

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in
City Hall on November 17, 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

ABSENT:

NONE

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 announced that City Manager Culross has decided to retire in February, 2000 after twenty-one years of dedicated service to Rye. The Mayor praised Mr. Culross for being the foremost municipal manager in Westchester County. He commended his achievements and described the City Manager as an individual who is sensitive to the needs of the residents.

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

A. There were no residents wishing to be heard on matters that did not appear on the agenda.

B. Councilman Stampleman made the following statement.

“I would like to speak to the Planning Commission’s November 12th letter to us, in order to allay two concerns they expressed.

'One of their concerns related to comments which they read as contending the city's review process was primarily responsible for the Rye Free Reading Room's decision to withdraw its application for its expansion project. Rather, I take, at face value, the Library's statements a) that they halted the project because a funding gap developed after the library submitted its application, and b) that an expansion to the north would better meet their needs. I do not see this situation as evidencing problems with the city's planning process. Rather, I see a planning process which worked as it should have, to balance and protect the interests of all the parties involved, cutting no corners for so important a location, and one which, of necessity, took the time it did because of its very complexity.

'Planning's other concern was that the City's planning procedures might be altered for the review of a revised application by the Library. I see no need to alter our review process.'

Mayor Otis said that this issue will be considered at a future council meeting. He acknowledged that the Library tried to make the Planning Commission's recommendations work. It is his hope that the council will work with the Rye Free Reading Room and the Planning Commission to bring this project to a successful conclusion.

Councilwoman Cunningham gave strong support to the Planning Commission and stressed the complexity of this project.

Councilwoman Larr praised the Planning Commission and all the Boards, Committees and Commissions for listening to the voice of the people. She commended Councilman Stampleman for his superb letter.

Councilman Hutchings questioned why there was so much defense for the Planning Commission. He said the process has not been challenged, therefore, why is the council rushing to a defense.

Councilwoman Walsh informed the council that she attended the Community Leadership Alliance at Pace University on the environmental review process. It was suggested that there be periodic joint meetings of the council, planning boards, and other boards so that all understand and operate from the same base. She respectfully recommended that the council consider doing this next year.

4. Public hearing on a proposed local laws 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

Mayor Otis opened the public hearing. He solicited comments from the public and the council on the drafts of the proposed local law on fences dated November 5, 1999 and November 9, 1999.

The council discussed:

- Councilwoman Cunningham's recommendation to state explicitly six heavily trafficked streets in Section 90-18, Standard for Review,
- amending Section 90-8 by eliminating the word "hedge" from sub section 3 and ending that section after the words "within six feet from the fence or wall",
- Mr. Nicholas Everett's November 9, 1999 memo containing his personal comments relative to draft 9 of the proposed local law,
- the fact that City Planner Zepf will forward the Planning Commission's comments to the council,
- concern about unintended consequences from some amendments to the fence ordinance,
- status of violations,
- the distinction between a variance and a special exception, and
- methodology of drafting a local law.

Mayor Otis asked Councilwoman Cunningham and Corporation Counsel Neale to draft another version of the local law which would incorporate comments from this public hearing. The public hearing will be continued at the December 1, 1999 council meeting.

5. Consideration of proposed local law amending Article III of Chapter 157 of the Rye City Code, Sanitary Regulations, by amending Section 157-34, Fees

Mayor Otis acknowledged the November 12, 1999 memo from City Manager Culross on the proposed amendment to Sanitary Regulations.

The City Manager informed the council that the city has experienced difficulty in collecting the fee for excess amounts of bulk pick-up as provided in Section 157-28 of the Rye City Code. Currently, the city's options are to take each case to civil court or refuse future service for repeat offenders. The City Comptroller writes off \$2,000-\$5,000 per year as uncollectable. He respectfully recommended that the council consider amending Section 157-34 of the code to provide for adding unpaid bulky materials charges to the tax roll. He also recommended that a resolution be passed amending the bulky materials fee schedule to add a \$25 penalty for any amount not paid within 60 days,

an additional \$25 penalty if not paid within 90 days, and an additional \$25 penalty if collection by levy is required. The basic fee structure is unchanged.

A general council discussion focused on the penalties and Councilwoman Walsh's suggestion to amend Section 157-34C by changing the word "charges" to "penalties".

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

WHEREAS, a proposed local law entitled "A local law amending Article III of Chapter 157 of the Rye City Code, Sanitary Regulations, by amending Section 157-34, Fees", 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 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 December 1, 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 Article
III of Chapter 157 of the City of Rye Code, Sanitary
Regulations, by amending Section 157-34, Fees**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 1st day of December, 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 amending Article III of Chapter 157 of the City of Rye Code, Sanitary Regulations, by amending Section 157-34, Fees.

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

Dated:

City Clerk

Councilman Stampleman requested that the City Manager look into whether similar problems exist with other fees and fines and if so, whether they should also be converted into tax liens.

6. Resolution authorizing the City Manager to enter into an agreement with Kaestle Boos Associates, Inc., Architects, for architectural and engineering services for additions and renovations of Milton Fire House and Fire Headquarters for a fee of \$420,000 for basic services

Mayor Otis acknowledged the November 12, 1999 memo from City Manager Culross regarding the architectural and engineering services for additions and renovations of Milton Fire House and Fire Headquarters. The Mayor commended Councilman-elect McKean for reviewing the proposed contract and for his valuable insight. He recommended that Mr. McKean be added to the committee working on this project.

City Manager Culross apprised the council that these architectural and engineering services should not exceed \$420,000.

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

RESOLVED, that that City Council of the City of Rye hereby authorizes the City Manager to enter into an agreement with Kaestle Boos Associates, Inc., Architects, for architectural and engineering services for additions and renovations of Milton Fire House and Fire Headquarters for a fee which does not exceed \$420,000 for basic services.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

On behalf of the Fire Department, Fire Chief George Ballantoni expressed appreciation to the council members for their time and effort in making this project become a reality. He said that the Fire Department is always ready to serve the community.

7. Draft unapproved minutes of the regular meeting of the City Council held November 3, 1999 and the special meeting held November 8, 1999

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the minutes of the regular meeting of the City Council of November 3, 1999 as amended.

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the special meeting of the City Council of November 8, 1999 as submitted.

8. Miscellaneous communications and reports

A. Councilman Stampleman announced that the Commission on Human Rights will present its award to Ms. Kate Loree on Sunday, November 21, 1999 at 3:00 P.M. in Christ Church. He cordially invited all council members to attend.

B. Councilman Stampleman asked that the council receive notices about the Community Summit.

C. Councilman Stampleman stated that Section 197.13.2 Alansten is obsolete and suggested that it be deleted from the City of Rye Code. He has discussed this with Mr. David Parsons, the Landmarks Advisory Committee, and The Jay Heritage Center and all agree.

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

WHEREAS, a proposed local law entitled "A local law repealing Chapter 197-13.2 of the City of Rye Code, Landmarks Preservation District, Alansten" 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 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 December 1, 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 repealing Chapter 197-
13.2 of the City of Rye Code, Landmarks Preservation District,
Alansten**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 1st day of December, 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 repealing Chapter 197-13.2 of the City of Rye Code, Landmarks Preservation District, Alansten.

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

Dated: City Clerk

D. Councilwoman Larr informed the council that Mr. Tiberio Gaspari's letter on enforcement of truck height restrictions appeared in today's editorial section of the Journal News. She recommended that this issue be addressed by the Traffic and Transportation Committee.

E. Councilwoman Wash reported that Mr. Lawrence Lehman, member of the Planning Commission, suggested that the council might consider closing the record on the proposed traffic signal at the intersection of the Playland Access Road and the Old Post Road. He suggested that the Council adopt a resolution that states that it has decided not to proceed with the installation of the traffic light. This, he said, would avoid any liability.

9. Old Business

A. Councilman Hutchings commended the City Manager for his excellent report on activity of the Police Department. He expressed his surprise that Police Commissioner Pease will be retiring.

B. Councilwoman Cunningham asked the City Manager for a current map of the Rye railroad station parking lots.

10. New Business

A. Councilman Stampleman asked about the format for proposed changes to the budget.

Councilwoman Larr questioned if the budget work sessions could be televised.

Councilman Hutchings said that televising work sessions would require staff and he was reluctant for us to increase the staff's present work schedule.

B. In response to Councilman Stampleman's question, Mayor Otis said that he has drafted a letter to Mr. Michael DeFeo regarding not changing the Old Post Road back to a two-way street.

11. Adjournment

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn into executive session to discuss various personnel matters at 9:25 P.M.

The City Council adjourned executive session at 10:50 P.M. and resumed the regular session.

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham, to increase the rate of compensation for the City Manager by 4% based on the fiscal year 1999 base salary amount for that position.

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham, to award the City Manager a \$10,000 performance bonus based upon his service for the fiscal year 1999 and to include that amount for the purpose of calculating his base salary for the fiscal year 2000.

ROLL CALL:

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

NAYS:None

ABSENT: None

The motion carried.

There being no further business to discuss, Councilman Hutchings made a motion, seconded by Councilwoman Walsh and unanimously carried to adjourn the meeting at 11:05 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk