

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in
City Hall on October 20, 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.

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. Continuation 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

Mayor Otis acknowledged the October 8, 1999 and October 15, 1999 memorandums and proposed fence ordinance drafts from Corporation Counsel Neale, the October 13, 1999 Planning Commission memorandum #10-99, and the October 2, 1999 memorandum from Mr. Otto Spaeth, member of the Board of Architectural Review. The Mayor continued the public hearing by soliciting comments on the most recent draft of the proposed fence ordinance from the city council.

Councilman Stampleman suggested postponing further discussion until comments have been received by the Board of Architectural Review and the Zoning Board of Appeals.

Councilman Hutchings said the council has been discussing fences for the past eighteen months and it is now time to bring this issue to closure. He commended Corporation Counsel Neale on his sixth draft of the fence ordinance and, in particular, for including an appeal process. He recommended voting on the latest draft of the fence ordinance.

Mayor Otis responded by saying the council cannot legally vote on this proposed local law because it was not on the city council's desks eight days prior to this meeting.

Topics of the council's comments included:

- non-conforming use,
- violations under the existing and proposed laws,
- six-foot fences,
- exceptions,
- variances,
- change in grade (classic case for a variance),
- definitions, i.e., height fences, division line,
- corner lots and side yards,
- adding rear or side line fences in business districts in proposed law, and
- houses which front on two sides.

Mayor Otis asked Corporation Counsel Neale to redraft another version of the proposed local law taking into consideration the council's comments at this meeting. The Mayor said the public hearing will be continued.

4A. Councilman Stampleman reminded commuters that the deadline for renewing parking permits is November 15, 1999 by 5:00 P.M. Mayor Otis suggested televising this message on Channel 14.

5. 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

Mayor Otis acknowledged the September 23, 1999 memorandum from City Manager Culross and the October 18, 1999 letter from Mrs. Margaret Sweeney, 50 Manursing Avenue, regarding prohibiting parking on the south side of Manursing Avenue from Davis Avenue east to Forest Avenue.

Councilwoman Cunningham asked the City Manager if Mrs. Sweeney's concerns about visibility and parking of a van could be addressed by the city staff.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager under Section 191-14 of the City Code to amend 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.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

5A. Discussion of Corporation Counsel's memorandum on basis for method of proposed library land transfer and next steps

Mayor Otis acknowledged the October 15, 1999 and October 19, 1999 memorandums from Corporation Counsel Neale on methods of transferring land. The Mayor said this discussion is to isolate a particular method of conveying land and to direct the City Manager and the Corporation Counsel to produce documents for council and public review for the public hearing.

Councilman Stampleman proposed scheduling the public hearing on the transfer of land for the November 17, 1999 council meeting.

Councilman Hutchings expressed concern that the council has not fully discussed the transfer of city-owned property.

Councilman Stampleman said this issue was discussed in March and April and there were no objections raised at those meetings.

Councilman Hutchings said there was no vote called to be taken on that issue.

A general discussion focused on:

- the public hearing being the forum to discuss the proposed land conveyance to the library and the choice of legal method to do so,
- the need to have information on the method of transfer of land and the consequences of this transfer before making a decision to approve it,
- the Planning Commission's preliminary site plan approval which was granted subject to conditions. Among those conditions is the City Council's approval of the transfer of land, and
- Councilwoman Downing's request to see a model of the Village Green with proposed additions to the Rye YMCA, the Library, and the Firehouse.

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

WHEREAS, the transfer of city owned property for the Rye Free Reading Room's proposed addition has heretofore been discussed at this meeting, 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 November 17, 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 the transfer of land.

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 transfer of city owned property
for the Rye Free Reading Room's proposed addition**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 17th day of November, 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 transfer of city owned property for the Rye Free Reading Room's proposed addition.

Dated: City Clerk

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

Councilman Hutchings commented that the public hearing should focus on should we declare the parking lot surplus rather than how should we transfer the land.

Councilman Hutchings acknowledged the October 5, 1999 letter from Mrs. Betty Teoman, director of the Rye Free Reading Room, and the October 14, 1999 letter from Mr. Martin Edelman, president of the Rye Free Reading Room Board of Trustees, requesting a fee waiver for a Planning Commission's application. He noted that Mr. Edelman's letter indicated this addition to the library is a joint project.

Mr. Edelman apologized for the optimistic tone of his letter; he never intended to give the impression that this is a joint project. He asked the council not to react to the poor choice of wording but to the substance of what the library wishes to accomplish.

The Mayor asked the City Manager to meet with the Corporation Counsel, the Planning Commission and the Rye Free Reading Room to prepare documents on land transfer for the scheduled public hearing.

6. Consideration of request of First Night Rye to use City Hall and the Village Green on December 31, 1999, for *First Night Rye - 2000*

Mayor Otis acknowledged the September 30, 1999 letter from Mr. and Mrs. Bruce Macleod, 2 Topsail Lane, requesting the use of City Hall and the Village Green on December 31, 1999, for *First Night Rye - 2000* festivities. The Mayor expressed his appreciation to the First Night Committee for all their dedicated hard work.

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the request of First Night Rye to use City Hall and the Village Green on December 31, 1999, for *First Night Rye - 2000*.

7. Resolution authorizing the City Manager to engage the independent audit firm of Bennett Kielson Storch Yablon & DeSantis to perform the examination of the City's Comprehensive Annual Financial Report for the fiscal years ending December 31, 1999, 2000 and 2001

Mayor Otis acknowledged the October 14, 1999 memorandum from City Manager Culross regarding the auditor's contract.

Council action on this agenda item was deferred until City Manager Culross researches Councilwoman Downing's inquiry about the substantial increase in the auditor's fees for the contract for fiscal years ending 1999, 2000, and 2001.

8. Resolution authorizing the City Comptroller to transfer funds within the capital projects fund

Mayor Otis acknowledged the October 14, 1999 memorandum from City Manager Culross recommending that the City Council adopt a resolution to clarify the City Comptroller's authority to transfer funds within the Capital Projects Fund.

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

WHEREAS, at times there are balances in capital projects which may be used to fund other existing or new capital projects, and

WHEREAS, it has been the practice of the City of Rye to use such balances to fund existing or new capital projects, now, therefore, be it

RESOLVED, that the City Comptroller is authorized to transfer funds from one capital project to another existing or new capital project.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

9. Bids for one (1) Used Articulated Wheel Loader

Mayor Otis acknowledged the October 15, 1999 memo from City Engineer George Mottarella regarding bids for one (1) used articulated wheel loader.

The following bids were received:

Bid #11-99
One (1) Used Articulated Wheel Loader

NAME OF BIDDER	SECURITY	AMOUNT BID
Hedco Associates 1144 Zerega Avenue Bronx, New York 10462	Bid Bond	\$ 79,997.00
Edward Ehrbar Inc. 100 Secor Lane Pelham Manor, New York 10803	Bid Bond	\$ 76,000.00

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

RESOLVED, that the City Council of the City of Rye hereby awards bid #11-99, one (1) used articulated wheel loader, to Edward Ehrbar, Inc., the low bidder meeting specifications, in the amount of \$76,000.00.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

10. Draft unapproved minutes of the special meeting of the City Council held September 29, 1999 and the regular meeting held October 6, 1999

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the minutes of the special meeting of the City Council of September 29, 1999 as submitted.

Councilwoman Larr made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve the minutes of the regular meeting of the City Council of October 6, 1999 as amended.

11. Miscellaneous communications and reports

Councilwoman Cunningham informed the council that the Audit Committee's Formal Report will be forwarded to the council. She was pleased to hear all the auditors' compliments paid to the City Manager, the City Comptroller and Finance Department staff for their professionalism in handling the City's finances.

12. Old Business

A. Mayor Otis acknowledged the City Manager's October 8, 1999 memo stating that the Traffic Commission and the Police Chief of the Village of Rye Brook oppose the placement of stop signs at the intersection of Ridge and High Streets.

City Manager Culross will meet with the Administrator of Rye Brook and its traffic consultant next week. He thought that the Village's Traffic Commission did not have or know about Westchester County's warrant which justifies having a traffic signal at that intersection which, in turn, would justify the stop signs. The City Manager said the city can proceed with the stop sign because that portion of the intersection is in the City of Rye. The next step is consideration of having a traffic light.

Discussion focused on a flashing light, flasher lights and signs permitted by state guidelines.

B. Councilwoman Downing expressed her continuing concern about increased traffic on Rectory Street and the threat to the safety of the students of Christ Church School. Since vertical posts at Citibank prohibit left turns, there is more traffic on Rectory Street. She requested that the City Manager and the Traffic & Transportation Committee investigate this issue.

Councilwoman Cunningham suggested asking the Traffic & Transportation Committee for an opinion on installing traffic calming devices near this school.

C. In response to Councilwoman Cunningham's question, Corporation Counsel Neale said he attended the Westchester County Bar Association's seminar on sign legislation. He will forward an outline of this meeting to Councilwoman Cunningham.

13. New Business

A. Responding to Councilwoman Downing's query, Corporation Counsel Neale explained the nature of fence violations before the City Court.

B. Councilman Hutchings expressed delight that the number of agenda items has decreased and hoped that future agendas would be similar.

C. Councilwoman Downing informed the council that Boat Basin Supervisor Peter Fox plans to do a cable television program on water pollution in Blind Brook. She asked any council member interested in participating to let her know.

Councilwoman Walsh said that Westchester County has a poster and public education program about pollution in Long Island Sound. She recommended Mr. Robert Doscher, Westchester County Associate Environmental Planner, as a contact person.

D. Mayor Otis said that Westchester County applied for a grant and purchased a Pumpout Boat for the Hudson River. This could be replicated through Westchester County or through our intermunicipal communities.

14. Adjournment

There being no further business, Councilwoman Cunningham made a motion, seconded by Councilman Hutchings, to adjourn the meeting at 9:35 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk