

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in City
Hall on April 21, 1999 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
CAROLYN 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.

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. Resolution proclaiming April 30, 1999 as Arbor Day in the City of Rye

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

***WHEREAS**, Arbor Day is now observed throughout the nation and the world, and*

***WHEREAS**, trees can reduce soil erosion, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife, and*

***WHEREAS**, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community, and*

***WHEREAS**, trees are a source of joy and spiritual renewal, and*

***WHEREAS**, the City of Rye has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting ways,*

***NOW, THEREFORE, I**, Steven Otis, Mayor of the City of Rye, do hereby proclaim April 30, 1999 as ARBOR DAY in the City of Rye, and I urge all citizens to support efforts to care for our trees and woodlands, and to support our City's community forestry program, and*

***FURTHER**, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.*

Signed and sealed this 21st day of April, 1999.

SEAL

*Steven Otis
Mayor*

The resolution passed.

5. Presentation of the Public Safety and Court Facilities Study by Kaestle Boos Associates, Inc.

Mayor Otis introduced Mr. Mark J. Weisman, vice president, and Mr. Joseph D. Griffith, project architect of Kaestle Boos Associates, Inc. The Mayor said that the City commissioned Kaestle Boos Associates, Inc. to study the present and future facility needs for the Police Department, Court Facility, and the Fire Department.

Mr. Weisman began his presentation by expressing his appreciation to the Police and the Fire Departments for their cooperation. He stated that it is a very complex project. He noted that there is always an emphasis to combine Police and Fire Departments because of potential cost savings. However, he explained that after extensive consideration of the current operations and the long-term needs of the departments, they would not recommend combining the departments.

Mr. Weisman referenced his report entitled Public Safety & Court Facilities Study, as well as an Executive Summary. The Study included:

Existing conditions

Present and projected space requirements
Expansion capabilities of the existing facilities
The viability of a combined public safety facility
Options for new construction and/or renovation
Opinions of probable cost

Mr. Weisman highlighted the following:

The Police Department

- a new facility is recommended because current space is totally inadequate and the present building cannot be expanded,
- it was estimated that the Police and the Court Facility would need approximately 27,000 sq. ft. to meet current and long-term needs,
- it is recommended that the Courthouse would need 5,500 sq. ft. compared to the existing space of 3,750 square feet,
- space shortages contribute to program inadequacies for emergency dispatch, interview needs, records processing, juvenile processing, evidence storage and processing, and security separation between the public and the prisoners,
- thirteen sites which were presented for consideration as possible locations for a new Police Facility were narrowed down to three, namely, Disbrow Park, Manhattan Morgan Warehouse Site, and the NYS Thruway Site on the Post Road (opposite Rye Country Day School).

The Fire Department

- it is recommended that both the Locust Avenue and the Milton Point Firehouses be renovated because of their desirable locations, value as civic landmarks, and the cost associated with replacing the existing facilities,
- mechanical, plumbing and electrical systems, window and roofing replacement and handicapped accessibility would have to be modified, and
- renovation plans of the two fire houses as contained in the report, Public Safety and Court Facilities Study, dated April 12, 1999.

A question and answer period focused on:

- the pros and cons of extending the Village Green to the CVS site,
- feasibility of the three alternate sites for the Police Department,
- renovation of each firehouse, and
- estimated cost for a new police facility and the renovation of the firehouses.

Mayor Otis expressed his appreciation to Mr. Mark J. Weisman and to Mr. Joseph D. Griffith for their informative presentation.

6. Report of the Rye Fire Department on the Public Safety and Court Facilities Study

Mr. Richard Mecca, Public Information Officer for the Rye Fire Department, gave a brief history of the Locust Avenue Fire House and explained that it was built in 1909 for horse drawn wagons. He compared the needs of the fire department in the beginning of the century with the present day and made particular mention that the latest apparatus weighs over 30 tons. He described, in detail, the inadequacies of the current fire stations.

Mr. Mecca said if the Council is in agreement with the renovation projects, he would respectfully request that a bond referendum be scheduled during Fire Prevention Week in October. He stressed the need to educate the public about the necessity of these proposed renovations.

Mayor Otis said that the Council would not take action on this project at this meeting. However, there is a need to research the timing, legal, and financial aspects of a bond referendum.

Both Councilmen Stampleman and Hutchings supported the idea of a referendum and encouraged Mr. Mecca to move ahead with his mission of educating the public.

Mayor Otis expressed appreciation for everyone's valuable input.

7. Discussion of the proposed relocation of approximately 880 feet of Grandview Avenue

Mayor Otis acknowledged receiving the April 15, 1999 letter from Jonathan Kraut, Esq., counsel for Rye County Day School, regarding the Rye Country Day School Property.

Mr. Kraut explained that part of the school's master plan calls for improvements in safety and traffic circulation. He noted that a site plan had been submitted to the Planning Commission subsequent to the June 17th Council meeting. The Planning Commission, as lead agency for SEQOR, has held public hearings in connection with the application, and after considerable review of the application determined that the project will not result in any significant adverse environmental impacts. Subsequent to these findings, the Planning Commission retained an independent engineering consultant to review traffic and drainage aspects of the project. He respectfully requested that the Council schedule a public hearing on the proposed relocation of approximately 880 feet of Grandview Avenue.

In response to Councilwoman Cunningham's question, Mr. Kraut said that the problem with Mr. Portenova's property on Grandview Avenue will be resolved by the next council meeting.

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

WHEREAS, the proposed relocation of approximately 880 feet of Grandview Avenue 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 proposal, 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 May 5, 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 proposal.

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 relocation of approximately 880 feet of Grandview Avenue

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 5th day of May, 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 relocation of approximately 880 feet of Grandview Avenue.

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

Dated:

City Clerk

Mayor Otis requested a status report from City staff on this proposed road change. He also asked for copies of the Planning Commission minutes and/or the traffic study to distribute to the Council in the Friday packet.

8. Approval of the election of the Fire Chief, 1st Assistant Fire Chief, 2nd Assistant Fire Chief, and of new members of the Department

Mayor Otis acknowledged the April 9, 1999 memo from Mr. John M. Wickham, Firefighter Clerk for Mr. Bruce Jenkins, Secretary of the Board of Wardens, regarding the election of Department and Company Officers during the Annual Company Meetings which were held on April 6, 1999 and April 8, 1999.

Mayor Otis made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the election of the Fire Department Officers as follows:

DEPARTMENT OFFICERS

George Ballantoni, Chief
Walter Roode, 1st Assistant Chief
Vincent Ballantoni, 2nd Assistant

COMPANY OFFICERS

Poningoe Engine & Hose Company
Roger Johansson, Captain
George Hogben, 1st Lieutenant
Christopher Foster, 2nd Lieutenant
Oren Beach, Warden
Jeff Billington, Warden

Poningoe Hook & Ladder Company
Joseph Banahan, Captain
Michael Taylor, 1st Lieutenant
Arcadio Ocasio, 2nd Lieutenant
Robert Chittenden, Jr. Warden
John Moroney, Warden

Milton Point Engine & Hose Company

Thomas Turner, Captain
Thomas Banahan, 1st Lieutenant
Daniel Bochiccio, 2nd Lieutenant
James Fenton, Warden
Henry Wagner, M.D., Warden

Rye Fire Police Patrol
Peter Donahue, Captain
Nicholas Loddo, 1st Lieutenant
Brian Gilmartin, 2nd Lieutenant
Richard Barber, Warden
James Finneran, Warden

9. Approval of the election of new member to the Rye Fire Department

Mayor Otis acknowledged the April 13, 1999 letter from Mr. Bruce Jenkins, Secretary to the Board of Fire Wardens, regarding the election of Mr. Alfred Vitiello to the Rye Fire Department.

Mayor Otis made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the election of Mr. Vitiello to the Milton Point Engine and Hose Company of the Rye Fire Department.

10. Draft unapproved minutes of the regular meeting of the City Council held April 7, 1999

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the City Council of April 7, 1999, as amended.

11. Miscellaneous communications and reports

A. Councilman Hutchings paid tribute to late Mr. David White, former chairman of Rye Cable Television Committee. He expressed appreciation for all the work Mr. White did for the community and extended his sincere sympathy to his family.

B. Councilwoman Cunningham apprised the Council that the Board of Appeals discussed the proposed form for land use approval. She reported that the Board thought that the form was unnecessary and not user-friendly. She said that she had never received the final draft of the form and requested copies for the City Council.

C. Councilwoman Cunningham represented the Council before the Legislation Committee of the Westchester County Board of Legislators on the issue of the wireless telecommunications law which is being considered at the state level. This law would preempt the local municipalities' right to site these towers.

The Board did not take any action. However, the headlines the next day stated that the board members had not been swayed by the utility companies. She mentioned that Scenic Hudson, Inc. has proposed legislation for any community that does not have its own.

Mayor Otis said there is an alternative law in the New York State Legislature.

D. Councilwoman Downing informed the Council that Mr. Nicholas Everett, chairman of the Board of Architectural Review, has expressed concern about the aesthetics of the retaining wall for the Boston Post Road. He has asked to address the council on this matter.

The City Manager suggested that Mr. Everett discuss this matter with City Engineer George Mottarella who could explain the limitations involved with this retaining wall.

E. Councilwoman Downing apprised the Council that Reverend George Packard, pastor of Christ Church, continues to have concern about the traffic on Rectory Street. He suggested having speed bumps placed on Rectory Street for safety.

The City Manager said that City policy and opinions from the City's former Corporation Counsel have indicated that speed bumps are illegal. Both the City Manager and Councilman Hutchings suggested referring this matter to the Traffic and Transportation Committee for review and comments.

F. Councilman Hutchings reported that he had received a complaint from a resident who did not know about the flashing lights which were recently installed near the Osborn School. The resident informed Councilman Hutchings that he objected to these lights.

Mayor Otis said that the Traffic and Transportation Committee mentioned the flashing lights in its budget presentation report. There was also press coverage about these lights.

Councilwoman Cunningham said that the Osborn School PTO certainly publicized this.

The Mayor said that when a project is anticipated by a committee, it should be the responsibility of that particular committee to do outreach to the residents, and that the city staff and contractors inform residents who might be impacted.

G. Councilman Stampleman reported that the Rye Free Reading Room is much more active in developing programs for teenagers.

H. Councilman Stampleman reported that the correct address for the Library is 1061 Purchase Street.

I. Councilman Stampleman apprised the Council that the chairman of the Planning Commission has not received a copy of the form for land use approvals.

City Manager Culross stated that this form was discussed at the last Planning Commission meeting, and it was forwarded to each member of the Planning Commission in the packet.

Councilman Stampleman requested that the City Manager forward a copy of the March 11, 1999 memo from the City Manager, and the April 6, 1999 memo from Mr. Peter Larr and Councilman Stampleman regarding the land use approval process to the Planning Commission chairman.

J. Councilman Stampleman acknowledged receiving the March 31, 1999 letter from Mrs. Maureen Moran Williams about parking at Manursing Lodge.

Mayor Otis will communicate with Mrs. Williams.

K. Councilman Stampleman requested a report from the City Engineer on the status of the Playland Parkway bridge.

Councilwoman Cunningham suggested that if the County is reconstructing that bridge it should help *Project Impact* because any bridge near the brook could have potential flooding problems.

L. Councilman Stampleman requested that a report on the Commission on Human Rights by Mr. Richard Propper be placed on the May 5, 1999 regular City Council meeting's agenda.

M. Councilman Stampleman suggested that a discussion on the results of the senior citizens' survey be placed on the agenda for the June City Council meeting.

N. Councilwoman Downing reported that the Community Summit was very well attended by over 100 people. Topics discussed were teenagers, teenage suicide, drinking, drugs, and self esteem. She said it was an excellent meeting.

O. Councilman Hutchings apprised the Council that the City is awaiting two more mounting brackets for the TV cameras. He also stated that Mr. John Gregg, chair of Rye Cable Television Committee, will give a presentation at the June council meeting.

12. Old Business

A. Councilman Stampleman reiterated his concern that Mrs. Pulvermann was not invited to the Village Green landscaping meeting. He also said that this particular meeting was not publicly noticed.

After a discussion, Councilwoman Downing made a motion, seconded by Councilwoman Cunningham and unanimously carried, to require that the City Council and Mrs. Pulvermann be included as attendees for all future meetings about the Village Green.

B. Mayor Otis said that a public hearing on the leaf blower issue is scheduled for the May 5, 1999 City Council meeting. He made the following comments about the proposed local law:

- there is a general intent paragraph at the beginning,
- the key provision is Item A1: it is not a ban - it is a restriction from June 1 until September 30 that the blowers can be used only when all other lawn equipment powered by internal combustion engines are turned off,
- there a limit to using only one blower at a time on property 1/3 of an acre or less
- Section A2 is a continuation of the throttle speed issue,
- large institutions are exempt, and the rationale for this section is to minimize noise when using equipment near homes,
- Section B is restating what is already the law. It should be clearly clarified that it is illegal to dump down storm drains, and
- Section C contains guidelines.

Councilman Stampleman suggested identifying Section C1 as guidelines.

Councilman Hutchings recommended amending “lowest throttle speed” to the “lowest practical throttle speed”.

Councilwoman Cunningham suggested that the word ‘debris’ be more explicit.

Mayor Otis asked the Council to submit any suggestions and/or amendments to the proposed local law by Friday.

13. New Business

A. Mayor Otis invited everyone to participate in the program for *Project Impact*, a federal initiative to encourage communities to prepare for disasters before they happen, which will be held on Monday, April 26, 1999 at Playland. He said the day will begin with an 8:00 A.M. breakfast at City

Hall, followed by a tour of three different sites in the community which are linked especially with flooding problems. The signing ceremony, officially designating the City of Rye as a participant in *Project Impact*, will begin at 11:00 A.M. He stated that Congresswoman Nita Lowey, NYS Secretary of State Alexander Treadwell, (representing Governor George Pataki) and County Executive Andrew Spano will be among the many officials attending this ceremony.

B. Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to adopt a proclamation for a distinguished resident of the City of Rye.

14. Adjournment

Councilwoman Cunningham made a motion, seconded by Councilman Stampleman and unanimously carried, to adjourn into Executive Session at 10:35 P.M. in order to discuss Home Depot litigation and personnel matters.

There being no further business to discuss, Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn the meeting at 11:00 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk