

MINUTES of the Regular Meeting of  
the City Council of the City of Rye held in  
City Hall on December 1, 1999 at 7:30 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.

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

A. Mr. Sanjaya Varma, 2 Mayfield Street, petitioned the council to allow him to renew his commuter parking permit even though he submitted his application after the deadline. He expressed the feeling that the penalty is harsh and that he will be greatly inconvenienced without a permit.

The council discussed commuter parking renewal procedures, communications from the City Clerk's Office which state the date and time for the deadline, and the fact that there is no precedent for making exceptions for anyone who has missed the deadline.

Mayor Otis sympathized with Mr. Varma's situation, however, he said, the council cannot issue additional permits and deadlines have to be honored.

B. Mr. Anthony Cassano, 45 La Salle Avenue, informed the council that La Salle Avenue has had drainage problems for many years. He said the pitch and size of the pipe contribute to this problem. He respectfully requested that the council consider improving drainage on La Salle Avenue.

Mayor Otis acknowledged receiving Mr. Draddy's November 7, 1999 letter which requested that the council include drainage improvements on La Salle Avenue in the budget. The Mayor said that this matter was discussed at the council budget workshops. Since there are several drainage situations in the city, the City Engineer has been asked for a report. The residents will be informed after the council receives this report.

Councilman Stampleman said it is unlikely that this project will be funded in the 2000 budget.

4. Public hearing on proposed 2000 Budget

Mayor Otis opened the public hearing.

The Mayor informed the audience that the council has had budget workshops to review the proposed 2000 budget. The Mayor summarized the highlights of budget changes as follows:

- reduced the proposed 4.2% increase to a 3.7% increase;
- included traffic lights for Boston Post Road/Barlow Lane; and intersection design for Peck Avenue and Midland Avenue;
- added a traffic study for safety needs for the four Rye City Schools;
- increased funding for the Rye Free Reading Room by an additional \$6,000;
- added the following positions:
  - 1 seasonal employee for Parks and Recreation
  - 1 seasonal Recreation leader
  - 1 full time employee for ½year for Building & Engineering Departments, and
- included an increase in the pension of the member and widows of deceased police officers under the Police Pension Fund of the City of Rye by 50%.

He concluded by saying the changes were made with the unanimous support of the council.

Councilman Stampleman noted that the property tax increase matches the increase in salaries and benefits for the City of Rye employees.

Mayor Otis invited the public to comment on the proposed budget.

Mr. Martin Edelman, president of the Board of Trustees of the Rye Free Reading Room (Library), expressed his appreciation for all the council has done to increase the Library's budget request. However, he respectfully requested that the council consider an additional \$6,000 to fill the gap in the Library's proposed budget. He said the city is fortunate to have a facility that provides service to benefit the entire community.

Mr. Christopher Cohen, president of the Friends of Rye Town Park, stressed the importance of the Rye Town Park to the quality of life for the citizens of Rye. He noted that the Park requires necessary capital maintenance improvements and respectfully requested that the council provide an increase in the Rye Town Park budget for these improvements.

Police Officer Timothy Chittenden, president of the Rye Police Benevolent Association (PBA), suggested that the council postpone hiring a civilian records management person until the City Manager and the Police Commissioner's successors have been selected. He also asked the council to consider promoting a patrolman to a sergeant.

Mayor Otis apprised the public that the City of Rye anticipates receiving the 1999 operating budget for Rye Town Park. He said there is a link between the management of the operating budget and the Park's ability to develop a capital improvements fund. The Mayor suggested not setting aside funds now, but rather, to allocate funds during the course of the year when specific Rye Town Park capital projects have been identified.

Councilman Stampleman recommended that Rye Town Park have better financial management.

Councilman Hutchings requested a specific plan for a capital improvement project. He stated that the request must be compared to the other priorities before approval can be given.

Mayor Otis concurred with Councilman Hutchings. He said in the city's capital improvement plan, funding is designated for specific projects. As part of the agreement with the Town of Rye, the City of Rye has a legislative responsibility for funding 50% of the capital improvements at Rye Town Park.

Councilwoman Walsh acknowledged the November 23, 1999 letter from the Friends of Rye Town Park which pointed out that both the Friends of Rye Town Park and the Rye Town Park Commission have investigated a number of private and public sources for funding capital improvement projects.

The Mayor closed the public hearing.

The Mayor said that the council would vote on the proposed 2000 budget at the December 15, 1999 council meeting. He expressed sincere appreciation to the City Manager, the City Comptroller,

and the city staff for submitting an excellent budget document. He said the City of Rye is in firm financial shape because of the professionalism and expertise of the City Manager and City Comptroller.

5. Continuation of public hearing on 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 continued the public hearing.

The Mayor acknowledged the November 23, 1999 memo from Corporation Counsel Neale and the attached version of the final draft of the fence ordinance. He also noted if this draft law is adopted, there would need to be corresponding amendments to the City Code repealing other sections which are inconsistent with the new ordinance or have been made redundant.

Councilwoman Cunningham noted that she had worked with Corporation Counsel Neale on this final draft. She summarized the changes about the definition of height; how to measure height in relation to a retaining wall, clarifying districts in Section 90-5; prohibition of certain kinds of fences (Section 90-10); and having the good side of a stockade fence facing the public (Section 90-13).

In answer to Councilman Stampleman's question, the Corporation Counsel responded that if someone is in violation of the old law, it would still be a violation in the new law.

The council discussed:

- Section 90-18,
- amending Section 90-12 to clarify the word "districts", and
- the procedure for adopting and filing this local law.

