

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in
City Hall on October 6, 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.

Mayor Otis requested a moment of silence in honor of Mr. Robert Brunner who passed away on October 5, 1999. The Mayor lauded Mr. Brunner's dedication and service to the City of Rye as a former council member and member of the Board of Assessment Review. He said Mr. Brunner will be remembered for his gracious contributions to the City of Rye.

2. Roll Call

Mayor Otis called the meeting to order; a quorum was present to conduct official city business.

Mayor Otis reported that the Firehouse Bond Issue passed by a vote of 712 in favor and 176 in opposition. He complimented City Manager Culross, Fire Chief Ballantoni, the Rye Fire Department, and City Clerk Conrad for all their diligent work for this important Fire Department vote. He said the wide margin in support of the bond issue is indicative of the long commitment of the Rye Fire Department to the health, safety, and welfare of the community.

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

There were no residents wishing to discuss matters that did not appear on the agenda.

4. Public hearing on proposed resolution and 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 summarized the historical record which led to drafting a proposed local law to amend 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.

The Mayor opened the public hearing.

Councilman Hutchings explained that the residents of Manursing Lodge need a waiver from the snow ordinance because they do not have available parking in close proximity to their residence.

There being no further comments, the Mayor closed the public hearing.

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

WHEREAS, the City of Rye has a generally applicable and long established policy, beginning in 1982 or earlier and continuing to the present, which prohibits parking of automobiles on any public street in the City between the hours of 3:00 A.M. and 6:00 A.M. on any day during the months of November, December, January, February and March; and

WHEREAS, the prohibition against overnight parking in winter months serves a useful public purpose by facilitating activities conducted by the Department of Public Works for the purpose of street sanding, snow plowing or snow removal and by removing potential obstacles to movement of emergency vehicles during storm events; and

WHEREAS, the multi-family residential structure at 6 Davis Avenue has insufficient off-street parking to accommodate vehicles owned by the residents; and such parking cannot be provided on the site at reasonable cost; and there is no available off-street parking within reasonable walking distance; and

WHEREAS, the residents of 6 Davis Avenue, while recognizing the useful public purpose served by the presently existing generally applicable prohibition, have requested the exemption or modification in their special circumstances; and

WHEREAS, it is the intent of the City Council and the said residents that such modification would grant a rescindable privilege and that owners of vehicles have a duty to know whether an exception to the general prohibition against overnight parking remains in effect at any particular time; and, therefore, be it

RESOLVED, that this public hearing provides an opportunity for comments on this proposed Local Law.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Walsh

The resolution passed.

Corporation Counsel Neale said that this resolution is the legislative history for this specialized exception and provides a record of the reasons for its adoption.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 6-1999**

A 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.

Be it enacted by the Council of the City of Rye as follows:

Section 1. Subsection D (2) of Section 191-18 of Chapter 191, Vehicles and Traffic, of the Code of the City of Rye is hereby amended to read as follows:

§ 191-18. Public parking places.

- A. For the purpose of this section, a “municipal parking place” shall mean a lot or property leased or owned by the city and used for public parking purposes, excluding parking places on the property of the New York, New Haven and Hartford Railroad Company.
- B. Lines or markers in a municipal parking place indicate parking stalls, and only one (1) motor vehicle shall be parked within such lines or markers indicating such separate parking stalls respectively, and such vehicle shall be parked parallel to the sidelines of any such stall and shall not extend more than eighteen (18) feet from the front line of such stall.

- C. In any municipal parking place in which parking stalls are not marked out or indicated, all motor vehicles shall be parked with respect to any indicated line of parking within such municipal parking place as is designated on any sign therein and shall be parked so that there shall be a space of at least two (2) feet and not more than three (3) feet from any other motor vehicle already parked and shall not extend more than eighteen (18) feet from the said indicated line of parking.
- D. All-night parking.
- (1) No motor vehicle shall be parked in a commuter parking area described by § 191-47 between the hours of 3:00 a.m. and 6:00 a.m. except during the months of November, December, January, February and March, when no motor vehicle shall be parked in such commuter parking areas between the hours of 1:00 a.m. and 6:00 a.m. The same parking rules shall apply in all other municipal parking places except by special permit obtained from the Clerk.
 - (2) All-night parking prohibited. No parking shall be permitted on any public street in the City of Rye between the hours of 3:00 a.m. and 6:00 a.m. on any day during the months of November, December, January, February and March, except that parking shall be allowed on the westerly side of Theall Road, off the travel portion of said road from a point approximately four hundred (400) feet north of its intersection with Osborn Road and running north for a distance of two hundred forty (240) feet, while such property is licensed for such use by the City of Rye. Parking shall be allowed on the westerly side of Davis Avenue from Manursing Avenue to Sylvan Place and on the southerly side of Manursing Avenue from Davis Avenue to Cedar Place between the hours of 3:00 a.m. and 6:00 a.m. on any days during the months of November, December, January, February and March except for a period beginning four (4) hours after the National Weather Service has issued a winter storm warning and continuing for twenty-four (24) hours thereafter or when the City Manager has provided notification which is reasonable under the circumstances stating that parking is prohibited.
 - (3) Limited all-night parking. Parking of any vehicle, other than registered non-commercial passenger vehicles, on any public street in a residentially zoned district in the City of Rye between the hours of 1:00 a.m. and 6:00 a.m. is prohibited.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Walsh

The local law was adopted.

The following agenda item was taken out of order.

8. Approval of amendment of Section 191-19 of the Rye City Code, No Parking Any Time, to prohibit parking on the south side of Manursing Avenue from Davis Avenue east to Forest Avenue

City Manager Culross apprised the council that Councilwoman Larr had requested that the council consider establishing a no parking zone on the south side of Manursing Avenue from Davis Avenue to Forest Avenue. He said he is prepared to designate this portion of Manursing Avenue as a no parking zone as authorized by Section 191-19 of the Rye City Code, subject to the approval of the City Council.

After a brief council discussion, the council agreed to notify residents who would be impacted by this amendment that further discussion of this matter would be on the October 20, 1999 city council's agenda.

5. 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

Mayor Otis acknowledged receiving the September 30, 1999 and October 1, 1999 memorandums from Corporation Counsel Neale, copies of fence regulations from nearby communities, and the October 2, 1999 communication from Mr. Otto Spaeth regarding the proposed Chapter 90, Fences and Walls.

The Mayor opened the public hearing.

Councilman Stampleman suggested that the council delay action on the proposed law because, to date, the Zoning Board of Appeals and the Planning Commission have not submitted their comments on the proposed law.

Mayor Otis said the council cannot act on the proposed local law because it is not in final legislative form.

Discussion focused on:

- Councilman Stampleman's suggestion to have a minimal approach by not creating a new chapter dedicated solely to fences,
- side yard fences,
- Mayor Otis' recommendations to have more flexibility in the fence law based on a need to have a process for review and to deal with equity issues,
- exceptional cases where property borders two streets,
- distinction between a variance and a special permit,
- Councilman Hutchings' statement not to overlegislate and his support for Corporation Counsel Neale's revised draft,
- Councilwoman Downing's support for the Corporation Counsel's draft version because it simplifies the issue and is user friendly,
- clarifying terminology by amending definitions as part of a fence code, and
- a policy for retaining walls.

Mr. Andrew Lehman, 25 Davis Avenue, appeared before the council to express concern about fences and retaining walls on a neighbor's property.

Corporation Counsel Neale was asked to revise the draft reflecting the council's comments.

The public hearing will be continued at the October 20, 1999 council meeting.

6. Consideration of request of Rye Merchants Association to hold a *Holiday Event* on the Village Green on Sunday, November 28, 1999, from 5:00 P.M. to 6:00 P.M.

Ms. Linda Stock, chairman of the Rye Merchants Association Holiday Committee, and Mr. Jim Sullivan, co-president of the Rye Merchants Association, respectfully requested permission to hold a Holiday Event on November 28, 1999 from 5:00 P.M. to 6:00 P.M. They informed the council that their original proposal has been amended because of a lack of time and sufficient funds. They proposed

to refurbish the Christmas lantern decorations for the Central Business District and to have Santa Claus arrive on Purchase Street in a fire engine. They apprised the council that 10% of November 28, 1999 proceeds will be dedicated to a Rye scholarship.

There was a brief discussion on the involvement of the various Rye Garden Clubs, decorating the Central Business District for the holidays, having various choral groups participate in this holiday event, postponing placing a Christmas tree on the Village Green, and the likelihood of requests from other groups to place on the Village Green tributes to their holiday events if we place a Christmas tree there.

Mayor Otis made a motion, seconded by Councilman Hutchings and unanimously carried, to support and endorse the plans of the Rye Merchants Association for a Holiday Event. This approval is contingent upon the Rye Merchants Association consulting with the City Engineer.

7. Discussion of a Gun Safety Program

Mayor Otis acknowledged the September 30, 1999 memo from Police Commissioner Pease regarding the gun safety program.

Highlights of the discussion on the Gun Safety Program were:

- gun control and safety,
- need for an educational program on gun safety,
- the City of White Plains Gun Safety Program which distributes free trigger safety locks to licensed handgun owners in White Plains,
- trigger safety locks which provide protection against unauthorized use,
- cost of trigger safety locks,
- selling locks vs. providing them free of charge to all licensed gun owners within the City of Rye, and
- Westchester County Handgun Record-Keying Accountability Act which states all existing pistol licenses are required to be certified with the County Clerk by April 1, 2000 and subsequently re-certified every five years, and pursuing options on how to make trigger safety locks available to licensed gun owners.

Mayor Otis will place Mr. James Powers' suggestion that the City of Rye schools consider selling trigger safety locks on the agenda for the joint meeting of the City and the School Board.

9. Approval of amendment of Section 191-12 of the Rye City Code, Stop Intersections, to designate Ridge Street in both directions at its intersection with High Street as a full-stop location

City Manager Culross referenced his September 23, 1999 memo which described the location and ownership of Ridge and High Streets, tabulated a five-year accident report for that intersection, estimated the cost of installing a traffic signal, and proposed a full stop designation at Ridge Street in both directions at its intersection with High Street.

There was a general council discussion on installing stop signs and alerting motorists about these signs.

Mayor Otis said that the Mayor of Rye Brook shares the city's concerns about safety at this intersection.

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

RESOLVED, that the City Council of the City of Rye hereby approves amending Section 191-12 of the Rye City Code, Stop Intersections, to designate Ridge Street in both directions at its intersection with High Street as a full-stop location.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Walsh

The resolution passed.

10. Proposed resolution supporting the preservation of Long Island Sound waterways and marine industries

Mayor Otis acknowledged the August 30, 1999 memo from Mr. Dan Natchez, coordinator of Clean Harbor Action, regarding a resolution in support of the preservation of Long Island Sound Marine Industries. The Boat Basin Commission requested that the council support this resolution.

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

WHEREAS, Long Island Sound, a non-ocean estuary, is one of our most cherished resources, and

WHEREAS, the Clean Water Act governs all environmentally sensitive activities and provides significant protection to Long Island Sound, and

WHEREAS, water and sediment quality in Long Island Sound have been dramatically improved through the implementation of the Clean Water Act, and

WHEREAS, the managing of all dredging and relocation activities within Long Island Sound has been proven to be carried out in an exemplary way through the use of the Clean Water Act, and

WHEREAS, the Marine Protection, Research & Sanctuaries Act (MPRSA) also known as the Ocean Dumping Act creates significant economic hurdles and hardships and delays in reviewing potential dredging projects, threatening the commercial, recreational and fishing industries in Long Island Sound and the efficient use of our harbors and waterways, and

WHEREAS, the Ocean Dumping Act does not add any significant environmental safeguards that are not available and present in the Clean Water Act; now, therefore, be it

RESOLVED, that the City of Rye urges our U.S. Senators and Congressmen to support the repeal of the Ambro Amendment and prevent the Ocean Dumping Act (MPRSA) from being imposed on any non-ocean water body; and be it further

RESOLVED, that the City of Rye urges the defeat of the Forbes Bill (HR855) and the Moynihan Bill (S-1356), and be it further

RESOLVED, that a letter be sent to other Sound shore communities urging them to take similar action.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Walsh

The resolution passed.

Mr. James Powers, 58 Intervale Place, expressed concern about maintenance of the city storm drain system.

City Manager Culross explained the required permit process for maintenance dredging of the harbor.

The Mayor cited ways in which the city has improved the water flow in the city.

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

Mayor Otis acknowledged the September 15, 1999 letter from Mr. Bruce Jenkins, secretary to the Board of Fire Wardens, regarding the election of Ms. Jamie Bills to the City of Rye Fire Department.

Mayor Otis made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the election of Ms. Jamie Bills to the Poningoe Engine and Hose Company of the Rye Fire Department.

12. One appointment to the Boat Basin Commission, by the Council, for a two-year term expiring January 1, 2002

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the appointment of Mr. Gregory Gavlik to the Boat Basin Commission for a two-year term expiring January 1, 2002.

13. One appointment to the Rye Golf Club Commission, by the Council, to fill the unexpired term ending January 1, 2001

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the appointment of Mr. Charles Dorn to the Rye Golf Club Commission to fill the unexpired term ending January 1, 2001.

14. Consideration of request on behalf of Indian Village residents to use Mendota Avenue for a Halloween Parade on Sunday, October 31, 1999, from 3:00 P.M. to 5:30 P.M.

Councilman Hutchings made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the request on behalf of Indian Village residents to use Mendota Avenue for a Halloween Parade on Sunday, October 31, 1999, from 3:00 P.M. to 5:30 P.M.

15. Bids for Police Uniforms

Mayor Otis acknowledged the September 29, 1999 memo from Police Commissioner Pease, regarding bids for police uniforms.

The following bid was received:

**BID #10-99
 POLICE UNIFORMS**

NAME OF BIDDER	NEW ENGLAND UNIFORM COMPANY
ISSUE ITEM	PRICE
Dacron/Poly Blend Uniform Trouser as per attached specifications, with 1/2 French Blue Stripe - made to order	46.00
Long Sleeve Shirt, French Blue Flying Cross, Model 45W6626	36.00
Short Sleeve Shirt, French Blue Flying Cross #95R6626	34.00
Women's cut Long Sleeve Shirts, French Blue Elbeco, #8219-3	35.00
Women's cut Short Sleeve Shirts, French Blue Elbeco, #8819-3	33.00
Long Sleeve Shirts, White 65% Poly/35% Cotton	26.00
Short Sleeve Shirts, White 65% Poly/35% Cotton	24.00
Black Turtleneck Shirts, Elbeco #7702 with RPD monogram	22.00
V-neck Commando Sweater, Blauer #200 - Black	48.00
V-neck Commando Sweater, Blauer #210XCR - Black, with windstopper liner	98.00
Cruiser Jacket, Blauer #90102, Gortex Fabric	225.00
Reversible Bomber Jacket T.N.T. 6000	100.00
Raincoat & Raincap, Blauer Style #9690 with stencil	160.00
Cap - Sentry #C1001 (Winter or Summer)	21.00
Tie, 2-1/4" x 1/4", 100% wool knit, NYSPD style with choke proof metal Clip	4.00
Collar insignia, Silver R.P.D., 2 pair per officer, 3/8" shirt, 1/2" outer garment	9.00
Collar insignia, Gold, D.E.T., 1 pair per detective, 3/8 shirt	9.00
Collar insignia, Gold R.P.D., 1/2 outer garment (2 pair per Lt/Sgt/Det)	9.00
Collar insignia, Gold Rank for shirts, 2 pair per Sgt/Lt	5.00
1 Gross extra clutchbacks for Insignia, priced per gross	12.00
Gortex Trooper Style Winter Hat, Blauer #9111	35.00
Sgt. Chevrons on shirts and outer garments where required	4.00
Hash Marks - All officers as required, priced per mark	
Blue/White on black - P.O./Sgt	1.00
Gold/White for Lieuts., Shirts	1.00
Gold/Black for Lieuts., outer garments	1.00

Tailoring cost per garment for Chevrons/Hashmarks	1.00
1 Roll hashmarks Blue/White on Black, priced per roll	100.00
American Body Armor Quilted Winter Outer Shell Vest Cover	90.00
Ballistic Vest Cover	70.00
Uniform Dress Blouse/Formal Blouse as per specs. on pg. 2	240.00
White Dress Gloves	3.00

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

RESOLVED, that Bid #10-99, police uniforms, be and is hereby awarded to New England Uniform Company, the sole bidder meeting specifications in the amount specified for each item.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Walsh

The resolution passed.

16. Draft unapproved minutes of the regular meeting of the City Council held September 8, 1999

Councilman Stampleman made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the minutes of the regular meeting of the City Council of September 8, 1999, as submitted.

17. Miscellaneous communications and reports

A. Councilwoman Cunningham, representing Mayor Otis, attended a meeting of the Long Island Sound Watershed Intermunicipal Council. She said this council is presently drafting a brochure to send to Rye residents alerting them to the fact that house drains should be disconnected from storm drains. She will forward her notes to the City Manager.

B. Councilwoman Cunningham reported that she attended the Municipal Recycling Officials meeting. She was interested in the organic yard waste transfer which is a program the County will initiate.

City Manager Culross said that the city hopes to adopt this program in the year 2000.

18. Old Business

A. Councilman Stampleman asked Corporation Counsel Neale to submit his research on transfer of land relating to the Rye Free Reading Room at the October 20, 1999 council meeting.

B. Mr. James Powers, 58 Intervale Place, requested that the City of Rye website be updated more frequently.

19. New Business

A. Councilman Hutchings initiated a discussion on mosquito control.

Both Mayor Otis and City Manager Culross explained that the Westchester County Department of Health, the New York State Department of Health, and the Center for Disease Control have coordinated mosquito control and spraying in Westchester County. The City of Rye is not involved in the decision-making process. However, our City Naturalist Chantal Detlefs, has been in communication with the County and has disseminated information to our residents and through the schools.

A council discussion centered on briquettes in catch basins, spraying, public information and education, County's distribution of repellent sprays (DEET), and Westchester County Department of Health testing a sampling of adult mosquitoes from the Marshlands Conservancy.

B. Councilman Stampleman submitted for the record an article from the Journal News' Letters to the Editor entitled "City of Trees" Gives Way to Development, written by Ms. Evelyn Shanes.

C. Councilman Stampleman acknowledged the September 13, 1999 communication from Mr. Charles T. Mc Caffrey, Jr., chief of the Bureau of Local and Regional Programs for the New York State Department of State, regarding an amendment to the Village of Port Chester Local Waterfront Revitalization Program.

Mayor Otis stressed the importance of forwarding the Watershed Advisory Committee #3 Report to the Department of State. He also assured Councilman Stampleman that comments from the city would be submitted before the October 8, 1999 deadline.

20. Adjournment

There being no further business, Councilman Stampleman made a motion, seconded by Councilwoman Cunningham, to adjourn the meeting at 10:15 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk