

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in City
Hall on February 3, 1999 at 8:00 P.M.

PRESENT:

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

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn into executive session to discuss pending litigation in relation to Home Depot at 7:00 P.M.

The Council reconvened at 8:00 P.M.

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.

Mayor Otis paused to pay tribute to Mr. Roger Perry who died suddenly last week. The Mayor noted that Mr. Perry had served Rye on numerous boards, committees, and commissions, including the Rye Recycling Committee, the Rye Conservation Commission, the Boat Basin Commission, the Zoning Board of Appeals, Rye 2000, and most recently on the Traffic and Transportation Committee. Mayor Otis commented on Mr. Perry's tremendous contributions. On behalf of the Council, he expressed sincere grief and extended condolences to Mr. Perry's family.

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

On this day, February 3, 1999, the Rye City Council pauses in its deliberations to mourn the passing of an extraordinary individual, Roger Perry, who passed away on January 26th of this year and to recognize his special contributions to the City of Rye.

WHEREAS, Roger Perry served the City of Rye in significant and everlasting ways; and

WHEREAS, Roger Perry was co-chair of the Rye Recycling Committee, enabling Rye to lead Westchester County as one of the first communities to embrace recycling fully; and

WHEREAS, Roger served with distinction on the Rye Conservation Commission/Advisory Council, the Boat Basin Commission, the Zoning Board of Appeals, and the Rye Composting Committee; and

WHEREAS, Roger was a leader who also chaired the Rye 2000 Solid Waste Task Force and the Rye Composting Committee; and

WHEREAS, Roger's leadership was most recently demonstrated as chairman of our City of Rye Traffic and Transportation Committee which has already made great strides in improving traffic safety in Rye; and

WHEREAS, Roger's commitment and devotion to the environment were recognized within Rye and beyond; and

WHEREAS, Roger's sense of humor, vigor, dedication, and friendship will be sorely missed by all who knew and loved him; and

WHEREAS, he inspired everyone by his energy, enthusiasm, and warmth; and

WHEREAS, his commitment to accomplishing the best for our community through his volunteer efforts was demonstrated in all of his endeavors and achievements; and

WHEREAS, his years of service were marked by exemplary dedication to the best interest of the community; and

WHEREAS, his extraordinary record of service was instrumental in fostering values, and deserving of the highest commendation; and

WHEREAS, this community has sustained a great loss by his untimely death; and

WHEREAS, Roger was devoted to his wife, Isobel, his children Roy, Lisa, and Amy, and their families; now, therefore, be it

RESOLVED, that the Rye City Council commends the dedicated service and spirited life of

Roger Perry; and be it further

RESOLVED, that today, we celebrate his life of commitment to his family and community, and express our deep appreciation for all of the ways he helped make Rye better; and be it further

RESOLVED, that a copy of this Proclamation, be transmitted to the family of Roger Perry.

Signed and sealed this 3rd day of February, 1999.

Steven Otis
Mayor

SEAL

2A. Signing of Resolution Quilt by City Council Members

Mrs. Johanna Loddo and Ms. Martha Shaw explained that the Resolution Quilt, the concept of Mrs. Frances Weiner, would carry the thoughts, prayers, wishes, and greetings of Rye residents for the Millennium. Mrs. Loddo requested that the City Council sign the center section of the Quilt which is in the "courthouse steps" pattern. This particular pattern is a variation on the "log cabin" pattern and designed in the Rye colors of blue and gold. Eventually, the finished quilt will be presented to the City of Rye on *First Night, 1999*.

B. Mayor Otis announced that Richard Gardella, Esq., Corporation Counsel, will be retiring this spring. The Mayor noted that Mr. Gardella is the preeminent municipal attorney in Westchester County, and that his legal wisdom, guidance, and leadership have been extraordinary. He said it will be very difficult to replace Mr. Gardella because of his professionalism and knowledge. The Mayor expressed his appreciation to Mr. Gardella for all he has contributed to the City of Rye and extended best wishes for his success and happiness in the future.

The Council Members added their commendations and appreciation to the Corporation Counsel for his guidance, extraordinary knowledge, courtesy, respect, and professionalism.

Corporation Counsel Gardella thanked the Council for their comments and added that in his 18 years of service to Rye, he never felt that he had to compromise. He attributed this to all who held office on the Rye City Council throughout the years.

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

There were no residents wishing to address the Council.

4. One appointment to the Rye Cable Television Committee for a three-year term, by the City Council

Mayor Otis made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the appointment of Mr. Craig Meyerson to the Rye Cable Television Committee, for a three-year term expiring January 1, 2002.

The motion carried.

5. One appointment to the Rye Golf Club Commission to fill the unexpired term ending January 1, 2000, by the Council

Mayor Otis explained that the vacancy for the unexpired term would be filled by the person who received the next highest votes in the August Golf Club election.

Mayor Otis made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the appointment of Mr. Charles Dorn to the Rye Golf Club Commission to fill an unexpired term ending January 1, 2000.

The motion carried.

- 5A. Discussion of REPEAL of the 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 acknowledged that several residents have complained about the proliferation of signs for new parking restrictions on Rye Beach Avenue from Milton Road to Forest Avenue, the selection of the side of the street for placement of signs, and the reasoning for the change.

City Manager Culross explained that the Council adopted a prohibition for parking on both sides of the street and concurred that the law should be repealed to give the Traffic and Transportation Committee an opportunity to revisit the subject and provide recommendations.

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

RESOLVED, that the City Council hereby approves the **REPEAL** of the amendment of Section 191-19, Vehicle 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.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

6. Authorization to proceed with final designs for the Boston Post Road Retaining Wall

Mayor Otis acknowledged the January 22, 1999 memo from City Manager Culross requesting that the Council authorize the City Manager and the City Engineer to direct the consulting firm of Lockwood, Kessler and Bartlett, Inc. to proceed with the final designs for the Boston Post Road Retaining Wall.

The City Manager clarified that there would be an artificial face on the retaining wall because a natural face would require a deep cut which would cause residents to lose a larger portion of their lawn.

Councilman Hutchings suggested that the City research if it is feasible to place some of the utility wiring underground while this project is being done.

Councilman Stampleman recommended that the City Manager investigate the possibility of having a sidewalk along the flat portion of the Boston Post Road across from the Village Green.

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

RESOLVED, that the City Manager is hereby authorized to direct the consulting firm of Lockwood, Kessler and Bartlett, Inc. to proceed with the final designs of alternative No. 1 - Cast-in-Place Concrete Retaining Wall for the Boston Post Road Retaining Wall.

ROLL CALL:

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

NAYS:None
ABSENT: None

The resolution passed.

7. Bids for Video Equipment (Roll Call)

In response to Councilman Stampleman's question, City Manager Culross said there would be no advantage to purchasing from one source since most of the equipment is standard.

The following bids were received:

BID #3-99

VIDEO EQUIPMENT

NAME OF BIDDER		HB Communications, Inc. 15 Corporate Drive North Haven, CT 06473	Video Corporation of America 7 Veronica Avenue Somerset, New Jersey 08875
		Bid Bond	Bid Bond
Item	Quan.		
ParkerVision CPT-2112-A1N Genlocking, single chip, pan/tilt camera system or equivalent, with service manual	3	\$ 11,748.24	\$ 10,929.00
ParkerVision JSC-2000 Cameraman joystick controller or equivalent with service manual	1	\$ 2,348.08	\$ 2,246.00
ParkerVision CCC-2100 Cameraman communications cable or equivalent with service manual	4	\$ 87.80	\$ 92.00
ParkerVision TMP-2000 tripod mounting plate or equivalent	2	\$ 109.76	\$ 116.00
Panasonic WJMX-50 Digital Effects Mixer or equivalent with service manual	1	\$ 3,192.00	\$ 3,315.00
Panasonic WVBM-503 - Triple 5" monitor or equivalent	2	\$ 1,881.60	\$ 2,282.00
Sony PVM-14NSU color monitor with service manual, or equivalent	2	\$ 896.00	\$ 976.00
Sigma CSG-465 sync generator or equivalent, with service manual	1	\$6,000.00	\$ 1,518.00
JVC BR-S822U DXU edit record deck and rack mount, w/SA -T22U time base board and SA -R22U time code gen/reader or equivalent	1	\$ 6,415.36	\$ 6,140.00

Tascam CD-450 MkII CD player or equivalent	1	\$ 509.60	\$ 606.00 (w/balanced output)
Videotek VDA-16 Distribution Amplifier or equivalent	1	\$ 257.54	\$ 261.00
Mackie CR-1604-VLZ audio mixer or equivalent with service manual	1	\$ 805.73	\$ 795.00
Mackie HR824 monitor speaker with service manual	2	\$ 1,006.66	\$ 1,022.00
Miller DS-10 Camera support system or equivalent	2	\$ 2940.00	\$ 2,500.00
Miller dolly model #391 or equivalent	2	\$ 1,050.00	\$ 902.00
Belden 8281 Flexible double shielded coax cable or equivalent	300 ft.	\$ 124.32	\$ 356.00 (500 ft. rolls only)
Canare L2T2S audio cable - grey or equivalent	300 ft.	\$ 219.52 (656 ft.)	\$ 257.00 (500 ft. rolls only)
Chyron 7A10189 pc-Codi bundle w/ Scribe software or equivalent	1	\$3,310.72	\$ 3,178.00
Videotek TVM-675 combination Wave Form Monitor/Vectorscope w/service manual or equivalent	1	\$ 3,551.52 \$ 200.00 - available service manuals	\$ 3,523.00

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

RESOLVED, that the bid for video equipment #3-99 is hereby awarded as follows:

To: **HB Communications, Inc.**

- Panasonic WJMX-50 Digital Effects Mixer or equivalent with service manual
- Panasonic WVBM-503 - Triple 5" monitor or equivalent
- Sony PVM-14NSU color monitor with service manual, or equivalent
- Videotek VDA-16 Distribution Amplifier or equivalent
- Canare L2T2S audio cable - grey or equivalent, and

To: **Video Corporation of America**

- ParkerVision CPT-2112-A1N Genlocking, single chip, pan/tilt camera system or equivalent, with service manual
- ParkerVision JSC-2000 Cameraman joystick controller or equivalent with service manual
- ParkerVision CCC-2100 Cameraman communications cable or

- equivalent with service manual
- ParkerVision TMP-2000 tripod mounting plate or equivalent
- Sigma CSG-465 sync generator or equivalent, with service manual
- JVC BR-S822U DXU edit record deck and rack mount, w/SA-T22U
time base board and SA-R22U time code gen/reader or equivalent
- Tascam CD-450 MkII CD player or equivalent
- Mackie CR-1604-VLZ audio mixer or equivalent with service manual
- Mackie HR824 monitor speaker with service manual
- Miller DS-10 Camera support system or equivalent
- Miller dolly model #391 or equivalent
- Belden 8281 Flexible double shielded coax cable or equivalent
- Chyron 7A10189 pc-Codi bundle w/Scribe software or equivalent
- Videotek TVM-675 combination Wave Form Monitor/Vectorscope
w/service manual or equivalent;

the lowest bidders meeting specifications.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

8. Draft unapproved minutes of the regular meeting of the City Council held January 20, 1999.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the regular meeting of the City Council of January 20, 1999, as amended.

9. Miscellaneous Communications and reports

A. City Manager Culross apprised the Council that the CSEA contract for Public Works was ratified by a vote of 45 to 5, for a four-year term from January 1, 1997 to December 31, 2000. The City Manager summarized the provisions of the agreement and recommended that the Council also ratify this agreement.

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

RESOLVED, that the City of Rye approves the Stipulation of Agreement between the Civil Service Employees Association Public Works Unit and the City of Rye, for 1997-2000.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

B. Councilwoman Downing informed the Council that she will be interviewing Peter Fox, supervisor of the Boat Basin, for the *Eye on Rye* Program. The focus will be on dredging of the Brook. She said there is graphic evidence by the amount of leaves and Christmas trees being extricated that the Brook is being used for dumping. She asked the Council for suggestions on how to educate the public about this problem.

Mayor Otis said this is not only an environmental and/or boater's issue, it is also a flooding issue. He said ways to educate the public about illegal dumping would be through the City's newsletter and sending letters to those residents who about the Brook.

C. Councilwoman Larr reported that the Landmarks Advisory Committee reviewed a three dimensional model of the Rye Free Reading Room's proposed addition at the Board of Architectural Review meeting. The Landmarks Advisory Committee admired and approved the design and said that it will be a positive asset.

D. Councilman Stampleman said that Mr. Maurio Sax raised the question about the City's inviting Con Edison, the Public Service Commission (PSC), and any other company to hold a public meeting to explain deregulation of electricity and delivery of gas.

Councilman Hutchings agreed with the intent of having a meeting. However, he expressed concern about the City being involved in creating a program that affects private enterprise. He supported Mr. Sax's organizing the meeting and using the City Hall facilities.

Councilwoman Cunningham supported the idea of having representation from PSC as well as Con Edison at this meeting. She referenced a letter to the editor in today's *Journal News* which states that the savings reaped from competitive companies will be small and taxed by the State. She endorsed having a meeting because it would be a valuable public service.

Councilman Stampleman will research this matter further on the basis that the meeting would not

be sponsored by the City Council but that the facilities would be made available for such a meeting.

E. Councilman Stampleman reported that he and Councilwoman Cunningham presented the seniors with a summary of the senior survey prepared by Mr. Christopher Bradbury, assistant to the City Manager. In response to their asking what services and/or programs they would like, the seniors expressed interest in transportation, improving the acoustics and lighting at Damiano, and having a senior room. He said the Rye Record has agreed to put the survey in the newspaper which is one way every senior will receive it. He also suggested that the senior STAR recipients should also be contacted. Further discussion of this issue will take place in March or April.

Councilwoman Cunningham informed the Council that the Rye Interfaith Housing Corporation submitted a grant to the County to investigate a taxi subsidy to provide a lesser rate for seniors.

Councilwoman Walsh said transportation, including taxi vouchers, was specifically mentioned at the County's application workshop as an area of interest for the upcoming funding cycle.

F. Councilman Stampleman recommended that the Oath of Office for newly elected officials includes a statement upholding the City of Rye's Code of Ethics. He will work on a draft with the City Clerk.

Mayor Otis said he would like to invite Robert J. Freeman, Executive Director New York State Department of State Committee on Open Government, as a presenter to raise awareness about the Open Meetings Law.

G. Councilman Stampleman requested that the Council's resolution on anti-Hate Crime legislation be forwarded to the State officials before the next Council meeting and that the City Clerk be provided with the appropriate names and addresses for mailing.

H. Councilman Stampleman complimented the Sound Shore Review newspaper on its new format.

I. Councilman Stampleman acknowledged the January 28, 1999 memo from City Assessor Edye McCarthy regarding the explanation of equalization rates. He questioned if the system is fair to Rye.

City Manager Culross responded that although the new system is less advantageous to Rye than the old, it is fair. He noted that the new methodology is based on actual sales versus appraisals. He explained that since the sales increases in Rye were at a more rapid rate than other places, the impact was more significant.

J. Councilman Stampleman questioned if there was any way to audit the sales tax. City Manager Culross indicated that it would be possible to audit the mortgage tax because it is public record. However, the sales tax, which is administered by the State, is considered privileged information.

K. Councilman Stampleman asked that the Police enforce restrictions on truck traffic on Peck

Avenue.

City Manager apprised the Council that the Police Department has been asked to do a survey on truck traffic on Peck Avenue

L. Councilman Hutchings informed the Council that Mr. David Moore will coordinate with other communities to discuss problems of televising council meetings. He said that the RCTV committee has requested to be placed on the Council agenda for a future council meeting. He commended Mr. John Gregg, chair of the RCTV committee, for doing an outstanding job.

M. Councilman Hutchings apprised the Council of meeting with the Rye Record newspaper staff. He said several have volunteered to be cameramen, producers, editors, and writers for a news show for RCTV which is tentatively being called *Between the Issues*.

N. Councilman Hutchings stated that there is a new Internet site sponsored by the Friends of RCTV which can be accessed at www.friendsofrctv.com. It has a hot link to the City site and has already had 166 hits.

O. Councilwoman Cunningham questioned why the Council received copies of prior correspondence with respect to winter parking on Davis Avenue.

Mayor Otis explained that that information is part of the history of parking for Manursing Lodge. He apprised the Council that there had been complaints from residents of Manursing Lodge because they received tickets for parking overnight on the street. Part of the problem, he explained, is that the attached parking area of Manursing Lodge is no longer available and there is no place for off-street parking. Another frustration is that the residents are being ticketed for violating the snow ordinance when it is not snowing. He remarked that he had also received complaints from other parts of town complaining about receiving tickets when there is no sign of snow. However, parking is most pressing for people at Manursing Lodge because they do not have an alternative to park off-street. The Mayor said that a few years ago, the City offered the Manursing Lodge residents the opportunity to purchase parking permits for the Rye Recreation parking lots by the tennis courts, and no one availed themselves of this.

City Manager Culross said that the City is prepared to sell overnight parking permits for the Recreation lot.

Councilwoman Cunningham supported the idea of selling permits for the Recreation parking lots.

Councilwoman Walsh suggested communicating with the Manursing Lodge Cooperative Board and also apprising the City Court Judges that parking is available at the Recreation Center. She expressed the feeling that it was a thoughtful offer on the part of the City.

Councilman Stampleman supported sending a letter to the Manursing Lodge Cooperative Board.

10. Old Business

A. In response to Councilwoman Walsh's question, City Manager Culross said that once a property owner has applied for the basic STAR Program, there is no need to re-apply.

Mr. John Rossini, Highland Road, added there is an annual renewal for the Enhanced STAR Program for senior citizens.

B. In response to Councilwoman Walsh, Councilwoman Downing said that the Board of Architectural Review was very cooperative and made every effort to assist Rye Ford/Subaru regarding the sign regulation issue. The BAR requested that Rye Ford/Subaru submit site plans for their proposed signage. At this point in time, it is not certain when Rye Ford/Subaru will make a formal application to the Board of Architectural Review.

C. In answer to Councilman Hutchings' question, Mayor Otis gave an interim progress report on the sound barriers for I-95. Prompted by an article in the newspaper that a bid for wooden fences was going out for Larchmont/Mamaroneck, the Mayor called the New York State Thruway Authority. He said there is no new information other than what was released in the bids. He did report that the New York State Thruway Authority stated that all wood fences will be done this year. However, the City has not been informed whether or not we are on the list.

11. New Business

Mayor Otis scheduled a special meeting to hold an executive session on Home Depot litigation on Friday, February 5, 1999 at 8:15 A.M.

12. Adjournment

There being no further business to discuss, Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn the meeting at 9:45 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk