

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in City
Hall on February 17, 1999 at 8:00 P.M.

PRESENT:

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

ABSENT:

ROBERTA DOWNING

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 Downing was unable to attend the meeting because she was out of town.

3. Presentation of the Government Finance Officers Association's Award of Financial Reporting Achievement to the City Comptroller

Mayor Otis presented the Certificate of Excellence in Financial Reporting from the Government Finance Officer's Association to City Comptroller Michael Genito. Mayor Otis commended Mr. Genito, the City staff, and the Finance Committee for their excellent work in producing financial documents with clarity and understanding.

Mr. Genito expressed his appreciation to the City Council and the City Manager for their leadership.

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

Several residents of the Manursing Lodge were present to discuss the lack of available parking near their residence. For the record, a letter and petition were previously submitted.

Mr. Michael Strober said that parking has been and is a problem for the residents of Manursing Lodge. Five years ago, the City Council addressed the issue and there is still no resolution to the problem. The City Manager has offered off-street parking at the city lots at Rye Recreation, however, this is not a viable option. He traced the history of the conversion of the Lodge to a cooperative and the subsequent selling of the Lodge's parking area on Cedar Place. This partitioning of the property forced the residents to park on the street which resulted in their being ticketed, especially during the seasonal snow ordinance. He respectfully requested that the City Council consider :

- making Davis Avenue one way, or preferably
- amending the City Code to permit parking on Manursing Avenue between Cedar Place and Davis Avenue. Coupled with the existing 21 spaces on Davis Avenue, this would provide 11 additional spaces. He submitted a plan which illustrated the proposed parking spaces.

He concluded his presentation by saying there is precedent for such an amendment to the City Code since there is provision for the Rye Manor residents to park on Theall Road.

Mr. Thomas Young, a Manursing Lodge resident, indicated that when the deed was split the residents objected and attempted to buy the property.

Mr. Robert Markowitz, a Manursing Lodge resident, expressed concern about health and safety issues. He respectfully requested that the Council schedule a time for follow-up on this parking matter.

Councilwoman Walsh explained that the procedure for amending the City of Rye Code would be to schedule a public hearing which is preceded by publishing a legal notice. She said it might be helpful to have a topographical map to evaluate the parking proposal.

There was some general discussion on the width of Manursing Avenue to accommodate 10 additional parking spaces and the grassy area which was paved over on Davis Avenue to permit parking.

Mayor Otis indicated that he was very sympathetic to the residents of Manursing Lodge and that he has received complaints from other people in the neighborhood regarding parking. He explained that it is an important issue which will take some time to study. The Council asked the City Manager to

give some views from various city departments on this proposal.

City Manager Culross noted that the earliest the Council could consider an amendment to the City Code would be at the March 17th meeting. The Mayor said it is important to work through all possibilities before making any decisions.

The following agenda item was taken out of order.

9. Appeal of FOIL request denial by the City Manager in connection with the internal affairs investigation

Police Officer Timothy Chittenden appealed the denial of the FOIL request by the City Manager in connection with the internal affairs investigation.

Mayor Otis said the Council would uphold Mr. Culross' denial because there is no final determination and the City is not required to release the information.

5. Discussion of Land Use Approvals

Mayor Otis acknowledged the February 4, 1999 memo from Councilman Stampleman regarding land use approvals.

Councilman Stampleman summarized the problems of some City departments, boards and commissions being unaware of the existence of other potentially relevant actions by other City agencies. He suggested eliminating this problem by requiring the applicant to indicate any approval that has been received from the City when they file a land use application.

Mr. Peter Larr, vice chairman Planning Commission, noted that several months ago the Planning Commission had a similar discussion and endorsed the recommendation. He stated that any action that attempts to secure better communication is good governance.

Councilwoman Walsh said it would not only be helpful for staff and City departments, but for boards and commissions as well to have complete information for making decisions. In the past, applicants have failed to advise one board about dealings with another board because they did not think it would be relevant.

Mayor Otis noted that possible approaches might be to have a consolidated application, or a boiler plate checklist that identifies what other approvals have been received.

Mr. Larr suggested having a simple format to avoid significant changes in operational procedures for the staff. He also said failure to list approvals might invalidate the application.

Mayor Otis proposed referring this matter to the City Manager to consult with the city staff to draft a procedure that would accomplish these goals for land use approvals.

The following agenda item was taken out of order.

14. Miscellaneous communications and reports

Councilwoman Walsh apprised the Council that the Weissman-Mobius site plan approval is pending before the Planning Commission. The Planning Commission recommended the installation of a traffic signal at the intersection of the Playland Parkway access road and the Old Post Road which the applicant was willing to do. The applicant referred the traffic signal to Westchester County Department of Public Works. However, the County found no justification for the traffic signal. The Planning Commission will be requesting the City Council's authorization to pursue this matter with the County.

Councilwoman Cunningham made a motion, seconded by Mayor Otis and unanimously carried, to authorize the City staff and the Planning Commission to discuss the installation of a traffic signal at the intersection of the Playland Parkway access road and the Old Post Road with the Westchester County Department of Public Works.

6. Discussion of RCTV Policy for Political Programming

Mayor Otis acknowledged Councilman Stampleman's memo regarding the Policies and Procedures for Rye Cable Television (RCTV) as they relate to political programming during elections.

Councilman Stampleman said these policies should be reviewed prior to the elections.

Councilman Hutchings apprised the Council that the RCTV Committee has a specific policy regarding changes in the rules or procedures, and that this matter be referred to the RCTV Committee for review and recommendations.

Mayor Otis and the Council concurred.

7. Authorization for the City Manager to execute an agreement with the Natural Resources Conservation Service of the U.S. Department of Agriculture for the \$250,000 grant for Beaver Swamp Brook

Mayor Otis explained that Congresswoman Nita Lowey secured the \$250,000 federal grant to assist in the environmental restoration activities along Beaver Swamp Brook. Since this is a joint project for Harrison and Rye, with Rye as the administrator, the Council is being asked to authorize the City Manager to execute an agreement with the Natural Resources Conservation Service of the U.S.

Department of Agriculture for the \$250,000 grant for Beaver Swamp Brook.

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

RESOLVED, that the City of Rye authorizes the City Manager to execute an agreement with the Natural Resources Conservation Service of the U.S. Department of Agriculture to accept the \$250,000 grant for Beaver Swamp Brook.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Downing

The resolution passed.

8. Consideration of proposed resolution supporting the extension of the 1991 Property Tax Stabilization and Relief Act

Mayor Otis acknowledged the February 1, 1999 communication from County Executive Andrew Spano requesting that the City Council adopt a resolution to support the extension of the 1991 Property Tax Stabilization and Relief Act.

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

WHEREAS, cities, towns and villages in Westchester County are severely restricted in their revenue base, with real property tax as their main source of revenue constantly rising and putting a disproportionate burden on the property tax owner; and

WHEREAS, the County Executive and the Board of Legislators advocated and approved the distribution of sales tax revenue to the cities, towns, villages and school districts, in accordance with Chapter 272 of the Laws of 1991; now, therefore, be it

RESOLVED, that the City of Rye hereby requests our State representatives to support a two-year extension on Article 29, Section 1262-b of the tax law, entitled 1991 Property Tax Stabilization and Relief Act, which said law presently has a sunset provision of May 31, 2000; and be it further

RESOLVED, that by copy of this resolution we urge our representatives to support the

extension of the 1991 Property Tax Stabilization and Relief Act until such time as New York State Aid to Local Governments is restored.

10. Resolution scheduling a public hearing on March 3, 1999 for cost allocation in connection with the Rockridge Road Sewer Improvement District

City Manager Culross apprised the Council that the Rockridge Road sewer project was completed at a cost of \$132,435.00 which was 26% under the project budget. He recommended that the Council schedule a public hearing on March 3, 1999 to afford the eight impacted property owners an opportunity to comment on the allocation of payment costs, interest rate, and repayment schedule. He also recommended that the City Council establish an interest rate of 7.5% for a 20-year term. The property owner would have until April 30, 1999 to pay the amount due without interest.

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

WHEREAS, the City Council of the City of Rye by unanimous vote on September 10, 1997 created a special assessment district to provide a sanitary sewer improvement benefiting eight residents on Rockridge Road in response to a petition filed by those residents and following a public hearing, and

WHEREAS, the final cost of the sanitary sewer improvement project has now been established by the City Engineer at \$132,435.00 with each benefited property responsible for an equal share of \$16,554.38, and

WHEREAS, Section C22-4 provides for the holding of a public hearing on the assessment of the cost for that sanitary sewer improvement on the benefited properties, and

WHEREAS, following the above said public hearing the City Council in addition to setting the above individual share also will establish a date certain up to which a person may pay the entire sum without interest, the interest rate, and a 20-year amortization schedule; and

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

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

Section 1. Pursuant to Section C22-4 of the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on March 3, 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 the proposed cost assessment
on the benefited properties of the
Rockridge Road sanitary sewer district improvements.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 3rd day of March, 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 cost assessment on the benefited properties of the Rockridge Road sanitary sewer district improvements."

Copies of said resolution may be obtained from the office of the City Clerk. Materials on the cost assessment may be obtained through the office of the City Engineer and the City Comptroller.

Dated: _____ City Clerk _____

- 11. Designation of the Chairman of the Traffic and Transportation Committee, by the Mayor**

This agenda item was tabled to explore the possibility of having co-chairs share the responsibility of the Traffic and Transportation Committee.

12. Consideration of request of the Milton School P.T.O. to have Hewlett Avenue posted as a one-way street from 10:00 a.m. to 3:00 p.m. on Saturday, March 20, 1999 in conjunction with the Milton School Fair

Mayor Otis acknowledged the January 22, 1999 memo from the Milton School P.T.O. regarding the Milton School Fair.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the request of the Milton School P.T.O. to have Hewlett Avenue posted as a one-way street from 10:00 A.M. to 3:00 P.M. on Saturday, March 20, 1999 in conjunction with the Milton School Fair.

13. Draft unapproved minutes of the regular meeting of the City Council held February 3, 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 February 3, 1999 as amended.

14. Miscellaneous communications and reports

Item 14. A. was previously discussed.

B. Mayor Otis acknowledged the February 10, 1999 memo from the Recreation Supervisor Sally Rogol advising the Council of Rye Youth Council's request to hold its annual Block Party at the multi-purpose area of Recreation Park. The Mayor asked the City Manager to renew the precautions taken last year to make the Block Party a noise sensitive event. He commended Ms. Sally Rogol for her past assistance for this event.

C. Councilman Stampleman initiated a discussion on concerns, especially noise, at Playland.

Mayor Otis informed the Council that he plans to schedule a meeting with the Director of Playland to address concerns of noise, fireworks, the proposed restaurant, etc. He said he would like to coordinate the timing of this meeting with the issuing of the next City's newsletter to have this meeting fully publicized for all interested residents to participate.

Councilman Hutchings raised the issue of possibly having representation on the Playland Board. The Mayor responded that the Director is under the jurisdiction of Westchester County Parks, Recreation and Conservation Board.

Councilman Stampleman urged the Mayor to schedule the meeting as soon as possible.

15. Old Business

A. Councilman Stampleman informed the Council that the City Clerk drafted a revision to the Oath of Office to include upholding the Code of Ethics of the City of Rye. He proposed that the Council consider this amendment and requested that the Code of Ethics be given to all newly appointed members of the boards, commissions, and committees.

Mayor Otis said that the Council had agreed to distribute the Code of Ethics to all boards and commissions on an annual basis. However, he requested that Councilman Stampleman include a copy of the revised oath of office in the Friday packet. The Mayor also suggested that the Council review the form which New York State uses as an alternative to amending the Oath of Office. A copy of this form will be included in the packet also.

B. Mayor Otis announced there will be a press conference on February 22, 1999 at 9:30 A.M. for municipalities to reaffirm their support for the passage of legislation to condemn "hate crimes". Everyone

is invited to this press conference which will take place on the steps of the County Office Building.

C. Councilman Stampleman apprised the Council of the possibility of a proposal for a restaurant and housing on Bowman Avenue in Rye Brook.

Mayor Otis said that Rye Brook is exploring options and alternatives. He said that Rye Brook has expressed a desire to address concerns regarding the downstream needs of the City of Rye.

D. Councilman Hutchings invited the Council to visit the new control room for cable broadcasting of Council meetings. He commended everyone who was involved in this project. He also mentioned that he, Mr. James Kenny, and Mr. David Moore of RCTV had an opportunity to meet with Mr. James Cavanaugh, Supervisor of Eastchester, who was very helpful in addressing problems with cable broadcasting procedures.

16. New Business

A. Mayor Otis distributed a proposed resolution, received at the Rye Town Park Commission meeting, which would extend the Sand Bar lease from three to seven years. He said changes made to the detailed rules at Rye Town Park are governed by State Statute. It is the perception that having only three-year leases has decreased the Park's ability to attract vendors who would invest in capital improvements. The Mayor asked the Council for input.

One concept the Mayor had was to use this as an opportunity to strengthen the leverage of the Rye City Council. If the Council agreed, he would add that any such lease for the Sand Bar would either 1) have to be approved in advance by the Rye City Council or the Rye Town Board, or 2) either Municipal Board would have the ability to veto the draft of a lease. He said if the length of the lease is increased, the real control is the terms and conditions of that lease. He said that seven years is not an unreasonable time of liability in terms of extending a lease.

After a brief Council discussion, the sense of the Council was that the Mayor will draft the terms of the negotiations.

B. Councilwoman Cunningham acknowledged an E-mail communication dated February 7, 1999 from Ms. Susan M. Estes of 45 Forest Avenue regarding increased litter on Forest Avenue. City Manager clarified that there have not been any additional complaints about litter.

C. In response to Councilman Stampleman's question, City Manager Culross clarified the adoption of the preliminary budget.

D. Councilman Stampleman asked for an opportunity to discuss potential programs. City Manager Culross explained that that is the purpose of the Strategic Issues Memo.

E. Mayor Otis made a motion, seconded by Councilwoman Cunningham, to adjourn to executive session at 10:10 P.M. to discuss Home Depot litigation and a personnel matter.

The Council reconvened at 10:45 P.M.

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

RESOLVED that the City Council of the City of Rye hereby authorizes the Corporation Counsel to engage the law firm of Plunkett & Jaffe to represent the City of Rye in litigation involving the proposed Home Depot development in Port Chester.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Downing

The resolution passed.

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

RESOLVED that the City Council of the City of Rye authorizes our attorneys (the law firms of Plunkett & Jaffe, and Whiteman, Osterman & Hanna) to commence an Article 78 Proceeding in the matter of the proposed Home Depot development for failure to address adequately traffic concerns of the City of Rye in the new site plan approval process.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Downing

The resolution passed.

17. Adjournment

There being no further business to discuss, Councilman Stampleman made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn the meeting at 10:47 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk