

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in
City Hall on September 8, 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 paused for a moment of reflection in tribute to Dr. Denis Donovan who died on September 5, 1999. The Mayor noted his achievements and said his passing is a great loss to the city.

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

Mayor Otis acknowledged the September 7, 1999 letter from Mr. and Mrs. Grey Fletcher, 12 Holly Lane, regarding concerns about his neighbor. The Mayor indicated that the council did not have sufficient time to review this letter since the council just received it.

Mr. Grey Fletcher apprised the council that there has been an ongoing dispute with his neighbor, Mrs. Leslie Winters, over signs on her property and wetland issues as referenced in his letter. He respectfully requested that the council rule on whether or not these issues violate the Code of the City of Rye.

Mayor Otis responded by saying that the wetlands issue would be referred to the Planning Commission and the sign issue to the Building Inspector and the Corporation Counsel for further review.

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

Mayor Otis acknowledged the August 20, 1999 letter from Corporation Counsel Neale and the August 23, 1999 memorandum from Building Inspector Vincenzo Tamburro. The Mayor informed the council that the Building Inspector denied Mr. Dunn's request under McKinney Laws of N.Y.S., Public Officers Law, Section I 87 (2) 6 and Section I 89 (2) biii.

Councilman Hutchings stated that it is an open and shut case because the Building Inspector based his determination on the fact that Mr. Dunn requested the documents for commercial purposes.

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

RESOLVED, that the City Council of the City of Rye upholds the Building Inspector's denial of Mr. Dunn's request to inspect certain public records maintained by the city. Therefore, the appeal of the FOIL request is denied.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

5. Consideration of proposed local law amending Chapter 191, Vehicles and Traffic, of the Code of the City of Rye by amending Section 191-18, Subsection D (2) with respect to public parking places

Mayor Otis acknowledged the March 10, 1999 and September 3, 1999 memorandums from City Manager Culross; the March 5, 1999 memorandum from Police Commissioner Pease; the

February 11, 1999 letter from Mr. Michael B. Strober and Ms. Maureen Moran Williams with an attached petition; and the September 1, 1999 memorandum from Corporation Counsel Neale.

City Manager Culross said that the proposed local law would provide a waiver for the winter snow parking ban on a portion of Manursing and Davis Avenues from November through March. This, he said, was in response to a petition from the residents of Manursing Lodge who have insufficient off-street parking.

A council discussion focused on:

- the Manursing Lodge residents' contingency plan for parking cars during a snow storm,
- improving the mechanism for notification of times when parking would be prohibited,
- consideration of prohibiting parking on Manursing Avenue from Davis to Forest Avenues, and
- scheduling a public hearing.

Ms. Maureen Moran Williams, co-chair of the Manursing Lodge Residents' Oversight Committee, expressed her appreciation to the City Council and the City Manager for resolving this problem. She assured the council that the residents will cooperate with the City by assuming the responsibility to have all their cars off the street during snow storms.

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

WHEREAS, the proposed local law amending Chapter 191, Vehicles and Traffic, of the Code of the City of Rye by amending Section 191-18, Subsection D (2), with respect to public parking places 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 October 6, 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 a proposed local law amending Chapter 191, Vehicles and Traffic,
of the Code of the City of Rye by amending Section 191-18, Subsection D (2) with respect to
public parking places**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 6th day of October, 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 local law amending Chapter 191, Vehicles and Traffic, of the Code of the City of Rye by amending Section 191-18, Subsection D (2), with respect to public parking places.

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

Dated:

Alice K. Conrad
City Clerk

6. Discussion of fence regulations

Mayor Otis referred to his September 1, 1999 memorandum; the August 19, 1999 memorandum from Councilman Stampleman; the September 3, 1999 memorandum from City Planner Zepf; the August 23, 1999 memorandum from the Board of Architectural Review; the August 25, 1999 memorandum from Building Inspector Tamburro; and a memorandum from Corporation Counsel Neale.

Discussion focused on:

- the Corporation Counsel's suggestion to have fence regulation in a separate chapter in the code and to add definitions to the fence regulations for clarity,

- change in the one foot setback to five or ten feet as recommended by the City Planner,
- aesthetic issues of fences,
- distinction between a special use exception and variance,
- adding the word “materially” before the word “impairs” in Section F 1.,
- removing the date from Section G,
- the Board of Architectural Review’s memorandum, and
- Eight ft. fences.

Mayor Otis initiated an extensive review of his proposed outline of fence regulations.

The council arrived at a consensus on the following:

- adding the Boston Post Road to the list of exceptions,
- eliminating school and public parks from Section D,
- granting a special exception permit (by the Zoning Board of Appeals) where the rear or side yard (when there is no rear yard) abuts a busy street, and
- having the finished side of the fence face the street.

Action on the following issues was deferred to a future date:

- fence permits,
- the Board of Architectural Review’s developing a list of materials permitted for fences, and
- grandfathering existing fences.

At the suggestion of Councilwoman Downing, the Council decided to take a tour of the hedges and fences within the city.

It was also decided that several versions of the proposed local law could be circulated prior to the public hearing.

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

WHEREAS, the proposed local law amending Chapter 197, Zoning, of the Code of the City of Rye by amending Section 197-50, Fences and Terraces, with respect to fence regulations 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 October 6, 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 a proposed local law amending Chapter 197, Zoning, of the Code of the City of Rye by amending Section 197-50, Fences and Terraces with respect to fence regulations

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 6th day of October, 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 local law amending Chapter 197, Zoning, of the Code of the City of Rye by amending Section 197-50, Fences and Terraces, with respect to fence regulations.

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

Dated:

Alice K. Conrad
City Clerk

Councilwoman Downing voted nay because she expressed the feeling that scheduling a public hearing is premature. There is still a need to do further research for the council to arrive at a consensus on all the issues.

7. Authorization for the City Manager to submit an application to the State of New York for assistance payments under the Clean Water/Clean Air Bond Act Water Quality Improvement Projects and Environmental Protection Fund (EPF)/Performance Partnership Grants (PPG) for 1999-2000 to perform two water quality models for the Long Island Sound Watershed

Mayor Otis acknowledged the August 18, 1999 letter from Mr. Robert Doscher, Westchester County Associate Environmental Planner. The Mayor explained that the city will sponsor the Environmental Protection Fund (EPF) application for the water quality models for the Long Island Sound Watershed.

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

RESOLVED, that the City of Rye will serve as sponsor for the Water Quality Modeling for the Long Island Sound Watershed in the Westchester County Application for the New York State Clean Water Clean Air Bond Act for \$34,500 of state funds, and be it further

RESOLVED, that such a project will benefit the City of Rye in its analysis of Blind Brook, and be it further

RESOLVED, that the City Manager is so authorized to act on behalf of the City of Rye to facilitate the processing of this application.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

8. Authorization for the City Manager to enter into an indemnification agreement with the Town of Harrison and the Village of Harrison for the use of the Town of Harrison Police Department Pistol Range

Mayor Otis acknowledged the September 2, 1999 memorandum from Corporation Counsel Neale and the August 29, 1999 memorandum from Police Commissioner Pease.

The City Manager said that he and Police Commissioner Pease endorse entering into an indemnification agreement with the Town of Harrison and the Village of Harrison for the use of the Town of Harrison Police Department Pistol Range.

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

WHEREAS, the City of Rye Police Department desires to use the Town of Harrison Police Department Pistol Range, and

WHEREAS, the Town of Harrison and Village of Harrison require from any municipality requesting use of its Pistol Range proper insurance naming the Town of Harrison and Village of Harrison as additional insureds and a fully executed Indemnification Agreement inuring to the benefit of the Town of Harrison and Village of Harrison; now therefore be it

RESOLVED, that an Indemnification Agreement inuring to the benefit of the Town of Harrison and Village of Harrison be executed, and be it further

RESOLVED, that the City Council of the City of Rye authorize the City Manager to execute the attached Indemnification Agreement, and to deliver same to the Town Attorney of the Town of Harrison, and be it further

RESOLVED, that a copy of this Resolution be forwarded to the Town Attorney of the Town of Harrison with a fully executed copy of the Indemnification Agreement.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

9. 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 the August 9, 1999 letter from United Way of Rye requesting permission to erect and maintain a fund raiser sign on city property at Theodore Fremd Avenue and Purchase Street until June 2000.

A brief council discussion focused on the length of time the sign is in place, its continuous use, and whether or not this sign is in violation of the city code.

Councilwoman Walsh made a motion, seconded by Mayor Otis and carried by a majority, to approve the request from United Way of Rye to erect and maintain a fund raiser sign on city property at Theodore Fremd Avenue and Purchase Street from October until June 2000 as recommended.

Councilman Hutchings voted nay on this matter because he was concerned about the duration of the placement of the sign and its appearance.

10 A. One appointment to the Board of Assessment Review for a five-year term, by the Council

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the appointment of Mr. Paul Denton to the Board of Assessment Review for a five-year term expiring September 30, 2004.

10 B. One appointment to the Board of Ethics to fill an unexpired term, by the Council

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the appointment of Mr. Richard N. Runes to the Board of Ethics to fill the unexpired term expiring January 1, 2001.

11. One appointment to the Traffic and Transportation Committee to fill the unexpired term ending January 1, 2001, by the Mayor with Council approval

Councilwoman Walsh made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the appointment of Mr. Brian Dempsey to the Traffic and Transportation Committee to fill the unexpired term ending January 1, 2001.

12. Two appointments to the Boat Basin Commission, by the Council, for two-year terms expiring January 1, 2002

Councilwoman Walsh made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the two appointments of Mr. Theodore Konopka and Mr. Edward J. Collins to the De Pauw Municipal Boat Basin Commission for two-year terms expiring January 1, 2002.

13. Designation of one member to the Boat Basin Nominating Committee

Councilwoman Downing made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the appointment of Mr. Alan Caminiti to serve on the De Pauw Municipal Boat Basin Nominating Committee.

14. Five appointments to the Rye Golf Club Commission, by the Council, for two-year terms expiring January 1, 2002

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the appointments of Mr. Frank Adimari, Mr. Daniel De Vito, Ms. Virginia Waters, Mr. William Scully, and Mr. Bruce Boehmcke to the Rye Golf Club Commission for two-year terms expiring January 1, 2002.

15. Designation of two members to the Rye Golf Club Nominating Committee

Councilwoman Downing made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the appointments of Ms. Amy Marconi and Ms. Susan Herrmann to the Rye Golf Club Nominating Committee.

16. Consideration of request from residents of Ormond Place for controlled traffic for a *Block Party* on Saturday, September 25, 1999, with a rain date of Sunday, September 26, 1999

Councilman Hutchings made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the request of residents of Ormond Place to hold a Block Party on Saturday, September 25, 1999, with a rain date of Sunday, September 26, 1999.

17. Consideration of request from residents of Mead Place for controlled traffic for a *Block Party* on Saturday, September 25, with a rain date of Sunday, September 26, 1999

Councilwoman Downing made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request of residents of Mead Place to hold a Block Party on Saturday, September 25, 1999, with a rain date of Sunday, September 26, 1999.

18. Consideration of request from residents of Centre, Lynden and Orchard Streets for controlled traffic for a Block Party on Saturday, October 2, 1999, with a rain date of Sunday, October 3, 1999

Councilwoman Downing made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the request of residents of Centre, Lynden and Orchard Streets to hold a Block Party on Saturday, October 2, 1999 with a rain date of Sunday, October 3, 1999.

19. Consideration of the request of the Recreation Department to use City Hall, the Village Green, and city streets for the Annual Turkey Run on Saturday, November 27, 1999

Councilwoman Downing made a motion, seconded by Councilman Hutchings and unanimously carried, to grant the request of the Recreation Department to use City Hall, the Village Green, and city streets for the Annual Turkey Run on Saturday, November 27, 1999.

20. Draft unapproved minutes of the special meeting held August 16, 1999 and the regular meeting of the City Council held August 18, 1999

Councilwoman Cunningham made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the minutes of the special meeting of the City Council of the August 16, 1999 as amended.

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the regular meeting of the City Council of August 18, 1999 as amended.

21. Miscellaneous communications and reports

A. Mayor Otis reported on a meeting with Dr. Edward Shine, Superintendent of Rye City Schools, and Mrs. Cathleen Morgan, president of the Rye City Board of Education, regarding the Milton Road traffic situation for the opening of school. The following is a summary of his report:

- At the last council meeting, there was a request from the School Board for traffic control for the opening of school which coincided with the beginning of the school's construction project.
- Following consultation with the City Manager and the Police Commissioner, it was determined that there would be police presence at the Rye Middle and High Schools the first few days of school.
- The Mayor shared the council's concern that there has not been a traffic study to address the Rye High and Middle Schools' traffic needs either in relation to the present construction stage or generally.
- Mayor Otis questioned whether funding was set aside in the bond issue to handle traffic problems associated with the school's construction project.
- There was acknowledgment on the part of the school that it has responsibility to resolve traffic safety problems.
- A comprehensive traffic study should be conducted. This could be a cooperative effort between the school district and the city.
- Mayor Otis raised the issue that the school board communicate with parents and students the need for: carpooling, avoiding bringing cars to school, and other ways of avoiding traffic problems around the High School. The city has received complaints from residents about students parking all day in a one hour parking zone on Cowles Avenue.

The Mayor concluded his report by saying that the council has given high priority to traffic safety. Witness to this is the installation of six flashing school zone warning lights; additional policemen; and the radar trailer. He said the school officials were receptive to the concept of resolving this issue in a cooperative and responsible way.

Councilwoman Walsh suggested that the city's share of the cost for a technical traffic study could be funded through the Master Plan Update which has a section on community facilities. This

study would provide information to make policy decisions on the council level. The school would then be responsible for the remainder of the cost.

Councilwoman Downing initiated a council discussion on protocol for scheduling this meeting without inviting representation from the council. She said if the meeting involved policy issues, she would have liked to participate.

Mayor Otis said it was a functional meeting and that no decisions were made. He did articulate the council's concerns.

Councilman Hutchings said this was a judgment call for the Mayor. He suggested discussing the City Charter to understand the function of the Mayor and the City Manager and how the city is managed.

The Mayor said the next step is to have a joint meeting with the City Council and the Rye City School Board to resolve these traffic safety issues.

B. Mayor Otis acknowledged a memorandum from Westchester County Legislator George Latimer supporting a traffic light or three-way stop signs at the intersection of Ridge and High Streets.

City Manager Culross apprised the council that this is a complicated issue because it involves different agencies. Ten years ago, Westchester County conducted a traffic study which indicated that a traffic signal was warranted at the intersection. The City Manager said that installing three-way stop signs is within the city's purview.

A council discussion concentrated on excessive speeding in this area, stop signs vs. a traffic light, and signage.

The City Manager will discuss the issue of installing three-way stop signs with the Village of Rye Brook and will update the council on this matter at the next council meeting.

C. Mayor Otis acknowledged the August 31, 1999 letter from City of White Plains Mayor Joseph Delfino regarding trigger lock safety for guns. The City Manager was asked to discuss the matter with Police Commissioner Pease and report to the council.

D. Councilwoman Downing referred to her memo regarding a pump out boat at the marina. She emphasized the environmental need for such a boat.

Councilwoman Walsh informed the council that there is funding for projects which implement the Local Waterfront Revitalization Program.

City Manager Culross will research this and report to the council.

E. Councilwoman Cunningham acknowledged the August 13, 1999 memo from the Westchester County Department of Environmental Facilities and noted that the City of Rye is ranked fourth among municipalities in Westchester in recycling. She congratulated the citizens and staff for this achievement.

22. Old Business

Councilman Stampleman expressed the feeling that the photographs of Mrs. Winter's signs on Holly Lane indicated that the signs are in violation of the Rye City Code.

The City Manager will discuss this matter with the Building Inspector.

23. New Business

A. Councilman Stampleman suggested scheduling a joint meeting with the Audit Committee and the auditors.

B. Councilman Stampleman said that the Commission on Human Rights will sponsor a television program for RCTV on the issue of diversity and discrimination.

C. Councilwoman Walsh requested an update on the transfer of property to the Rye Free Reading Room and/or place the issue on a council agenda for a future meeting.

Councilwoman Downing asked to include a discussion of the implications of such a transfer of property.

D. In response to Councilman Stampleman's query, Councilwoman Cunningham volunteered to inform the Board of Appeals about the council's position on fences since she is the Board's liaison.

E. Councilwoman Downing informed the council that a resident's gardener has complained that the amendment to the noise ordinance could jeopardize his business.

The Mayor said the new noise ordinance was endorsed by Mr. Larry Wilson, president of the New York State Turf and Landscapers Association, Inc.

F. Councilwoman Downing reported that an Eve Lane resident has expressed concern about the lack of sidewalks on Forest Avenue. School children who previously used a path through the Community Synagogue are now having to use Forest Avenue since the synagogue's gate is closed. She said residents plan to sign a petition for a sidewalk on Forest Avenue.

Councilwoman Cunningham suggested that the petitioners specify which side of Forest Avenue would have the proposed sidewalk.

G. Councilwoman Downing circulated a *New York Times* article entitled "Speed Humps Installed To Slow Down Drivers".

A discussion ensued on possible locations for speed humps, i.e. Rectory Street.

Mayor Otis explained alternatives to speed humps, such as speed strips and crosswalks, which have a different surface from the road. He suggested referring this issue to the Traffic & Transportation Committee for review and comments.

24. Adjournment

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham, to adjourn into executive session to discuss litigation related to the Osborn tax certiorari matter at 10:50 P.M.

Councilwoman Downing made a motion, seconded by Councilwoman Walsh and unanimously carried, to reconvene the meeting at 11:15 P.M.

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

RESOLVED, that the City Council of the City of Rye hereby accepts the Corporation Counsel's recommendation regarding filing a notice of appeal in the Osborn certiorari case.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

There being no further business, Councilman Hutchings made a motion, seconded by Councilwoman Walsh, to adjourn the meeting at 11:20 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk