

MINUTES of the Regular
Meeting of the City Council of the City of Rye
held in City Hall on January 6, 1999 at 8:00
P.M.

PRESENT:

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

ABSENT:

KATHLEEN E. WALSH, Councilwoman

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.

Councilwoman Walsh was absent because of the death of her mother-in-law, Mrs. Jane Walsh. On behalf of the City Council, the Mayor extended sympathy to Councilwoman Walsh and her husband.

3. Mayor's Annual Message

“Tonight, we continue the practice by which the City begins the year with an Annual Message by the Mayor. The focus of this year’s Message is to review the progress that has been made in addressing the needs of the people who live and work in the City of Rye, to report on the ongoing initiatives for the new year, and to express thanks from the City Council to all those whose hard work has helped make our community flourish.

‘Rye is an active community and the energy and dedication of volunteers, City staff, and those who do business here, has enabled us to move forward on many fronts. Our residents want us to address a wide variety of issues and the involvement of so many individuals has allowed us to do just that.

'On Traffic Safety, we created a new Traffic and Transportation Committee in 1998 and it has been one of our hardest working committees. Chaired by Roger Perry, the Committee has gone to the community to identify specific traffic issues that need to be addressed. Working closely with City staff, a number of traffic safety improvements have already been implemented. The City Council has authorized traffic safety zone improvements around the Osborn School, Midland School, and along Milton Road. We have also authorized the purchase of additional speed detection equipment and accelerated the upgrade of our traffic signals. Other projects and improvements continue to be considered and planned for. Each proposal is analyzed by the Committee and City staff. Public education efforts have begun and will increase.

'We need to make our roads safer for drivers, pedestrians, cyclists, and children. Everyone needs to drive more cautiously. The Traffic and Transportation Committee is well in route to making our roads safer.

'We have continued our efforts to update the City of Rye Comprehensive Plan. Last updated in 1985, our master plan is the guide for zoning, land use, environmental, recreational, and other policies affecting our community. The Master Plan Task Force has held hearings and received correspondence from residents on a wide variety of issues.

'One concern that has been expressed by many residents is the trend towards building over larger percentages of lots in a way that may be out of character with a neighborhood or that threatens our sense of open space. There is great concern about this issue on the City Council as well. The Master Plan Task Force is now reviewing this issue with the goal of presenting, for consideration by the City Council, proposed changes in law to responsibly address the concerns that have been expressed by residents. This is the most frequently mentioned Comprehensive Plan issue raised by Rye residents and requires our thoughtful attention.

'In the last year, we have come a long way towards moving ahead with the reopening of Whitby Castle. Through the hard work of City manager Frank Culross and the Whitby Committee, we came to terms with the well respected firm, Restaurant Associates, to open the restaurant at Whitby Castle. Restaurant Associates is a very successful firm and their core goal of creating a successful restaurant fits well with our goals for Whitby Castle.

'Construction on the renovation project has begun and the important design plans are being finalized by the Whitby Committee with the involvement of our own Board of Architectural Review and Landmarks Advisory Committee. In addition, our sale of the Whitby Bonds to finance this project, as authorized by the Rye voters in 1997, was completed at very favorable rates costing the project over \$700,000 less than had been projected in June.

'As the rains of last Sunday demonstrated, one of the biggest vulnerabilities our community faces is flooding. Flooding is the number one risk hazard faced by the City of Rye. Flood control will be a major part of one of our most exciting initiatives, Rye's selection by the Federal Emergency

Management Agency for Project Impact.

'We were one of the first two New York State municipalities to be selected to this innovative program to make communities more resistant to disasters. We have identified 24 project objectives including Flood Insurance Cost Reduction, Hazardous Materials Spill Response, American Red Cross Storm Safety Education, maritime EMS Project, Flood Mitigation Land Acquisition Program, Coastal Erosion Plan, Electric Service Survey, Small Business Disaster Recovery Planning, land use reform, and review of building code practices.

'Some of the work on these projects has already begun. The City will soon be receiving its first aid to help support these efforts through a \$300,000 grant from FEMA.

'Project Impact is a partnership between individuals, organizations, businesses, and the City of Rye. Partners include Con Edison, United Hospital, the American Red Cross, Westchester County, and many Rye residents. If you would like to join this effort we will be having our next meeting on Wednesday, January 13, at 8:00 P.M., in the City Council Chambers at Rye City Hall. At that time, we will be organizing subcommittees for the different objectives we have identified. These subcommittee areas are:

- Flood Mitigation and Coastal Storms
- Business, Utilities, and Private Sector
- Health, Shelter, and Special Needs
- Public Information and Education
- Emergency Services
- Building Resilience

'Project Impact is a great opportunity to do what every community should do, become more invulnerable to disasters. We were chosen as a model community and we are going to take full advantage of this opportunity. Please join us next week if you have interest or expertise in any of these areas.

'On another front, our work with the Town of Harrison on Beaver Swamp Brook made great strides in 1998. Federal, State, and County support for this restoration and flood control project has surpassed over a half a million dollars. Congresswoman Nita Lowey secured \$250,000 for the project alone. New York State has chosen the project under their Brownfields program. Westchester County has identified the site for habitat restoration and part of their work will begin this Spring.

'Our cooperation with the Town of Harrison has also extended to Blind Brook with our shared interest in water quality and flooding issues, as well as our concern about runoff from Westchester County Airport. Intermunicipal cooperation is vital to our addressing many issues affecting Rye. We will continue our intermunicipal efforts.

'Our Fire Department has been reviewing initial plans for the long needed rehabilitation of our

two fire houses. We are at a point where the needs of the buildings and the need for continued quality fire service have come together. This planning process is continuing. We expect that a Fire House rehabilitation bond issue proposal will be presented to the voters this year to meet our essential needs for the future.

‘In the past year, the City of Rye has methodically and aggressively sought to protect our community from the traffic impacts of the proposed Home Depot project whose application is pending over the border in Port Chester.

‘As part of this effort, we have advanced the concept of a new I-287 ramp that would take the worst of the Home Depot traffic off of our local roads as part of the traffic mitigation effort that is needed. We have substantiated all of our positions with up-to-date traffic study information. Rye’s traffic safety should not be compromised by planning decisions that do not adequately address our concerns. Our efforts in this area will continue.

‘Crime Prevention has been a priority. In the past year, the Police Department has undertaken a number of initiatives to educate all of us about crime prevention. The Police Department’s News of the Week hosted by Officer Gary Olivier on RCTV has informed the public about crimes that do occur. The Department has made available a vehicle etching program and a vehicle stop sticker program for residents who rarely drive at night. Our Department received Accreditation from the New York State Division of Criminal Justice Services. In 1999, we will be training four new police officers who will be added to our Department enabling us to do even more.

‘We are working with local businesses to assist their needs, to help them organize, and to find creative solutions to parking in the Central Business District. In the budget adopted last month, the City Council authorized new funding to address litter and appearance issues in the Central Business District.

‘Our Planning Commission has done an excellent job in coordinating the very complex Village Green planning process. There are many layers of issues that continue to require review by a number of City entities and the Planning Commission has made it possible to analyze the issues facing the Village Green in a comprehensive way. We are committed to fully analyzing the issues that require review and public deliberation, while at the same time moving approvals forward at an appropriate and responsible pace. The Planning Commission has succeeded in accomplishing these goals.

‘Despite all this detail, I have only touched on some of the many activities and initiatives where we are at work. In addition, we are drafting a senior citizen questionnaire to better address the needs of older residents, we passed the 1999 City budget with no tax increase, work to improve the physical plant at Rye Town Park is underway, our efforts to work with Playland continue, and City Council coordination with the Schools continues to improve.

‘This is also an occasion to share the appreciation of the entire City Council for the contributions, dedication, and sacrifice of everyone in Rye. All the volunteers who serve on Boards and Commissions, all those who make our numerous not-for-profits work, all the City staff who give their

extra effort to make this City work.

'In the past year a number of members of boards and commissions have stepped down after long and dedicated service to the community. They include David White, chair of the Rye Cable Television Committee; Ann Spaeth, member of the Commission on Human Rights; Vicki Farrington, Robin Marx, and Sheryl DeLeo, members of the Conservation Commission/Advisory Council; Edward McCarten, member of the Boat Basin Commission; Leonard Busch and Alan Robben, members of the Golf Club Commission; Peggy Allen, member of the Rye Cable Television Committee; George Ilse, member of the Rye Town Park Commission; and George DeVito, member of the Traffic and Transportation Committee.

'In the flooding of last weekend, or during heavy snowfall, our Department of Public Works - works while we sleep. Over the course of the past year, there have been numerous acts of courage and bravery on the part of our Police Department. Our Fire Department responds quickly and with dedication to each call. We all appreciate the speed with which our Police and Fire services appear on the scene. Special commendation goes to Fire Chief George Ballantoni and all members of the City of Rye Fire Department, as well as Police Commissioner William Pease and the entire Police Department.

'Thanks should also go to Connie and Bruce Macleod and everyone associated with making our 2nd Annual First Night a success. On a very cold night special effort was given by City Staff including the Police, Fire, Auxiliary Police, DPW, and Recreation Departments.

'First Night is only the most recent example of the many special events and activities that our town produces every year, all made possible through the infinite dedication and commitment of countless members of the Rye Community.

'We also owe a special debt of gratitude to Frank Culross, our City Manager; Richard Gardella, our Corporation Counsel; Alice Conrad, our City Clerk; and all the staff of the City of Rye for all of their hard work and special efforts.

'Finally, I would like to thank the other six members of the Rye City Council, Carolyn Cunningham, Roberta Downing, Robert Hutchings, Rosamond Larr, Arthur Stampleman, and Kathleen Walsh. We have all worked hard and worked well together. We have gone an entire year without a single moment of partisanship invading our work on issues facing Rye. This has enabled the City to move forward in many productive ways.

'A year ago, we began working together on the goals Rye residents established for this community. Those goals have become the record of this City Council. Let the work of our community continue.'

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

There were no residents who had matters to discuss that did not appear on the agenda.

5. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term

Mayor Otis made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the appointment of Councilman Stampleman as Trustee of the Police Pension Fund for a one-year term.

6. Two appointments to the Board of Appeals for three-year terms, by the Mayor with Council approval

Mayor Otis made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the reappointments of Mr. Martin L. Edelman and Ms. Annette L. Guarino to the Board of Appeals for three-year terms expiring January 1, 2002.

7. Designation of the Chairman of the Board of Appeals, by the Mayor

Mayor Otis redesignated Mr. Martin L. Edelman, as chairman of the Board of Appeals.

8. Two appointments to the Board of Architectural Review for three-year terms, by the Mayor with Council approval

Action on this agenda item was postponed to a future council meeting.

9. One appointment to the Board of Ethics for a three-year term and one appointment to fill the term ending January 1, 2001, by the Mayor with Council approval

Mayor Otis made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the appointment of Mrs. Elizabeth Griffin Matthews to the Board of Ethics for a three-year term expiring January 1, 2002. The appointment to fill the term ending January 1, 2001 will be made at a later date.

10. Three appointments to the Commission on Human Rights for three-year terms, by the Mayor

Mayor Otis made a motion, seconded by Councilwoman Cunningham and unanimously carried,

to approve the appointments of Mr. Fred Penichet and Mr. Mottell D. Peek to the Commission on Human Rights for three-year terms expiring January 1, 2002. The other appointment will be filled at a later date.

11. Three appointments to the Conservation Commission/Advisory Council for three-year terms, by the Mayor with Council approval

Mayor Otis made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the appointments of Mr. Richard Horseman and Mr. Jim Nash to the Conservation Commission/Advisory Council for three-year terms expiring January 1, 2002. The other appointment will be made at a later date.

12. Two appointments to the Finance Committee for a three-year term, by the Mayor with Council approval

Mayor Otis made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the appointment of Mr. George Pratt to the Finance Committee for a three-year term expiring January 1, 2002. The other appointment will be made at a later date.

13. Three appointments to the Landmarks Advisory Committee for three-year terms, by the Mayor with Council approval

Mayor Otis made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the appointments of Ms. Diane Moran and Mr. Eugene G. McGuire to the Landmarks Advisory Committee for three-year terms expiring January 1, 2002. The other appointment will be made at a later date.

14. Designation of the Chairman of the Landmarks Advisory Committee, by the Mayor

Mayor Otis redesignated Ms. Diane Moran as chair of the Landmarks Advisory Committee.

15. Two appointments to the Planning Commission for three-year terms, by the Mayor with Council approval

Mayor Otis made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the appointment of Mr. Peter Larr and Mr. Philip DeCaro to the Planning Commission for three-year terms expiring January 1, 2002.

16. Designation of the Chairman of the Planning Commission, by the Mayor

Mayor Otis redesignated Dr. Michael W. Klemens as chairman of the Planning Commission.

17. Two appointments to the Recreation Commission for three-year terms, by the Mayor with Council approval

Mayor Otis made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the appointment of Mr. Stephen Meyers and Mr. Douglas Carey to the Recreation Commission for three-year terms expiring January 1, 2002.

18. Designation of the Chairman of the Recreation Commission, by the Mayor

Mayor Otis redesignated Mr. Stephen Meyers as chairman of the Recreation Commission.

19. Two appointments to the Rye Cable Television Committee for three-year terms and one appointment to fill the term ending January 1, 2001, by the City Council

Mayor Otis made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the appointment of Mr. David Moore to the Rye Cable Television Committee for a three-year term expiring January 1, 2002. The other appointment will be made at a later date.

20. Three appointments to the Traffic and Transportation Committee for three-year terms, by the Mayor with Council approval

Mayor Otis made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the appointments of Mr. George DeFilippo and Mr. Hugh Greechan to the Traffic and Transportation Committee for three-year terms expiring January 1, 2002. The other appointment will be made at a later date.

21. Nomination of a member of the Conservation Commission/Advisory Council to the Westchester County Environmental Management Council (EMC), by the Mayor

Mayor Otis nominated Mr. C. Nicholas Hodnett to the Westchester County Environmental Management Council.

22. Designation of a Senior Citizens' Advocate for a one-year term, by the Mayor

Mayor Otis appointed Mrs. Anne Pastor as Senior Citizens' Advocate to a one-year term expiring January 1, 2000.

23. Designation of the City Council's Audit Committee by the Mayor

Mayor Otis redesignated Councilmen Cunningham, Stampleman, and Walsh to the City Council's Audit Committee.

24. Designation of the following City Council Liaisons by the Mayor:

Mayor Otis designated the following Councilmen as Liaisons to Boards and Commissions as listed:

Ambulance Corps	Councilwoman Larr
Board of Appeals	Councilwoman Cunningham
Board of Architectural Review	Councilwoman Downing
Boat Basin Commission	Councilwoman Downing
Commission on Human Rights	Councilman Stampleman
Conservation Commission/ Advisory Council	Mayor Otis
Landmarks Advisory Committee	Councilwoman Larr
Recreation Commission	Councilwoman Cunningham
Rye Cable Television Committee	Councilman Hutchings
Rye-CARES Coordinator	Councilwoman Downing
Rye City School Board	Councilwoman Cunningham/ Mayor Otis
Rye Free Reading Room	Councilman Stampleman
Rye Golf Club Commission	Councilwoman Walsh

25. Designation of the days and time of regular meetings of the City Council

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to designate the days and times of regular meetings of the City Council for the calendar year 1999 as follows:

January 6	May 5	September 8
January 20	May 19	
February 3	June 16	October 6
February 17		October 20

March 3	July 21	November 3
March 17		November 8 (Special)
		November 17
April 7	August 16 (Special)	
April 21	August 18	December 1
		December 15

26. Designation of official City newspapers

Mayor Otis noted the recent change in the name of the Westchester Gannett Newspapers from the *Daily Item* to the *Journal News*.

Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously approved, to designate the *Journal News* as the Official Newspaper of the City of Rye for the purposes of publishing legal notices of the City, and its boards, commissions, or agencies.

27. Designation of the amounts of faithful performance bonds

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the designation of the amounts of faithful performance bonds, as follows:

A.	City Comptroller	\$ 1,000,000
B.	City Clerk	\$ 500,000
C.	City Marshal	\$ 100,000

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

Mayor Otis noted that this proposed local law has been discussed at length at a number of council meetings, and that it is a recodification of the city's existing sign laws, rules, and regulations. The Mayor explained that there are some technical issues which need to be discussed. The Mayor asked if anyone from the public would like to comment on the proposal. There was no one from the audience wishing to address this issue.

Councilwoman Cunningham recommended that a severability clause be added to the proposed local law. This means the finding of invalidity of any provision does not affect the validity of the remaining parts of the law.

Corporation Council Gardella pointed out that there were related amendments to the Rye City

Code which the adoption of Chapter 165 requires. He explained that there were two different ways to deal with that requirement. The Council could either adopt Chapter 165 at this meeting but delay its effective date to the beginning of February in order to allow time for the adoption of the related amendments. Or the other alternative was to adjourn action on adoption of Chapter 165 until the next meeting. Chapter 165 could be adopted with all the necessary related amendments at that time. Councilwoman Cunningham's proposal for the inclusion of the severability clause could also be met at the same meeting.

There was a council discussion on the pros and cons of adopting the local law at this meeting.

Mr. Otto Spaeth, member of the Board of Architectural Review, said it would be helpful to have the new law in place.

Councilman Stampleman made a motion, seconded by Councilwoman Downing, to adopt the proposed local law amending the Code of the City of Rye by creating a new chapter, Chapter 165, Sign Regulations.

ROLL CALL:

AYES: Councilmen Cunningham, Downing, and
Stampleman

NAYS: Mayor Otis, Councilmen Hutchings, and
Larr

ABSENT: Councilwoman Walsh

The motion failed.

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

WHEREAS, a proposed local law amending Chapter 197, Zoning, of the Code of the City of Rye by amending Section 197-1, Subsection A; Section 197-11, Subsection B (3) and Section 197-82 by eliminating Subsection E and relettering Subsections F, G, H, I, J, K and L has heretofore been introduced at this meeting and placed before the Mayor and each Councilman, and

WHEREAS, it is now desired to call a public hearing on such proposed resolution, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on January 20, 1999 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such resolution.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law amending Chapter 197, Zoning, of the Rye City Code by amending Section 197-1, Subsection A; Section 197-11, Subsection B (3) and Section 197-82 by eliminating Subsection E and relettering Subsections F, G, H, I, J, K and L

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 20th day of January, 1999 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the “proposed local law amending Chapter 197, Zoning, of the Rye City Code by amending Section 197-1, Subsection A; Section 197-11, Subsection B (3) and Section 197-82 by eliminating Subsection E and relettering Subsections F, G, H, I, J, K and L”.

Copies of said local law may be obtained from the office of the City Clerk.

Dated: _____ City Clerk

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

WHEREAS, a proposed local law amending Chapter 197, Zoning, of the Rye City Code of Rye by repealing Sections 197-15, 197-16, 197-17, 197-18, 197-19 and 197-20 has heretofore been introduced at this meeting and placed before the Mayor and each Councilman, and

WHEREAS, it is now desired to call a public hearing on such proposed resolution, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law amending Chapter 197, Zoning, of the Rye City Code by repealing Sections 197-15, 197-16, 197-17, 197-18, 197-19 and 197-20

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 20th day of January, 1999 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the "proposed local law amending Chapter 197, Zoning, of the Rye City Code by repealing Sections 197-15, 197-16, 197-17, 197-18, 197-19 and 197-20".

Copies of said local law may be obtained from the office of the City Clerk.

Dated: City Clerk

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

WHEREAS, a proposed local law amending Section 53-6 of Chapter 53, Board of Architectural Review, of the Rye City Code has heretofore been introduced at this meeting and placed before the Mayor and each Councilman, and

WHEREAS, it is now desired to call a public hearing on such proposed resolution, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law amending Section 53-6 of Chapter 53, Board of Architectural Review, of the Rye City Code

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 20th day of January, 1999 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the "proposed local law amending Section 53-6 of Chapter 53, Board of Architectural Review, of the Rye City Code".

Copies of said local law may be obtained from the office of the City Clerk.

Dated: City Clerk

29. Proposed resolution urging the State Legislature to condemn "hate crimes" and to enact a bill to severely punish those who commit such crimes

Mayor Otis stated that the Commission on Human Rights proposed support of pending legislation in the New York State Legislature to condemn Hate Crimes and to enact a bill to punish severely those who commit such crimes.

Mr. Richard A. Propper, chairman of the Commission on Human Rights, expressed his appreciation to the City Council for increasing the number of members on the Commission on Human Rights. He said the commission's enormous amount of work warrants the increased membership. He then read the following statement into the record:

"The Commission on Human Rights is cognizant of the fact that New York State is among the very few states that have yet to pass anti-bias laws.

"Such anti-bias laws are likely to raise penalties for the commission of a "hate crime" such as murder, rape, robbery, or menacing with the intent to harm an individual based in whole or in part on the victim's actual or perceived race, color, national origin, ancestry, gender, religion, age, disability, or sexual orientation.

"Such anti-bias laws would, additionally, create a crime for the deprivation of an individual's civil rights based on those same real or perceived criteria.

"The Commission on Human Rights is respectfully requesting that this Mayor and City Council pass a resolution urging the New York State Legislature to condemn "hate crimes" and to enact a bill which will severely punish those who commit them.

"We have submitted such a resolution for your consideration".

Councilman Stampleman quoted the following statement:

"All Americans have a stake in an effective response to violent bigotry. Hate crimes demand a priority response because of their special emotional and psychological impact on the victim and the victim's community. The damage done by hate crime cannot be measured solely in terms of physical injury or dollars and cents. Hate crimes may effectively intimidate other members of the victim's community, leaving them feeling isolated, vulnerable and unprotected by the law. By making members of minority communities fearful, angry and suspicious of other groups – and of the power structure that is supposed to protect them – these incidents can damage the fabric of our society and fragment communities."

Therefore, Councilman Stampleman thought the council should endorse the proposal of the Commission on Human Rights for "Hate Crime" legislation and add our voice to those who say this type of social terrorism will not be tolerated.

Councilman Stampleman stated that Councilwoman Cunningham suggested an amendment to

the resolution which was prompted by her concern that if reference is made to civil rights laws there might be a conflict with federal legislation.

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

WHEREAS, a person is guilty of a “hate crime” when he or she commits a specified offense such as murder, rape, robbery, or menacing with the intent to harm an individual based in whole or in part on the victim’s actual or perceived race, color, national origin, ancestry, gender, religion, age, disability, or sexual orientation; and

WHEREAS, anti-bias laws have been introduced previously and are likely to be re-introduced; and

WHEREAS, such laws are likely to raise penalties for specific offenses by elevating the classification one category higher for those offenses currently classified as a misdemeanor or a Class C, D or E felony; and

WHEREAS, such proposed laws would create a crime for intentionally committing a criminal offense based on a victim’s actual or perceived race, creed, color, national origin, sex, disability, age, or sexual orientation; and

WHEREAS, the City Council endorses such laws because they attempt to address issues related to the commission of bias-related crimes; and

WHEREAS, New York State must take the opportunity to pass such legislation given that at least thirty-nine states have passed anti-bias laws, and New York State is among the very few states that still have to enacted this type of law; and

WHEREAS, people should be able to feel safe walking the streets of any city and throughout the State without fearing for their safety, or even their lives, because of their actual or perceived race, color, religion, national origin, ancestry, gender, age, disability, or sexual orientation; and

WHEREAS, bias crimes are attacks that not only jeopardize physical safety but degrade the dignity of all New Yorkers in our State and violate the principals of liberty and equality on which our nation was founded; now, therefore be it

RESOLVED, that the Council of the City of Rye calls upon the New York State Legislature to condemn “hate crimes” and enact a bill to severely punish 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.

30. Approval of execution by the City Manager of the Westchester County Sewer Remediation Consent Order

The council discussed approval of the City Manager's execution of the Westchester County Sewer Remediation Consent Order.

Corporation Counsel Gardella noted that about half of the Westchester communities have signed the agreement and that eventually all will sign. There is still some concern about language.

The Mayor apprised the Council that he, the City Manager, and the City Engineer attended a meeting where concerns were expressed about prior versions of this agreement. He indicated that one of the concerns was the amount of boiler plate language that didn't apply to various communities and much of that has been removed.

The City Manager said another concern is that there is no ongoing commitment by the County to deal with the next generation of remediation.

In response to Councilman Stampleman's questions, Mayor Otis and City Manager Culross clarified the following:

- this agreement covers satisfaction of improvement levels that the Consent Decree originally asked of Westchester County,
- Rye is accepting the responsibility of doing all of the private inflow enforcement and that the County will do the remediation necessary in the public inflow/infiltration,
- the County and City's work would be done simultaneously,
- funding for this remediation project is in the County's 1998 and 1999 budgets,
- this issue will not impact the City of Rye's capital budget, and
- there is an advantage for the City of Rye residents because this project will be taxed through the sewer district. It also spreads the cost among a greater number since many entities that do not pay property tax, have to pay the sewer tax.

Mayor Otis stated that the Long Island Sound Watershed Council agreed to participate in a grant which was submitted by the Town of Mamaroneck. They have secured a \$50,000 grant from the New York State Department of State to deal with compliance with the Consent Order. It was proposed that a good way to use these funds would be to develop a protocol for communicating with the public on how people can start to address these issues. If it is not undertaken by the Long Island Sound Watershed Council, then Rye would need to develop a public information program. The Mayor

explained that to be successful, we must to try to bring people along in a cooperative way and give them tools to comply.

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

RESOLVED, that the City Council of the City of Rye hereby approves the City Manager's execution of the Westchester County Sewer Remediation Administrative Consent Order, Case No. COW-SSES-25-98, a copy of which is included as an attachment to the January 6, 1999 minutes.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Walsh

The resolution passed.

31. Proposed revision to Police Manual General Order #116.5, Rules and Regulations, Overtime/Compensatory Time

City Manager Culross explained that the revision to the police manual is a result of the changes negotiated in the collective bargaining agreement with the Police Department. The most significant change is the priority list for overtime.

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the revision to Police Manual General Order #116.5, Rules and Regulations, Overtime/Compensatory Time (No. 12-56).

32. Authorization for the City Manager to enter into an Inter-municipal Agreement for Multiple Enforcement for Injury Prevention Grant for the period October 1, 1998 through September 30, 1999

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

RESOLVED, that the City Manager is hereby authorized to enter into an Inter-municipal Agreement for Multiple Enforcement for Injury Prevention Grant for the period October 1, 1998 through September 30, 1999.

33. Approval of corrected minutes of the regular meeting of the City Council held August 19, 1998

The Mayor acknowledged the December 30, 1998 memo from the City Clerk regarding the omission of the third resolve in agenda item No. 9 of the August 19, 1998 minutes.

Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to correct a provision of the minutes of the regular meeting of the City Council of August 19, 1998.

34. Draft unapproved minutes of the regular meeting of the City Council held December 16, 1998

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to approved the minutes of the regular meeting of the City Council of December 16, 1998, as amended.

Agenda items No. 35 and 36 were discussed simultaneously.

35. Miscellaneous communications and reports

36. Old Business

A. Mayor Otis welcomed Ms. Kimberly Sanchez, reporter from the *Journal News*.

Councilman Stampleman urged the press to consider writing an article on the "hate crime" legislation and state that Rye has added to the number of communities which support the adoption of anti hate crime legislation.

B. Mayor Otis indicated that plans to recognize Mr. Daniel Ball, former Rye Fireman, will be considered at the January 20, 1999 Council meeting.

C. Mayor Otis circulated his January 6, 1999 memo about scheduling a meeting for January 11, 1999 on the status of the Village Green. He said it will not be a decision making meeting; it will be a meeting to discuss and identify different Village Green issues. Since the proposed addition for the Rye Free Reading Room will be on City land, the most significant issue, he said, is the need for the council to discuss the alienation of City property either by easement, sale, lease, or conveyance which requires authorizing legislation from the State Legislature. Since the State legislature is in session from January to June, it is important for the City Council to begin to discuss this issue.

Councilwoman Downing expressed concern about not having sufficient information on a transfer of city property for such a meeting. Mayor Otis responded that the meeting was to provide the

necessary information for the Council to begin to formulate a plan.

Both Councilwoman Cunningham and Councilman Stampleman requested the advantages and the disadvantages of selling vs. leasing the land and the precedents the City has had in the transfer of land.

A council discussion focused on :

- schedules and construction phases for the RFRR,
- coordinating projects of the RFRR , The Y, and the Firehouse,
- Rye Free Reading Room's need for land,
- how the RFRR will remain operational during the construction phase,
- need for architectural plans from the RFRR to indicate exactly what is needed, and
- impact of construction on the City Hall's municipal parking lot.

Councilman Stampleman requested that City Engineer Mottarella, Building Inspector Tamburro, and City Planner Zepf come to this meeting prepared with a list of items to be accomplished.

The Mayor invited the entire Council to attend this meeting.

D. Councilman Stampleman informed the Council that he is scheduled to visit the seniors on February 3, 1999 to review the results of the senior questionnaire and to solicit input about the kinds of services the City could provide for seniors. He would appreciate the council's input on the survey before this meeting.

E. Councilwoman Cunningham acknowledged the December 31, 1998 memo from City Engineer George Mottarella about the spill into Blind Brook at Highland Road. In response to Councilwoman Cunningham's question, the City Manager said there were no fines for this spill.

F. Councilman Stampleman acknowledged the December 18, 1998 memo from the City Comptroller Genito responding to his questions about mortgage tax receipts. This memo indicated that the City is receiving more in tax receipts than expected. He asked if there is a way to audit the state because of the wide margin of tax receipts. City Manager Culross explained that this is very difficult since mortgage tax receipts are not public information. He will ask the City Comptroller to research information that is available.

G. Councilman Stampleman acknowledged the communication from County Legislator George Latimer and others to the Chairman of the Board's Committee on Budget and Appropriations dated December 23, 1998 regarding New York State's equalization rates.

Councilman Hutchings supported County Legislator Latimer's concern about an unfair assessment for the City of Rye. He suggested that the City Council go on record as opposed to this arbitrary approach to 10% increase in county taxes.

City Manager Culross explained that the State changed the formula used to calculate real estate values. In the past, it was spread over three years which allowed for fluctuation in value. The State is using more current information and a one year instead of a three-year average. It is a means of forcing re-evaluation.

Councilman Stampleman suggested asking City Assessor McCarthy for her review and comments.

H. Councilwoman Cunningham acknowledged the letter to the Mayor and the council from the New York State Department of Environmental Conservation dated December 3, 1998, reporting on a routine inspection of the garage. She commended the Department of Public Works for operating the garage in an environmentally responsible manner.

37. New Business

There was no new business discussed.

38. Adjournment

There being no further business to discuss, the meeting was adjourned at 10:05P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk