

MINUTES of the Regular Meeting of  
the City Council of the City of Rye held in  
City Hall on November 3, 1999 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor  
CAROLYN CUNNINGHAM  
ROBERTA DOWNING  
ROBERT H. HUTCHINGS  
ROSAMOND LARR  
Councilmen

ABSENT:

ARTHUR STAMPLEMAN  
KATHLEEN E. WALSH

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. He informed the council that both Councilmen Stampleman and Walsh were unable to attend this council meeting because of business conflicts.

The Mayor congratulated the six candidates who campaigned for the City Council and said all deserved commendation for their volunteerism and dedication to the community. He extended a warm welcome to the three successful candidates.

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

There were no residents wishing to be heard on 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 Corporation Counsel's October 29, 1999 memo with the attached eighth draft of a proposed fence ordinance.

The Mayor continued the public hearing by soliciting comments from the audience and the members of the council.

City Manager Culross acknowledged receiving a memo from the Board of Architectural Review regarding the proposed fence ordinance which will be circulated to the council.

Councilwoman Cunningham made the following suggestions regarding the eighth draft of the proposed fence ordinance:

- delete any changes to the side yard,
- consider an exception for change in grade, and
- add an exception for rear yards on specified heavily trafficked roads as an additional standard for review by the Zoning Board of Appeals.

A general council discussion focused on the aforementioned suggestions, the need to review the Board of Architectural Review memo, codification of a new chapter, and repealing associated areas in the existing Rye City Code on fences.

Mr. Otto Spaeth, member of the Board of Architectural Review, suggested the following:

- amend Section 90-2, Definitions, Division Line, Front, by adding "on opposing sides", and
- reverse the order of Section 90-1, Purpose, by beginning with "continuing the open appearance of the community".

Corporation Counsel Neale will prepare another draft of a proposed local law on fences taking into consideration the comments voiced at this meeting.

Mayor Otis closed the public hearing.

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

**WHEREAS**, a proposed local law amending the Code of the City of Rye by creating a new chapter, Chapter 90, Fences and Walls, and repealing inconsistent sections of the City Code has, heretofore, been discussed at this meeting, and

**WHEREAS**, it is now desired to call a public hearing on such proposed local law, 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 such resolution.

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 the  
Code of the City of Rye by creating a new chapter, Chapter 90,  
Fences and Walls, and repealing inconsistent sections of the City  
Code**

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 proposed local law amending the Code of the City of Rye by creating a new chapter, Chapter 90, Fences and Walls, and repealing inconsistent sections of the City Code.

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

Dated: City Clerk

5. 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 noted that council action on the resolution authorizing the City Manager to engage the independent audit firm was deferred at the last council meeting pending further information about the increase in the auditors' fees for the contract for fiscal years ending 1999, 2000, and 2001.

City Manager Culross referred to the City Comptroller's October 21, 1999 memo which cited the following reasons for the fee increase:

- inability of auditing firms to hire and retain professional and experienced CPA's unless those CPA's are paid competitive salaries,
- mandates imposed by Federal and State governments as well as GASB which require additional audit work; GASB 34 was noted in particular, and
- increased liability of auditing firms over municipal failures where blame for such failure is placed partially on the auditors and their performance.

Councilwoman Larr 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 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.

ROLL CALL:

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

NAYS:None

ABSENT: Councilmen Stampleman and Walsh

The resolution passed.

6. Resolution cancelling the public hearing scheduled for the 17<sup>th</sup> day of November, 1999 on the transfer of city-owned property for the Rye Free Reading Room's proposed addition

Mayor Otis acknowledged the Rye Free Reading Room's November 1, 1999 correspondence informing the council of the Board of Trustees' decision not to proceed with its proposed expansion to the south of the City Hall parking lot. Therefore, the need to have a public hearing has been removed.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to cancel the public hearing scheduled for the 17<sup>th</sup> day of November, 1999 on the transfer of city-owned property for the Rye Free Reading Room's proposed addition.

In response to Councilwoman Downing's question on when the council would discuss the issue of transferring city owned property for the Rye Free Reading Room's proposed addition, Mayor Otis said this discussion should be postponed until the Library meets and decides its direction concerning the

addition. He said there is a possibility that this issue could be discussed at the November 17, 1999 council meeting.

7. Consideration of the request of the Midland School PTO to use city streets for their Midland School Parade on Saturday, April 1, 2000

Councilwoman Larr made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the request of the Midland School PTO to use city streets for their Midland School Parade on Saturday, April 1, 2000.

8. Consideration of the request of the 35<sup>th</sup> Twig of New York United Hospital Medical Center to use city streets for a Family Bike-a-thon on Sunday, June 25, 2000

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request of the 35<sup>th</sup> Twig of New York United Hospital Medical Center to use city streets for a Family Bike-a-thon on Sunday, June 25, 2000.

9. Bids for Bunker Restoration/Reconstruction at the Rye Golf Club

Mayor Otis acknowledged City Engineer Mottarella's October 29, 1999 memo recommending that all bids for Contract #9908, Bunker Restoration/Reconstruction at Rye Golf Club, be rejected. The Mayor said this contract will be rebid in order to get a better mix of expertise and cost.

The following bids were received:

**CONTRACT 9908**

**BUNKER RESTORATION / RECONSTRUCTION**

<b>NAME OF BIDDER</b>	<b>SECURITY</b>	<b>AMOUNT BID</b>
Realife Land Improvement P.O. Box 177 Katonah, New York 10536	Bid Bond	\$ 19,300.00
Delvito Contracting Fenimore Road Mamaroneck, New York 10543	Bid Bond	\$ 52,500.00

Irra-Tech 18 Merritt Street Port Chester, New York 10573	Certified Check \$ 1,550.00	\$ 31,000.00
Landtek 235 County Line Road Amityville, New York 11701	Bid Bond	\$ 65,000.00

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

**RESOLVED**, that the City Council of the City of Rye hereby rejects all bids received for Contract #9908, Bunker Restoration/Reconstruction at the Rye Golf Club.

ROLL CALL:

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

NAYS: None

ABSENT: Councilmen Stampleman and Walsh

The resolution passed.

10. Draft unapproved minutes of the regular meeting of the City Council held October 20, 1999

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the regular meeting of the City Council held October 20, 1999, as amended.

11. Miscellaneous communications and reports

A. Councilwoman Larr requested that the letter from Mr. Michael De Feo, 772 Boston Post Road, requesting that the Old Post Road be changed back to a two-way street be referred to the Traffic and Transportation Committee.

Mayor Otis apprised the council that the Traffic and Transportation Committee has recommended not changing the Old Post Road. The Mayor will write to the residents explaining the Traffic and Transportation Committee's position on not changing the Old Post Road.

B. Councilman Hutchings acknowledged the October 29, 1999 packet which indicated there is a considerable delay on the reconstruction project of Whitby Castle.

City Manager Culross said he is disappointed about the progress of the General Contractor for the Whitby Castle and is concerned that the August 1, 2000 deadline will not be met. He said the staff is aggressively monitoring the project.

C. In response to Councilman Hutchings' query regarding the MTA taking control over the administration of the commuter parking lots, City Manager Culross apprised the council that he, the City Comptroller, and the City Clerk have had a preliminary meeting with the Metropolitan Transportation Authority (MTA) about the possibility of MTA managing the commuter parking operation at the Rye Railroad Station. He said there are many complicated issues. Presently, this issue is at the fact finding stage. He will report to the council as further information develops.

12. Old Business

Councilman Hutchings acknowledged the fax from Councilman Stampleman regarding the transfer of city owned land to the Rye Free Reading Room. Mayor Otis will communicate to Councilman Stampleman that a council discussion on the transfer of land should occur after the Rye Free Reading Room's November 6, 1999 meeting.

13. New Business

A. Councilwoman Cunningham acknowledged the October 25, 1999 communication from the Rye City School District regarding traffic problems. Mayor Otis will contact Mrs. Cathleen Morgan, president of the Rye City School Board, to schedule a meeting to discuss traffic issues.

Councilwoman Larr inquired about the impact that traffic would have on the Year 2000 budget. The Mayor said the school area is in need of a traffic study which could be split between the City/School District.

B. Councilwoman Downing said she is still interested in seeing a three dimensional scale model of the Village Green.

Councilman-elect Douglas McKean suggested doing a computerized model which would have the capability of a walk-through, as well as changing dimensions.

C. Councilwoman Downing stressed the dangerous situation on Rectory Street for the nursery school children at Christ Church. Discussion focused on having a cross walk, additional signage, and narrowing the roadway. Mayor Otis said there will be a solution to this problem in the near future.

14. Adjournment

There being no further business, Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn the meeting at 9:18 P.M.

Respectfully submitted,

Alice K. Conrad  
City Clerk