

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in
City Hall on March 17, 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

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 complimented the members of the City Council on the professional and non-partisan way they have conducted the search for the new Corporation Counsel. He expressed his appreciation to the City Council and the City Manager for their efforts.

Mayor Otis noted that this would be the last City Council meeting that Richard Gardella, Corporation Counsel, will attend. The Mayor expressed his appreciation for Mr. Gardella's eighteen years of dedicated service. He noted that Mr. Gardella is respected throughout Westchester as the foremost Corporation Counsel in the area of municipal law. The Mayor stated that Mr. Gardella's advice and wisdom have been immeasurable and that his temperament, style, professionalism, sense of humor, and knowledge of baseball will be sorely missed.

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

There was no one wishing to address the Council on matters that did not appear on the agenda.

4. Status Report on Whitby Castle Project by Gisolfi Associates

Mr. Peter Gisolfi, of Peter Gisolfi Associates, presented a status report on the Whitby Castle Project. He explained that they will go to bid on the building addition and renovation of Whitby Castle by the end of this month.

Using renderings, Mr. Gisolfi and Mr. Michael Tribe, architect, illustrated the site plan and scope of architecture for the addition and renovation of Whitby Castle. Highlights of the presentation were:

- the site parking layout will provide adequate capacity for the pool, golf course, and catering facility. The grass parking will be used intermittently, whereas the paved parking will be used more regularly. This plan is the safest scheme while being aesthetically and historically appropriate,
- the new addition will be smaller than the old,
- the existing porch will include a glass enclosure,
- the basement areas will be used for service spaces, receiving, and storage,
- the second floor, which will have four separate meeting rooms, will be leased out for conferences and smaller parties,
- there will be an elevator for people with disabilities,
- the exterior of Whitby will be restored, repaired and re-pointed,
- windows will be restored and the slate roof replaced,
- the architectural facing of the new addition will be different from Whitby. It will be limestone colored stucco with the foundation level made of 2 alternating courses of concrete block to blend in. There will be shrubs at the base. The theory is that the addition is a lightweight porch on a heavy base,
- the windows will match Whitby and the roof will be metal,
- there will be an outside terrace which will be the link from the restaurant to the banquet hall,
- the Chapel will be used as a conference room and there are plans to conserve what can survive, and

- all service wires will be underground.

Mayor Otis expressed his appreciation to Mr. Gisolfi and Mr. Tribe for their fine presentation and complimented the members of the Whitby Castle Committee and the Rye Golf Club Commission for all their dedicated work.

5. Consideration of report on Manursing Lodge Parking

Mayor Otis acknowledged the March 10, 1999 memo from City Manager Frank Culross, the March 5, 1999 memo from Police Commissioner William Pease, and the February 11, 1999 letter and petition from the residents of Manursing Lodge, regarding parking for Manursing Lodge residents.

City Manager Culross summarized three scenarios for parking as outlined in his memo. He said granting a waiver to the "winter parking" rule (by adopting a local law) might be workable. However, the residents will have to assume the responsibility of finding an alternate place to park in the event of a snow emergency. One alternative could be the Rye Recreation's tennis courts on Midland Avenue.

There was a brief discussion focused on :

- the possibility of parking cars at the tennis courts,
- notice process for a snow emergency,
- the problem of adequate parking spaces,
- sight line issue on Manursing Avenue, and
- short and long-term parking at the tennis courts.

Mr. Michael Strober, resident and chair of the Manursing Lodge Coop Board, expressed appreciation to the City Council and the City Manager for their work on this parking matter. He agreed with the City Manager that the waiver of the winter parking restrictions is the most attractive and practical option. Other residents present agreed to this solution by a show of hands.

Ms. Maureen Moran, co-chair of the Coop Board, assured the Council that the residents would work together to get the cars off of the street in the event of a snow emergency.

Mr. Strober expressed his confidence that the Coop Board would be very helpful in handling the notification process.

Mr. Robert Markowitz asked for a specific date for the implementation of this winter parking

waiver.

Mayor Otis asked the City Manager to institute a waiver procedure by drafting a local law. The residents will be notified when the public hearing will be scheduled.

6. Consideration of report on Land Use Approvals

Mayor Otis acknowledged the report from the City Manager dated March 11, 1999 on the process for land use approvals.

Councilman Stampleman stated that he felt it would be sufficient to have the dates and documents noted rather than having a very detailed and cumbersome procedure. He said the goal was to simplify the process and in doing so, place the burden on the applicant to state all related approvals received or currently pending before other federal, state, county or city agencies. He suggested referring Mr. Culross' memo (omitting the third paragraph) to all involved boards, commissions, and committees.

Councilwoman Cunningham stated that this change should help the members of all the boards involved in the review process.

Councilwoman Larr expressed concern about applicants who deliberately fail to disclose a condition and/or approval. She suggested a basic checklist where the members of the various committees could sign off on the application.

City Manager Culross stated that input from boards and commissions would be valuable since sometimes there are overlapping jurisdictions. Additionally, he stated that often one commission may question why another board or commission placed a particular condition in a resolution of approval. He suggested that the Planning Commission, Board of Architectural Review, and the Conservation Commission/Advisory Council appoint a liaison to monitor agendas and attend respective meetings to provide input and background on complex projects.

Councilman Stampleman asked the Corporation Counsel to research possible penalties if information is withheld.

City Manager Culross explained that often field modifications by the contractor are sources of non-compliance. However, when the Geographic Information System Project is implemented, it will enhance the system's functionality with regard to specific details of the property, such as building permits, variances, licenses etc.

Councilwoman Walsh stated that in the case of a site plan or wetlands permit, the City would have the ability to revoke approval. She further explained that the City could not undo a subdivision but

could withhold the building permit.

It was noted that the Landmarks Advisory Committee was omitted from the memo and should be included.

Mr. Peter Larr, member of the Planning Commission, said the purpose of the proposal was simply to have the boards, commissions, and staff pay more attention to the approval process and possible conditions of approval. He stated that the instrument should be a standardized form which would facilitate the process for involved agencies.

Mayor Otis suggested that City Manager's memo (minus the third paragraph) be referred to the chairmen of boards, commissions, and committees for their review and comments.

7. Discussion of the Rye Free Reading Room Project

Mayor Otis acknowledged the March 6, 1999 letter from Mr. Martin Edelman, president of the Board of Trustees of the Rye Free Reading Room, regarding the library's project. The Mayor distributed draft legislation authorizing the City Council to convey city land for the new addition to the library. He said that the draft is being reviewed by the Corporation Council and the city staff. Basically, this draft outlines the location of the addition and the area which would be conveyed. Use of the ramp area can be accomplished through an easement.

Mayor Otis explained that Mr. Edelman's letter suggests that the City create a new planning zone, the Village Green District, to continue the process of jointly planning and developing the three proposed projects currently under review. This recommendation has been referred to Dr. Michael Klemens, chairman of the Planning Commission.

Mayor Otis briefly mentioned some of the other items noted in Mr. Edelman's letter, such as the necessary easement for pedestrian access; the need for a portion of the parking lot for a staging area during construction; the need to replace the parking lot when construction is completed, and the problem of where City workers might park during construction.

In response to the Council's questions, Mayor Otis said that:

- approval of the land transfer and the easement must be approved by the New York State Legislature as alienation of park land. This can become complicated if the transfer needs to be for fair market value, however, he stated that was not the intention of this Council, and
- it is undetermined if the City or the library will be absorbing the cost of replacing the parking lot. The Planning Commission will request the Library to provide a parking plan.

Councilman Stampleman asked if it would be appropriate to get a sense of the Council on possible approval, or if anyone had objections in principle. No objection was raised.

Councilwoman Cunningham stated that numerous details needed to be worked out, and that she would like to know how the RFRR derived the figures (and are they reasonable numbers) for the parking area during the construction phase.

Councilwoman Walsh indicated that a part of the library's application will be the technical studies that were produced in a cost sharing arrangement among the prospective applicants and the City. Recommendations for parking are included in those technical studies. The Council will have the opportunity to get the Planning Commission's recommendation for the proposed cost sharing for all of the assorted improvements that might be required in order to implement the projects. She apprised the Council that the engineering technical studies on hydrology and parking have been completed, accepted by the Planning Commission, and available for distribution. She said the landscape architect master plan has not been received and that is the reason why the configuration of the ramp design is still pending. The library is now revising and resubmitting the application to the Planning Commission. The Planning Commission can then complete the environmental review and begin to establish conditions. One of those conditions might be a recommendation for an overlay zone.

Councilwoman Cunningham questioned if parcel A and parcel B (parking areas) could be staked to make it easier to determine the dimensions.

Councilwoman Walsh indicated that she has no objection to the legislation, but it would be her personal preference to convey easements rather than convey the land in fee simple.

The Mayor said that there was a prior discussion on the rationale for conveyance rather than easement. He said if the City held the title for the land where the addition is constructed, there could be liability issues.

The Mayor expressed his appreciation to everyone involved in this discussion.

8. Discussion of the Oath of Office and Code of Ethics

Mayor Otis acknowledged March 5, 1999 memo from Councilman Stampleman regarding the City's Oath of Office, Code of Ethics, and an amendment to the oath. On March 12, 1999, the Mayor forwarded a form used by the State Legislature for certifying receipt of the ethics rules.

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham, that the City Council, in conjunction with the Board of Ethics Committee, review and fine tune the Code of Ethics, and to distribute a copy of the Code of Ethics to every member of the boards, commissions and committees.

The Mayor suggested that the Council review the Code of Ethics because some current practices are in conflict with the Code.

9. Designation of the Chairman of the Traffic and Transportation Committee, by the Mayor

Mayor Otis designated Mr. Salvatore Samperi as chairman and Mr. Kim Morque, as vice-chairman of the Traffic and Transportation Committee.

10. Appointment of one member to the Emergency Medical Services Committee for a three-year term ending June 30, 2002

Mayor Otis acknowledged the March 4, 1999 letter from Mr. Anthony Sutton, EMS Administrator, regarding an inter-municipal agreement for Emergency Medical Services.

City Manager Culross stated that Section 3A of the Inter-Municipal Agreement states that the community representative shall be recommended by the Corps and ratified by joint resolution of the municipalities.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to reappoint Susan Brown as the Community Representative to the Committee from the City of Rye to a three-year term ending June 30, 2002.

11. Approval of the election of a new member to the Rye Fire Department

Mayor Otis acknowledged the March 10, 1999 letter from Bruce Jenkins, secretary to the Board of Fire Wardens, regarding the election of Mr. John Fallon to the City of Rye Fire Department.

Mayor Otis made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the election of John Fallon to the Poningoe Engine and Hose Company of the Rye Fire Department.

12. Designation of the official polling places of the City of Rye for all elections and authorization of the City Clerk to request a waiver of accessibility requirement for Milton School Gymnasium which does not meet the accessibility standards for the disabled

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

RESOLVED, that the Council of the City of Rye hereby designates the following

locations as the official polling places for all the elections.

District No.	1	-	The Osborn, in the Strathcona Building
District No.	2	-	The Osborn, in the Strathcona Building
District No.	3	-	City Hall, Council Chambers
District No.	4	-	City Hall, Council Chambers
District No.	5	-	Milton School Gymnasium, Hewlett Avenue
District No.	6	-	Milton Firehouse, Milton Road
District No.	7	-	Damiano Recreation Center, Midland Ave.
District No.	8	-	Damiano Recreation Center, Midland Ave.
District No.	9	-	Disbrow Park, Public Works Building, (Old Garage) Oakland Beach Avenue
District No.	10	-	Rye Middle School Gymnasium
District No.	11	-	City Hall, Council Chambers
District No.	12	-	Osborn School Gymnasium, Osborn Road
District No.	13	-	Disbrow Park, Public Works Building, (Old Garage) Oakland Beach Avenue
District No.	14	-	Milton School Gymnasium, Hewlett Avenue

RESOLVED, that the Council of the City of Rye hereby authorizes the City Clerk to request a waiver of the accessibility requirements for Milton School Gymnasium which does not meet the accessibility standards for the handicapped.

13. A. Consideration of a request from the Rye YMCA to use city streets on Sunday, April 11, 1999, for the 11th Annual Rye Derby

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the request of the Rye YMCA to use City streets on Sunday, April 11, 1999 for the 11th Annual Rye Derby.

13. B. Consideration of a request from the Rye Little League, to designate Saturday, April 24th as Opening Day of the 42nd Little League Season

Councilwoman Walsh made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the request of the Rye Little League to use city streets for the Opening Day Parade of the 42nd Little League Season on Saturday, April 24, 1999.

14. Draft unapproved minutes of the regular meeting held March 3, 1999

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the regular meeting of the City Council of March 3, 1999, as amended.

15. Miscellaneous communications and reports

A. Mayor Otis acknowledged the March 8, 1999 letter from Mr. James A. Jackson, manager of the Highland Apartments, requesting unrestricted parking on Wappanocca Avenue for Highland Apartment tenants. The Mayor said that Mrs. Judy Weeks Padgett made a similar request last year.

City Manager Culross indicated that parking is not a problem for the Highland Apartment residents since paid parking is available in their own parking facility, as well as in the city lot on Highland Road.

Councilwoman Walsh added that the neighbors have cautioned the Council not to provide on-street parking because it will turn into a commuter parking area.

Mayor Otis will respond to Mr. Jackson's letter.

B. Councilwoman Cunningham reported that she represented the Mayor and the Council at a meeting set up by Scenic Hudson and Ms. Carol Ash of the Palisades Park Commission, with Mr. Robert Semple, of the New York Times Editorial Board. Also in attendance was the Supervisor of New Paltz. The purpose of the meeting was to inform and to elicit the interest of the New York Times about the proposed state law S.2113, wireless facility siting, which would usurp the ability of the local municipality to establish regulations for the placement of wireless communications towers.

C. Councilwoman Larr acknowledged the March 4, 1999 letter from Mr. Kit Henningsen, 25 Old Post Road, regarding a petition to reinstate two-way traffic on the Old Post Road between North Street and Route I.

D. In response to Councilwoman Larr's question, the City Manager, in consultation with the Building Inspector, will research the status of property located on Midland Avenue between Peck Avenue and Lavender Lane. Discussion ensued on unfinished/abandoned construction sites and the possibility of amending the code to correct similar situations.

E. Councilman Stampleman said that the Commission on Human Rights has requested to be placed on the May 5, 1999 City Council agenda in order to apprise the Council about the commission. He also stated that the Commission would welcome any suggestions for possible candidates for the Commission.

F. Councilman Stampleman apprised the Council that he advised Mr. John Gregg, chairman of

RCTV Committee, to submit the report on the Policies and Procedures for Rye Cable Television as they relate to political programming during elections by May 31, 1999 to the City Council.

16. Old Business

A. Councilwoman Cunningham inquired about the City of Rye's supporting the proposed Westchester County's Human Rights Commission.

Councilman Stampleman announced that the City of Rye's Commission on Human Rights sent a letter in support of the County's establishing a Human Rights Commission.

B. Referencing a recent article in the Sound Shore Review on Water District #4, Councilman Stampleman questioned if residents are paying for a water district that is not accomplishing anything.

City Manager Culross said that it was hoped that Water District #4 would take over the vigorous defense for the communities against water rate increases and that has not proven to be satisfactory. One of the reasons for the creation and existence of this district was to be a mechanism for the permanent agreement to get New York City water into the Connecticut-American system. The City Manager recommended reviewing this matter when the County proposes its budget.

C. At the February 17, 1999 Council meeting, Mayor Otis said the Council discussed a proposed resolution regarding the extension of the Sand Bar restaurant lease from three to seven years. Mayor Otis proposed that the following sentence be incorporated in the state legislation: "The Town Board of the Town of Rye and the City Council of the City of Rye shall each have the authority to review and approve leases or contracts for such privileges prior to their execution by the Commission". Town of Rye Supervisor Morabito indicated that he was not pleased with that language because it would take away authority from the Commission.

City Manager Culross suggested having all three statutory mayors approve the lease agreement.

Mayor Otis recommended changing the City of Rye's approval requirement to a review and comment provision.

Councilman Stampleman voiced his disagreement with the change.

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

RESOLVED that the City of Rye supports the change in terms of a lease agreement for the restaurant from three to seven years and the change of the

approval requirement to a review and comment provision.

ROLL CALL:

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

NAYS: Councilman Stampleman

ABSENT: None

The resolution passed.

17. New Business.

The Mayor announced two special meetings of the City Council. Executive sessions will be held on Thursday, March 18, 1999 at 4:00 P.M. to discuss Home Depot litigation and on Wednesday, March 24, 1999 at 8:00 P.M. to discuss the Corporation Counsel search.

18. Adjournment

There being no further business to discuss, Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn the meeting at 10:15 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk