

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in
City Hall on August 18, 1999 at 7:30 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.

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

Mr. Joseph Chira, 11 Kirby Lane North, represented residents of Kirby Lane, Kirby Lane North, Grace Church Street, Loudon Woods, the Gables, and Rye Colony. He informed the council that these residents are concerned about the impact that intense and increased traffic has on their neighborhood. He noted that this problem has been brought to the attention of the former Traffic Safety Commission. He requested that the council consider the following suggestions initiated by Rye Colony and endorsed by aforementioned neighbors:

- create a stop line before Rye Colony driveways on Peck Avenue to permit access to and egress from Rye Colony,
- create two pedestrian crosswalks on Peck Avenue, one close to Midland Avenue (at the Rye Colony entrance closest to Midland) and the other mid-block on Peck Avenue (at the train station entrance), and

- Peck Avenue (Easterly) would “dead end” at the Rye Colony entrance. Peck Avenue (Westerly) would be unchanged. Consequently, traffic could not travel from Post Road to Midland Avenue on Peck Avenue.

In addition, he requested enforcing Local Law 1 - 1995 which states that "any vehicle with a maximum gross weight of ten thousand (10,000) lbs. (5 tons) or more, is prohibited at any time from making a left turn onto Peck Avenue from the Boston Post Road (U.S. Route 1) southbound, except that such vehicle may enter upon such streets by left turns for the purpose of accepting or making deliveries of material at some point on said streets." He also requested that there be signs stating the penalty for violating this law. Since school will be opening shortly, he asked for the council's immediate consideration.

The City Council referred this matter to the Police Commissioner and the Traffic and Transportation Committee for review.

The following agenda item was taken in the following order:

5. Consideration of request for approval to install an ornamental wall in the city right-of-way abutting property located at the corner of Rosemere Street and Roosevelt Avenue, known as 57 Rosemere Street, and authorization for the City Manager to enter into a license agreement for this purpose

Mayor Otis acknowledged the August 9, 1999 letter from Mr. & Mrs. Anthony Francella, requesting permission to install an ornamental wall in the city right-of-way abutting property located at the corner of Rosemere Street and Roosevelt Avenue known as 57 Rosemere Street. He acknowledged the survey and the August 13, 1999 memo from the City Engineer Motarella, who reviewed the plans and found them to comply with the requirements for retaining walls.

Mr. Anthony Francella, 57 Rosemere St., requested permission to install the wall on the city right-of-way to reduce erosion and to improve the appearance of his property. He explained that it will be an interlocking wall which is easily disassembled, if the city needs access to his property.

After a brief discussion, the council decided to approve Mr. Francella's request on condition that he notify the neighbors. If there are no objections, then the City Manager is authorized to enter into a licensed agreement for this purpose.

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

RESOLVED, that the City Council approves the request of Mr. & Mrs. Anthony Francella to install an ornamental wall in the city right-of-way abutting property located at the corner of Rosemere Street and Roosevelt Avenue, known as 57 Rosemere Street, and authorizes the City Manager to enter into a license agreement for this purpose conditioned on Mr. Francella's notifying his abutting neighbors.

Councilman Stampleman abstained.

4. Report of County Legislator Latimer

Westchester County Legislator George Latimer complimented the Rye Cable Television Committee for its coverage of the City Council meetings.

Bus Route 76

The Bus Route 76 issue has been resolved with a compromise plan by substituting a mini bus. During the summer months, a new bus route (Route 75) emanating from the railroad station to Playland has been implemented. Another issue would be to re-route Bus #75 through the Central Business District to the train station.

Playland

The noise of the fireworks at Playland has been mitigated because of the change in times. He has received some standard complaints about noise, however, it is not a systemic problem.

Mayor Otis responded to Councilwoman Larr by saying the noise has been significantly reduced by computerized control of the blasts and booms of the fireworks. He, too, has received a few isolated complaints about the noise from fireworks.

Mr. Latimer requested that the council track the specific times and dates of noise incidents.

Rye Beach Avenue/Old Rye Beach Avenue

There have been complaints about young people congregating at the intersection of Rye Beach Avenue and Old Rye Beach Avenue. Mr. Latimer suggested that the County Police work with the Rye Police to resolve this issue.

Playland Access Road/Old Post Road

Mr. Latimer will support whatever decision the City Council makes about the installation of a traffic signal at the intersection of Playland Access Road and Old Post Road.

Waste Carting Law

Mr. Latimer apprised the council that the Waste Carting Law was passed this week. He asked the council to report any problems associated with this law.

Early Bar Closings

There is a proposed compromise to change the early bar closings in Westchester County to 3 A.M. He said there are approximately 30 letters from Rye residents in favor of an earlier closing.

Airport Runoff

The County continues to test the water supply at Rye Lake where results continue to be reported below detectable levels.

Councilwoman Cunningham was pleased that Westchester County is backing up New York State Department of Environmental Conservation by testing for de-icing of chemicals.

Jay Heritage Center

There has been some concern expressed about the landscaping and maintenance of the Jay Property. He reported that progress is being made to improve this situation.

District Hours

He has scheduled his district office hours for Friday, August 27th from 9:30-11 A.M.

Mayor Otis expressed his appreciation to the Westchester County Legislator Latimer for his informative report and his interest in the City of Rye.

6. Proposed resolution in favor of modifying the city's fence regulations as outlined in Fence Ordinance Outline - August 7, 1999

Mayor Otis acknowledged Councilman Stampleman's fence ordinance outline, dated August 7, 1999. He noted that Councilman Stampleman drafted a document based on the council's policy discussions on fences and submitted two proposed resolutions.

Councilman Stampleman initiated an extensive council discussion on the fence ordinance outline, which resulted in:

- deleting the specific names of plantings/hedges and the reference to trimming branches in section d,
- approving resolution No. 1, noting that sections c & h need further review, and
- requesting the Corporation Counsel to proceed to draft a local law.

Councilman Stampleman volunteered to forward the outline as amended to the Board of Architectural Review (BAR), the Zoning Board of Appeals (BOA), and the City Manager.

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

RESOLVED, that the City Council of the City of Rye, favors modifying the City of Rye's fence regulations as outlined in the document "Fence Ordinance Outline - August 7, 1999" and requests the opinions of the Zoning Board of Appeals, Board of Architectural Review, and the City Manager on this document, and be it further

RESOLVED, that the City Council directs the Corporation Counsel to draft a local law subject to review of sections c & h.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham,
Downing, Larr and Stampleman,
NAYS Councilman Hutchings
ABSENT: Councilwoman Walsh

The resolution passed.

7. Proposed resolution adding a "Grandfather Clause" to Fence Ordinance Outline - August 7, 1999

Mayor Otis made a motion, seconded by Councilwoman Cunningham, and unanimously carried to defer further discussion on the grandfather clause to a future meeting.

8. Consideration of request from the Rye City School District for traffic control on school days on Milton Road at Parsons Street and Milton Road at Apawamis Avenue and authorization to transfer \$45,000 from General Fund Contingent Account to General Fund Police Patrol Overtime Account

Mayor Otis acknowledged the letter from Superintendent of the Rye City Schools, Dr. Edward J. Shine, dated July 19, 1999, concerning the Rye City School district's request to have the Rye Police Department provide traffic control at Milton Road and Parsons Street and Milton Road and Apawamis Avenue each school day starting with the opening of school on September 8, 1999. He also acknowledged the July 23, 1999 memo from Police Commissioner Pease and the City Manager's memo dated August 12, 1999.

The council discussed traffic control during the construction stage, cost involved for two officers to control traffic, the need for professional traffic analysis, and a determination of who will bear the cost of traffic control.

This matter was deferred for further research and review.

9. Discussion of street naming procedure

Referencing his memo dated July 26, 1999, Mayor Otis recommended a procedure which would allow interested residents to submit a summary of the civic involvements of individuals whose names would be placed on the street naming list maintained by the Planning Commission.

The City Council unanimously agreed with the Mayor's suggestion.

10. Consideration of request to add the name of R. Fred Talento to the street naming list

After a brief council discussion, Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to add Mr. R. Fred Talento to the list.

11. Appeal of FOIL request denial by the Building Inspector to inspect certain public records maintained by the city

Mayor Otis acknowledged the August 4, 1999 letter from Thomas Minotti, Esq., on behalf of Mr. James D. Dunn, the August 10, 1999 letter from City Manager Culross addressed to Mr. Minotti, and a copy of the Building Department's freedom of information form. The Mayor informed the council

that Mr. Minotti has requested an appeal of the Building Inspector's denial for his client to inspect certain public city records.

The council briefly discussed the request for residential building permits, the building inspector's denial, and the need for further information to make a determination.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to table this issue to a future council meeting and to request the Building Inspector to provide information on his denial of this freedom of information request.

12. Resolution authorizing the amendment and restatement of the Municipal Cooperation Agreement made pursuant to New York General Municipal Law, Article 5-G, Section 119-0 amended and restated as of July 20, 1992 by and among Putnam/Northern Westchester Board of Cooperative Educational Services and the other participants

Mayor Otis acknowledged a memo from City Comptroller Genito dated August 4, 1999, forwarding an amendment of the Municipal Cooperative Agreement, which calls for the creation of a governing board that will administer all aspects of the Agreement.

The Mayor said if the city wishes to continue as a Cooperative Liquid Assets Securities System (C.L.A.S.S.) participant, the amendment to the Agreement must be approved.

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

WHEREAS, the Board of Cooperative Educational Services of the Sole Supervisory District of Northern Westchester and Putnam Counties (the "BOCES") has heretofore entered into a certain MUNICIPAL COOPERATION AGREEMENT (the "Agreement") made pursuant to New York General Municipal Law, Article 5-G, Section 119-0, amended and restated as of July 20, 1992, by and among BOCES and each district and municipal corporation, as defined in Section 119-n of the New York General Municipal Law, that enters into the Agreement (with the BOCES, the "Participants") ; and

WHEREAS, Section 13.1 of the Agreement provides that the Agreement, including the Exhibits thereto, can be amended, from time to time, by the Participants in the manner set forth therein; and

WHEREAS, for various reasons, including, but not limited to the compliance with the recently enacted Article 3-A of the New York General Municipal Law which mandates the inclusion of certain provisions in the Agreement; and

WHEREAS, among such reasons is that certain provisions of the Agreement have been identified as being unnecessary, in light of other provisions of the Agreement; now, therefore, be it

RESOLVED, by the Council of the City of Rye, that the amended and restated Municipal Cooperative Agreement, dated as of October 20, 1999, a copy of which is attached as an Exhibit, is hereby approved and the City Manager is hereby authorized to execute the contract on behalf of the City of Rye.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,
Hutchings, Larr, and Stampleman
NAYS None
ABSENT: Councilwoman Walsh

The resolution passed.

13. Proposed resolution amending the 1999 Budget to increase estimated revenues and to increase appropriations for the Rye Youth Council in the amount of \$4,174.00

City Manager Culross informed the council that the proposed resolution amends the Rye Youth Council budget to include state aid which has been received.

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

WHEREAS, the Rye Youth Council provides to the youth of the City of Rye, and

WHEREAS, the City of Rye acts as an authorized agency to process applications for State aid for the Rye Youth Council for funding from the New York State Division for Youth, and

WHEREAS, in the adoption of its annual budget, the City of Rye does not include the estimated revenues or appropriations applicable to such funding, and

WHEREAS, the Rye Youth Council has submitted to the City Comptroller a completed State Voucher in the amount of \$4,174.00 representing funding related to programs provided in the year 1998, now, therefore, be it

RESOLVED that the 1999 Budget of the City of Rye be amended to increase estimated revenues for the Rye Youth Council and increase appropriations for the Rye Youth Council in the amount of \$4,174.00.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,
Hutchings, Larr, and Stampleman
NAYS None
ABSENT: Councilwoman Walsh

The resolution passed.

14. One appointment to the Boat Basin Commission to fill the unexpired term ending January 1, 2000, by the City Council

Mayor Otis acknowledged a letter of resignation from Mr. William Pazona dated April 15, 1999. He also acknowledged a letter from Mr. Peter T. Fox, supervisor of the Rye City Marina, dated July 23, 1999, recommending that Mr. Gregory Gavlick fill the vacancy.

Mayor Otis made a motion, seconded by Councilman Stampleman, and unanimously carried, to approve the appointment of Mr. Gregory Gavlick to the Boat Basin Commission to fill the unexpired term ending January 1, 2000.

15. Consideration of request from United Way of Rye for permission to erect and maintain a fund-raiser sign on city property at Theodore Fremd Avenue and Purchase Street until June, 2000

Mayor Otis acknowledged a letter from the United Way of Rye, dated August 9, 1999 requesting permission to erect and maintain the United Way fund-raiser thermometer on Rye City property on the corner of Theodore Fremd Avenue and Purchase Street from August, 1999 until June, 2000.

Councilman Hutchings expressed concern about the poor appearance and the lack of maintenance of the sign. He questioned whether or not this sign could be in place for a shorter period of time.

Councilwoman Cunningham added that the sign is effective in reminding people to send in their donations.

This matter was deferred until the September 8, 1999 council meeting to determine whether the United Way's sign is exempt from the City of Rye's sign ordinance and to discuss with the association the duration of the sign on city property.

16. Consideration of request from residents of Overlook Place and Hayward Place for controlled traffic for a Block Party on Saturday, September 11, with a rain date of Sunday, September 12, 1999

Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the request of residents of Overlook Place and Hayward Place to hold a Block Party on Saturday, September 11, 1999, with a rain date of Sunday, September 12, 1999.

17. Consideration of request of residents of Redfield Street to hold a Block Party on Saturday, September 25th, 1999

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request of residents of Redfield Street to hold a Block Party on Saturday, September 25, 1999.

18. Draft unapproved minutes of the regular meeting of the City Council held July 21, 1999, and the special meeting held July 27, 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 July 21, 1999, as amended.

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the special meeting of the City Council of July 27, 1999, as submitted.

19. Miscellaneous communications and reports

A. City Manager Culross apprised the council that he attended a meeting in Greenwich Town Hall on the drought. The community is urged to conserve water by observing the odd/even watering schedules and not to waste water.

Councilwoman Cunningham expressed concern that NYC has not implemented a drought watch. She suggested forwarding a letter to express this concern.

City Manager Culross explained that Westchester County has not imposed restrictions because the level of the reservoir does not warrant such restrictions at this time.

B. Mayor Otis acknowledged letters from Mr. Grey Fletcher dated August 16, 1999, to Alice K. Conrad, City Clerk, and another letter addressed to Corporation Counsel Neale dated August 16, 1999 regarding a neighbor to neighbor dispute about a 14 inch "No Trespassing" sign which is affixed to a tree.

The Building Inspector made a determination that this sign is not in violation of the Code of the City of Rye and reported this to Mr. Fletcher.

C. Councilwoman Cunningham referenced a letter from Mrs. Peggy Peters and Mrs. Maureen MacMaster regarding the Environmental Defense Fund and the Rye Garden Club sponsoring a program, "Here today, Gone tomorrow," which is a photo essay of North America's endangered animals. They requested that the city consider sponsoring them as a friend.

Councilwoman Cunningham made a motion, seconded by Mayor Otis, to sponsor this program as a friend.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham,
Downing, and Hutchings
NAYS None
ABSENT: Councilwoman Walsh
ABSTAIN: Councilmen Larr and Stampleman

The motion carried.

D. Councilwoman Downing questioned the status of the curbing on Purdy Street which Mr. Christopher Cohan expressed concern about at the June 16 council meeting.

The City Manager responded that the job was completed according to the city's specifications.

E. Councilwoman Cunningham referenced the letter from Ms. Lois Bronz, County Board of Legislators, about the tax survey on affordable housing.

Mayor Otis requested that Councilwoman Cunningham draft a response to be distributed to the council.

20. Old Business

Councilwoman Larr complimented the city for alleviating the traffic flow problem on Manursing Avenue.

21. New Business

A. In response to Councilwoman Larr, City Manager Culross confirmed that the city is hiring a new firefighter.

B. Councilman Stampleman questioned whether the County should install a traffic light at Ridge and High Streets.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to request that the City Manager refer the possibility of installing a traffic light on Ridge and High Streets to the Traffic and Transportation Committee, Westchester County, and the Village of Rye Brook.

22. Adjournment

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn the meeting at 10:28 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk