10.00
Blasting Permit	50.00
Cabaret	50.00
Christmas Tree Sales	
Inspection	25.00
Refundable Bond	25.00
Codes: Zoning	20.00
Other Pamphlet Codes	8.00
Code of the City of Rye	200.00
Coin Operated Dry Cleaning Establishment	50.00
Coin Operated Laundry Establishment	50.00
Death Transcript	10.00
Dog Licenses:	
Neutered -	2.50
Un-neutered -	10.50
Add'l City Fee	10.00
Redemption of seized dogs	25.00
w/current license	10.00
Dry Cleaning Establishment	50.00
Filing Fee (claims, liens, against City)	15.00
Filming: Public Property	1,000/10,000
Filming: Private Property	300.00
Fire Prevention Code Permits:	
Explosives Inspection Fee	100.00
Fireworks Display (each)	100.00
Storage of Flammable Liquids	100.00
(Permit & Inspection Fee)	
Storage of Underground Tanks	50.00
(Permit & Inspection Fee)	
Installation of liquefied petroleum gas	50.00
Storage of lumber	
(In excess of 100,000 bd. ft.)	50.00
Place of assembly 100 or more people	100.00
Welding & Cutting	50.00
Hunting & Fishing:	
Resident:	
Senior Fishing (65+ years)	5.00

Fishing - Season	14.00
Fishing - 3 day	6.00
Hunting - (small game)	11.00
Big Game	13.00
Sportsman	31.00
Trapping	13.00
Junior Archery	9.00
Junior Trapping	6.00
Non-Resident:	
Fishing - Season	35.00
Fishing - 5 day	20.00
Hunting - Season (small game)	50.00
Big Game	100.00
Bow Hunting	100.00
Muzzle loading	75.00
Residents:	
Free-70+years/40%+DisabledVeterans	
Fishing	
Sportsman	
Bow Hunting	
Trapping	
Muzzle loading	
Junk Merchant:	
Established place of business	25.00
Junk Peddler	5.00
Laundromat	25.00
Marriage License	25.00
Marriage Transcript	10.00
Mechanical Installation Licenses:	
Electrical:	
Renewal	75.00
Reciprocal	100.00
Gas Heat	75.00
Oil Heat	75.00
Miscellaneous Licenses:	
Bowling Alleys	50.00
Circus	50.00
Driving Range	50.00
Miniature Golf	50.00
Moving Picture House	50.00
Public Exhibition	25.00

Public Hall	50.00
Shooting Gallery	50.00
Skating Rink	50.00
Theater	50.00
Non-Refundable Bid Fees	10.00/50.00
Bid Specifications	5.00
Parking Meters (12 hours)	2.00
Parking	
Resident Commuter	300.00
Non-Resident Commuter	480.00
Resident All Day/All Night	480.00
Resident All Night	240.00
Short-term Overnight (up to 14 days)	5.00/ni
Merchant (All Day)	300.00
Replacement Sticker (w/old sticker)	5.00
Replacement Sticker (w/o old sticker)	50.00
Taxi Stall Rental	480.00
Special Permits (Theo. Fremd Lot)	48.00
Peddler, Hawker, Solicitor	25.00
Permit for container for collection and storage of construction debris stored in public street:	
Deposit per container, per location:	150.00
Fee per container, per location, per day:	25.00
Taxi Cab License	100.00
Taxi Driver License	50.00
Tourist Park or Camp App.	
For 5 units or less	5.00
Additional units 5 or less	1.00
Tourist Park or Camp License (per unit)	20.00
Sign Posting @ Boston Post Road & Cross Street	10.00
Tree Removal Permit	10.00

ENGINEERING DEPARTMENT

Constructed or Replaced Sidewalks (min)	30.00
Constructed or Replaced Driveway (min)	30.00
Constructed or Replaced Curb (min)	30.00
Constructed or Replaced Depressed Curb (min)	30.00
Street Obstructions	
Storage of Materials; Operating Machinery; Loading & Unloading	

Scaffolding & Bridging	100.00
Containers (per day)	50.00
Street Openings:	
Street Area -Asphalt	180.00
Street Area -Concrete	180.00
Sidewalk Area-Asphalt/Concrete/Flag	180.00
Curbing -Asphalt/Concrete/Flag	180.00
Unpaved Areas	180.00
Utility Company street opening (min)	180.00
Test Holes (keyhole method) (each)	60.00
Streets and Sidewalks:	
Connection to Structures (plumbers):	
Manhole/Catch Basin (min)	30.00
Sewer or Drain Line (min)	25.00
Construction Manhole/Catch Basin (min)	100.00
Driving Pipes (min)	50.00
Install Underground Tank/Vault (min)	30.00
Surface Water Control	
Application fee	60.00
Inspection Fee (Over \$2000, cost x)	2.0%

FIRE DEPARTMENT

Inspection Fees (per inspection)	100.00
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PLANNING COMMISSION

Subdivision Review	
Informal Review	300.00
Preliminary Application	500.00
Add'l charge per lot	225.00
Modification w/ Public Hearing	400.00
Modification w/o Public Hearing	350.00
Waiver of Preliminary Application	350.00
Add'l charge per lot	225.00
Public Hearings (Per hearing over 1)	60.00
Final Application	700.00
Add'l charge per lot	225.00
Modification w/ Public Hearing	450.00
Modification w/o Public Hearing	400.00
Public Hearings (Per notice over 1)	60.00
Inspection Fee:	5.0%
5.0% of cost of improvements plus \$30.00 per lot or	

\$350.00, whichever is greater	
Modification of Tree Preservation Plan by the City Planner	300.00
Tree Replacement, Fee in Lieu of	1,500.00
Fee in Lieu of Park Land Reservation (Trust A/C)	0.11
(Cents per square foot of lot area, varies by zoning)	0.11
	to 0.50
Apportionment Application	250.00
Construction and Use without prior approval	2,500.00
Copies of subdivision or site plans complete sets, per sheet	15.00
Site Plan Review and Review of Uses Permitted Subject to Additional Standards & Requirements	
Informal Review	300.00
Preliminary Application	500.00
Add'l charge per required parking space Modification w/ Public Hearing	45.00
500.00	
Add'l charge per required parking space Modification w/o Public Hearing	45.00
400.00	
Public Hearings (Per hearing over 1)	60.00
Final Application	650.00
Add'l charge per acre	45.00
Add'l charge per required parking space Modification w/ Public Hearing (Involving building additions)	45.00
450.00	
Add'l charge per acre	45.00
Add'l charge per required parking space Modification w/o Public Hearing (Involving building additions)	45.00
400.00	
Add'l charge per acre	45.00
Add'l charge per required parking space Modification w/ Public Hearing (Not involving building additions)	45.00
450.00	
Add'l charge per acre	45.00
Modification w/o Public Hearing (Not involving building additions)	400.00
Add'l charge per acre	45.00
Public Hearings (Per notice over 1)	60.00
Inspection Fee	400.00
+ 5.0% of Cost of improvements	5.0%
Construction and Use without prior approval	2,500.00

Modification of Tree Preservation Plan by the City Planner	300.00
Tree Replacement, Fee in Lieu of Copies of subdivision or site plans complete sets only, per sheet	1,500.00 15.00
Coastal Zone Management Waterfront Consistency Reviews	
Application Fee	350.00
Wetlands & Watercourses Permit	
Application Fee	450.00
Inspection Fee	400.00
Appeal of Determination	75.00

POLICE DEPARTMENT

Fingerprinting Fees	10.00
Good Conduct Certificates	30.00
Police Report Copies (per copy)	0.25
Redemption of Shopping Carts	5.00
Subpoena Fees for Records (min)	15.00
Defensive Driving Course	45.00
Auxiliary Police Services Event Fee	100.00
Reprints of Photographs	10.00

RECREATION DEPARTMENT

Indoor Recreation	
Basketball	35.00
Volleyball	35.00
Badminton (1 night per wk for 8 wks.)	35.00
Badminton (2 nights per wk. for 8 wks.)	45.00
Outdoor Recreation	
Softball-Men's Adult (Per Team)	225.00
Softball-Women's Adult (Per Team)	195.00
Softball-Early Bird (Team)	450.00
Basketball Lights (2 hrs.)	95.00
Field Permit (2 hrs.)	85.00
All Day Field Permit	400.00
Picnic Fees (Resident Requirement):	
Up to 20 (Reservation)	40.00
Twenty-one to Forty	85.00

Forty-one to Fifty	160.00
Fifty-one to Seventy-five	280.00
Seventy-six to One Hundred	350.00
One Hundred One to One Hundred Twenty-five	465.00
One Hundred Twenty-six to One Hundred Fifty	525.00
Weekday Discount	20%
Tennis Fees	
Junior Permit (6-18 yrs.)	32.00
Adult Permit (19 & over)	75.00
Family Permit (max 5)	190.00
Senior Permit (60+)	50.00
Weekday Adult	55.00
3 mo. College (18-25 yrs.)	55.00
Non-Resident (Individual)	220.00
Daily Fee (Resident only)	10.00
Guest of Permit Holder/hr.	8.00
Youth Tennis Clinic (4 classes)	50.00
Adult Tennis Clinic (4 classes)	55.00
Tennis Tournament Fee	20.00
Private Lessons: Per half hour	17.00
Private Lessons: Per hour	32.00
Guest Ticket	50.00
Day Camp Fees	
Resident (Basic 6 weeks)	395.00
Non-Resident (6 weeks)	750.00
Additional Child Discount	50.00
Extended Program - Resident	250.00
Extended Program - Non-Resident	340.00
Two Week Session - Resident	285.00
Two Week Session - Non-Resident	430.00
One-Half Day Program - Resident	315.00
Registration Fee After Deadline	150.00
Swim Lessons (w/ Group)	70.00
Group Swim	45.00
Kiddy Camp - Resident	370.00
Kiddy Camp - Non-Resident	710.00
Two Week Kiddy Camp - Resident	265.00
Building Fees	
Auditorium (per hour)	80.00
Other Rooms (per hour)	60.00
Non-Profit/Co-Sponsor Rate:	

Auditorium	55.00
Other Rooms	40.00
Birthday Party (one and one-half hours):	
Basic Program	100.00
Private Party (four hours):	
Auditorium	320.00
Other Rooms (each)	240.00
Maintenance Coverage (per hour)	
Part Time	20.00
Full Time	30.00

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

11. Resolution establishing the compensation of the City Manager

Councilwoman Larr made a motion, seconded by Councilman Hutchings, to adopt the following resolution:

**RESOLVED**, that City Manager Frank J. Culross is hereby granted a performance bonus of \$8,000 payable in December, 1998 for extraordinary performance during 1998; and be it further

**RESOLVED**, that the annual compensation of Frank J. Culross, as City Manager be \$125,000, effective January 1, 1999; and be it further

**RESOLVED**, that in 1999, City Manager Frank J. Culross be eligible for a performance bonus not to exceed \$10,000 based upon a performance evaluation by the City Council in December, 1999. Such payment would be for extraordinary performance during 1999 that enhanced the quality of service to Rye residents, increased the effectiveness or efficiency of the operations of the City of Rye, or led to cost savings and other goals of the City Council. It is the stated policy of the City Council to avoid future increases in the property tax rate and to reward City employees who are instrumental in furthering this policy.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

12. Resolution establishing the compensation of the Corporation Counsel

Mayor Otis expressed the appreciation of the entire council for Mr. Gardella's dedicated work and assistance.

Councilman Cunningham made a motion, seconded by Councilwoman Walsh, to adopt the following resolution:

**RESOLVED**, that Corporation Counsel Richard M. Gardella is hereby granted a performance bonus of \$1,000 payable in December, 1998 for extraordinary performance during 1998; and be it further

**RESOLVED**, that the annual compensation of Richard M. Gardella as Corporation Counsel be \$74,516, effective January 1, 1999

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

13. Resolution adopting the General Fund Budget as amended and establishing the real estate tax rate for the 1999 fiscal year  
Roll Call

Councilman Stampleman made a motion, seconded by Councilwoman Larr, to adopt the following resolution:

**RESOLVED**, that the proposed General Fund budget, as amended, be and the same is hereby adopted as the Annual Budget for the City of Rye for the fiscal year beginning January 1, 1999, and that the City Council does hereby levy the sum of \$9,604,156 for City taxes and determines the City tax rate to be \$73.72 per \$1,000 assessed valuation, and it is further

**RESOLVED**, that the City Council does hereby certify to the City Comptroller the above stated levies and tax rates for City taxes, and the City Comptroller is hereby directed to apportion and extend against each taxable property listed upon the assessment roll of the City of Rye for 1999, at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums so computed and determined, and it is further

**RESOLVED**, that the tax warrant of the City of Rye be signed by the Mayor and directed to the City Comptroller to collect the amount of said taxes with interest as provided by law and any special assessment heretofore authorized and approved, and it is further

**RESOLVED**, that the said assessment roll, together with the aforesaid taxes so levied, together with said warrant, be and the same are hereby fixed and confirmed as the tax roll and warrant of the City of Rye for the fiscal year 1999 and the City Clerk is directed to forthwith deliver the same to the City Comptroller for the collection of taxes for the fiscal year 1999, as hereinbefore provided.



ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

14. Resolution adopting the Rye Community (RCTV) Television Special Revenue Fund Budget for the 1999 fiscal year  
Roll Call

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham, to adopt the following resolution:

**RESOLVED**, that the Rye Community (RCTV) Television Special Revenue Fund Budget and Fee Schedule, as proposed, be and the same is hereby adopted as the Rye Community (RCTV) Television Special Revenue Fund Budget of the City of Rye for the fiscal year beginning January 1, 1999.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

15. Resolution adopting the Rye Nature Center Special Revenue Fund Budget for the 1999 fiscal year

Councilwoman Downing made a motion, seconded by Councilwoman Larr, to adopt the following resolution:

**RESOLVED**, that the Rye Nature Center Special Revenue Fund Budget and Fee Schedule, as proposed, be and the same is hereby adopted as the Rye Nature Center Special Revenue Fund Budget of the City of Rye for the fiscal year beginning January 1, 1999.



ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

16. Resolution adopting the Debt Service Fund for the 1999 fiscal year

Councilman Stampleman made a motion, seconded by Councilwoman Larr, to adopt the following resolution:

**RESOLVED**, that the Debt Service Fund Budget, as proposed, be and the same is hereby adopted as the Debt Service Fund Budget of the City of Rye for the fiscal year beginning January 1, 1999.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

17. Resolution adopting the Capital Projects Fund Budget as amended for the 1999 fiscal year

Councilwoman Larr made a motion, seconded by Councilwoman Walsh, to adopt the following resolution:

**RESOLVED**, that the Capital Projects Fund Budget, as amended, be and the same is hereby adopted as the Capital Projects Fund Budget of the City of Rye for the fiscal year beginning January 1, 1999.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

18. Resolution adopting the DePauw Municipal Boat Basin Enterprise Fund Budget for the 1999 fiscal year

Councilwoman Downing made a motion, seconded by Councilman Hutchings, to adopt the following resolution:

**RESOLVED**, that the DePauw Municipal Boat Basin Enterprise Fund Budget and Fee Schedule, as proposed, be and the same is hereby adopted as the DePauw Municipal Boat Basin Enterprise Fund Budget of the City of Rye for the fiscal year beginning January 1, 1999.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

19. Resolution adopting the Rye Golf Club Enterprise Fund Budget for the 1999 fiscal year

Councilwoman Walsh made a motion, seconded by Councilwoman Cunningham, to adopt the following resolution:

**RESOLVED**, that the Rye Golf Club Enterprise Fund Budget and Fee Schedule, as proposed, be and the same is hereby adopted as the Rye Golf Club Enterprise Fund Budget of the City of Rye for the fiscal year beginning January 1, 1999.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

20. Resolution adopting the Risk Retention Internal Service Fund Budget as amended for the 1999 fiscal year

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr, to adopt the following resolution:

**RESOLVED**, that the Risk Retention Internal Service Fund Budget, as amended, be and the same is hereby adopted as the Risk Retention Internal Service Fund Budget of the City of Rye for the fiscal year beginning January 1, 1999.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

21. Resolution adopting the Building and Vehicle Maintenance Internal Service Fund Budget as amended for the 1999 fiscal year

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham, to adopt the following resolution:

**RESOLVED**, that the Building and Vehicle Internal Service Fund Budget, as amended, be and the same is hereby adopted as the Building and Vehicle Internal Service Fund Budget of the City of Rye for the fiscal year beginning January 1, 1999.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.



22. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers

Councilwoman Larr made a motion, seconded by Councilwoman Walsh, to adopt the following resolution:

**RESOLVED**, that the City Comptroller is hereby authorized to make the necessary closing transfers in City accounts, provided a list of such closing transfers is furnished to the City Council at the next meeting after completion of such transfers.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

23. Resolution fixing January 6, 1999 as the first regular meeting and the organizational meeting of the City Council for 1999

Councilwoman Walsh made a motion, seconded by Councilwoman Larr, and unanimously carried to adopt the following resolution:

**RESOLVED**, that January 6, 1999 is hereby fixed as the first regular and the organizational meeting of the City Council.

24. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 1999

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham, to adopt the following resolution:

**RESOLVED**, that the Mayor be and hereby is authorized to execute an agreement with the Rye Free Reading Room to furnish library services for 1999.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman, and Walsh

NAYS: None

ABSENT: None

The resolution passed.

25. Proposed resolution in support of affordable housing

Councilman Stampleman initiated a discussion on changing the word “address” to “study” in the Resolved paragraph.

The council decided not to amend this paragraph.

A council discussion focused on the role of the Commission on Human Rights and the Rye Interfaith Council in affordable housing and the need to address property values.

Councilwoman Walsh made a motion, seconded by Councilman Stampleman, and unanimously carried, to adopt the following resolution:

**WHEREAS**, the City of Rye supports the goal of providing housing opportunities within Westchester County which enable households across a wide economic spectrum to reside therein, thereby contributing to the employment base, economic health and community vitality of the region; and

**WHEREAS**, the City of Rye supports the work of the Westchester County Housing Opportunity Commission in implementing the development of additional housing units throughout the County to address that goal through a “fair share” Housing Allocation Plan; and

**WHEREAS**, the City of Rye’s Comprehensive Plan currently identified affordable housing as a priority and will continue to support affordable housing in its current update of the Comprehensive Plan;

**NOW, THEREFORE BE IT RESOLVED**, that the City of Rye will make and support efforts and policies to address the need of affordable housing within the community and throughout Westchester in support of the Westchester County Housing Opportunity Commission goals.

28. Consideration of request of the Milton School P.T.O. to hold a parade on Saturday, June 5, 1999, to commemorate Milton School's 100th Anniversary

Mayor Otis acknowledged receipt of the December 11, 1998 letter from Mrs. Jennifer Swain requesting permission to hold a parade to commemorate Milton School's 100<sup>th</sup> anniversary.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the request of the Milton School P.T.O. to hold a parade on Saturday, June 5, 1999, to commemorate Milton School's 100th Anniversary subject to Police Commissioner Pease's review and approval.

29. Approval of amendment of Section 191-12, Vehicles and Traffic, of the Code of the City of Rye to designate full-stops for traffic on Brown Avenue at Apawamis Avenue, Cedar Place at Manursing Avenue, Davis Avenue at Manursing Avenue, and Fairway Avenue at Green Avenue

Mayor Otis acknowledged receipt of the December 7, 1998 memo from the City Manager, which recommends three key items suggested by the Traffic and Transportation Committee; namely, the designation of full-stops for traffic on Brown Avenue at Apawamis Avenue, Cedar Place at Manursing Avenue, Davis Avenue at Manursing Avenue, and Fairway Avenue at Green Avenue; the installation of "blinking school zone" lights on Milton Road from Rye High School to Resurrection Elementary School, and the prohibition of parking on both sides of Rye Beach Avenue from Milton Road to Forest Avenue.

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to approve amending Section 191-12, Vehicles and Traffic, of the Code of the City of Rye to designate full-stops for traffic on Brown Avenue at Apawamis Avenue, Cedar Place at Manursing Avenue, Davis Avenue at Manursing Avenue, and Fairway Avenue at Green Avenue

30. Approval of amendment of Section 191-19, Vehicles and Traffic, of the Code of the City of Rye to prohibit parking on both sides of Rye Beach Avenue from Milton Road to Forest Avenue

Mayor Otis suggested researching the same parking prohibition on Rye Beach Avenue between Forest Avenue and the Rye Playland pool.

Councilwoman Larr made a motion, seconded by Councilman Hutchings and unanimously carried, to approve amending Section 191-19, Vehicles and Traffic, of the Code of the City of Rye to prohibit parking on both sides of Rye Beach Avenue from Milton Road to Forest Avenue.

31. Approval of amendment of Section 191-20D, Vehicles and Traffic, of the Code of the City of Rye to limit parking on Woods Lane to four hours between the hours of 8:00 A.M. and 6:00 P.M., except on Saturdays and Sundays

Mayor Otis acknowledged receiving the December 12, 1998 memo from the City Manager recommending that parking be limited on Woods Lane to four hours between the hours of 8:00 A.M. and 6:00 P.M., except on Saturdays and Sundays. He also said that this matter had been discussed at the December 2, 1998 City Council meeting.

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to approve amending Section 191-20D, Vehicles and Traffic, of the Code of the City of Rye to limit parking on Woods Lane to four hours between the hours of 8:00 A.M. and 6:00 P.M., except on Saturdays and Sundays.

32. Draft unapproved minutes of the regular meeting of the City Council held December 2, 1998, and the special meeting held December 7, 1998

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the regular meeting of the City Council held December 2, 1998 as amended.

Councilwoman Larr made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the minutes of the special meeting of the City Council held December 7, 1998 as amended.

33. Miscellaneous communications and reports

A. Councilwoman Cunningham acknowledged County Legislator George Latimer's sending a copy of County Executive Andrew Spano's November 24, 1998 letter addressed to the County Board of Legislators. This letter forwarded an Act authorizing payment to municipalities of mortgage tax receipts for the council's consideration.

Councilman Stampleman requested that the City Comptroller compare actual mortgage tax receipts to amount budgeted in 1998 and comment on the impact on revenue estimates in the 1999 budget.

B. Councilman Stampleman acknowledged the December 14, 1998 communication from the Commission on Human Rights requesting that the council consider a proposed resolution urging New York State legislature to condemn "hate crimes" and enact a bill to punish severely those who commit

serious crimes based upon their victim's actual or perceived race, color, national origin, ancestry, gender, religion, age, disability or sexual orientation.

C. Councilwoman Cunningham reported that a meeting was held at the Locust Avenue Fire House on December 9, 1998 regarding the possibility of installing permanent lights at the Nugent Stadium at Rye High School. Although she was not present for the entire meeting, she observed that the neighbors in the proximity of the stadium opposed this proposal. The Rye City School Board is responsible for approving the installation of the lights; the City of Rye is not an involved agency.

D. Councilman Stampleman acknowledged receipt of the December 8, 1998 letter from the New York American Water Company, which provided an update on the status of the company's source of water supply.

Mayor Otis explained the significance of this letter and the need to appoint a representative to the Draught Management Committee.

Mayor Otis made a motion, seconded by Councilwoman Larr and unanimously carried, to designate the City Manager or his designee to represent the city on the Draught Management Committee.

E. Councilwoman Walsh apprised the council that Mr. Frank McCullough, Jr. expressed his appreciation about having a dedication ceremony for McCullough Place in honor of his father, the late Judge McCullough. He will contact the council after he has discussed possible dates with his family.

F. Mayor Otis reported on the Project Impact Summit held in Washington, DC. City Manager Culross; the Bay Constable, Robert Chittenden, and administrative assistant, Jeffrey Stonehill, also attended this meeting. He said that Rye is one of three municipalities in the state involved in *Project Impact*. Copies of a letter containing the refined list of projects and announcing that a steering committee meeting is scheduled for January 13, 1999 will be in Friday's packet.

In response to Councilman Hutchings' question on terrorism, Mayor Otis replied that the Federal Emergency Management Agency has experts in that field. Terrorism, per se, has not been identified as one of the city's risk assessments. However, it may be something the city should research.

G. Mayor Otis reported on a meeting of Mayors and Supervisors with Senator-Elect Schumer, organized by Westchester County Executive Andrew Spano. Topics included:

- municipalities being protected by cellular tower siting and equipment ordinances,
- giving local governments more control of cable companies and rates,

- abuse of the 1983 Federal Civil Rights suits in relation to municipal employees and land use, and
- support of Project Impact

34. Old Business

A. In response to Councilwoman Downing, Mayor Otis will forward copies of a 1998 survey of Rye High School students, and an evaluation of the D.A.R.E. program in the school district to the City Council.

B. Councilwoman Cunningham inquired about the status of the Sewer Remediation Program. Corporation Counsel Gardella stated he intends to meet with the City Manager before the end of the year to discuss this matter. Mayor Otis stated this subject will be further addressed in January.

C. Councilman Stampleman congratulated the City Manager and the City Comptroller for receiving a Certificate of Achievement for Excellence in Financial Reporting for the fiscal year which ended December 31, 1997, from The Government Finance Officers' Association.

Councilwoman Walsh suggested that the audit committee stress to the auditors that there is a concern among the City Council members to maintain consistency of categorization in the financial report.

D. Councilman Hutchings asked the council to advise him about the subject of their next two programs for *Eye on Rye*.

35. New Business

A. Councilwoman Downing expressed appreciation for receiving the Planning Commission minutes in a timely fashion.

She requested copies of the Findings and Decisions rendered by the Board of Appeals because of her interest and concern in the open space issue. Copies of the Findings and Decisions will be circulated to the council.

Councilwoman Cunningham apprised the council that recent changes in New York State's zoning enabling laws have made it easier to obtain area variances.

Mayor Otis reported that the Master Plan Committee discussed open space and residential development issues. It was decided that the Master Plan Committee will consider this issue further, draft amendments to the laws, and submit proposals for the City Council's review. The council concurred with Mayor Otis to explore the open space issue in the future.

B. Councilman Stampleman acknowledged the Westchester County News Release dated December 3, 1998 regarding HMO Plans.

C. Councilman Stampleman acknowledged the December 15, 1998 letter from Fire Chief George Ballantoni to the City Manager, stating that the Board of Fire Wardens recommends hiring an additional firefighter. Assistant to the City Manager Christopher Bradbury, apprised the council that this proposal is not included in the current budget, however, the Board of Wardens requests further review within the coming year.

D. Mayor Otis requested that the council members notify him of any changes to the 1999 meeting schedule. The Mayor suggested scheduling the September meeting for 1999 on the second Wednesday, instead of the traditional third Wednesday.

36. Adjournment

Councilwoman Cunningham made a motion, seconded by Councilman Stampleman and unanimously carried, to adjourn into executive session to discuss litigation with the Corporation Counsel.

The council reconvened at 9:30 P.M.

There being no further business to discuss, the meeting was adjourned at 9:40 P.M.

Respectfully submitted,

Alice K. Conrad  
City Clerk