Corporation Counsel Neale responded to Mrs. Robin Jovanovich's question by saying that the existing fence ordinance was established in 1956.

Councilwoman Walsh clarified for the record, that the City Planner in his November 20, 1999 memo stated that the proposed actions are Type II Actions which are not subject to review under the New York State Environmental Quality Review Act.

The Mayor closed the public hearing.

The Mayor commented on the purpose and intent of the law. He indicated that the council continued to support Rye's long-standing policy of protecting Rye's sense of open space and not allowing Rye to become a walled community. He indicated that there was a consensus by every

member of the council to provide more flexibility, especially regarding back yards facing streets, without undoing the long-standing policy. He also indicated that the goal of the law was not to make all sorts of new things illegal and specific language was used to make clear that certain changes would take place going forward. The Mayor thanked the Corporation Counsel, City Manager, and Building Inspector for their advise. He noted the existence of the appeals process to remedy questions that may arise.

Councilman Stampleman made a motion, seconded by Councilwoman Walsh, to amend Section 90-12, by adding the phrase, "except the Central Business District".

**ROLL CALL:**

**AYES:** Councilmen Cunningham, Downing, Hutchings,  
Larr, Stampleman and Walsh

**NAYS:** Mayor Otis

**ABSENT:** None

The motion carried.

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings, to adopt the following local law as amended:

**CITY OF RYE  
LOCAL LAW NO. 7-1999**

A local law amending the Code of the City of Rye by creating a  
new chapter, Chapter 90, Fences and Walls

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

Section 1. A new chapter, Chapter 90 of the Rye City Code is hereby created to read as follows:

**CHAPTER 90  
FENCES AND WALLS**

**§ 90-1. Purpose.**

The purpose of this Chapter is to protect the public health, safety and welfare by establishing regulations for the design, construction and maintenance of fences and walls which, to the maximum extent practicable, would continue the open appearance of the community while allowing residents to have reasonable privacy in the use and enjoyment of their homes.

**§ 90-2. Definitions.**

When used in this Chapter, the following words shall have the meaning stated here. Words used in this chapter which are not defined here shall have the meaning defined by Chapter 197. Words not defined by this Chapter or by Chapter 197 shall have the meaning established by common usage.

**DIVISION LINE, FRONT:** In the case of a lot abutting upon only one street, the property boundary line separating the lot from the street; in the case of a lot abutting more than one street other than a "Corner Lot", any such property boundary for the area which has been previously designated by the lot owner, pursuant to Chapter 197, as being the "front yard" or which has been irrevocably designated by the lot owner, pursuant to this Chapter, as being the "front division line". Each lot may have only one Front Division Line unless it is a "Corner Lot", as defined by Chapter 197 (Section 197-1), which would have two Front Division Lines.

**DIVISION LINE, REAR:** The line forming a property boundary of the lot which is generally opposite the front division line.

**DIVISION LINE, SIDE:** The property boundary line or lines forming any part of the connection of the front division line with the rear division line.

**FENCE:** A structure made of any materials, or combination of materials, with clearly visible spaces between component parts, which encloses, separates, divides or defines a lot or portion thereof. "Fence" includes a barrier of the "stockade" type made of parallel wooden posts or split poles.

**HEIGHT (FENCE or WALL):** The vertical distance between the natural grade of the property at the base of the fence or wall and the highest horizontal member at the top. In the case of picket fences, wrought iron fences with decorative elements, fences made of vertical boards with rounded ends or other structure of similar design, the top of the fence shall be a line parallel to the tops of the several points.

- the measurement of the height of a fence or wall shall not include the height of an appropriate accessory structure, such as an entrance gate, an archway or a decorative column at the corner of the lot.
- the measurement of the height of a fence or wall which has a top that is curved, with the height of the central portion being higher or lower than the height at the ends, is the vertical distance between the natural grade of the property at the base and an average of the height of the central portion and the height at the ends.
- the height of a fence or wall erected on a grade approximately equal to the top of a retaining wall, situated within three feet horizontally from the face of the retaining wall,

shall be measured from the bottom at the grade immediately adjacent to the base of the fence or wall.

**PROPERTY BOUNDARY LINE:** A line forming the perimeter of a lot, delineating the separation between the lot and an adjoining lot or the right-of-way of an abutting street as described by a recorded deed.

**STRUCTURE:** An assembly of materials forming a construction framed of component parts for occupancy or use, including buildings, but not including a small object which is an accessory to a building or another structure (such as decorative statuary or railing for a walkway).

**WALL:** A structure made of any materials or combination of materials, without clearly visible spaces between components parts, which encloses, separates, divides or defines a lot or portion thereof. "Wall" does not include a "stockade" type of fence.

**WALL, FREE-STANDING:** A wall which is not a retaining wall.

**WALL, RETAINING:** A wall designed to retain or resist the lateral displacement of earth or other materials, whether or not it serves to enclose or subdivide any part of the lot in which it is located. This Chapter does not establish standards for design, location, construction or maintenance of Retaining Walls and does not affect any such standard as may be required by other applicable law.

### **§ 90-3. Front Line Fences.**

Except as otherwise provided by this Chapter, no fence or free-standing wall shall be erected along the front division line, or anywhere on the lot within 35 feet of the front division line (measured by the shortest distance to such line), which exceeds four feet in height.

### **§ 90-4. Rear Line Fences in Residence Districts.**

In all residence districts, no fence or free-standing wall may be erected along a rear division line, or anywhere on the lot within 35 feet of a rear line (measured by the shortest distance to such line) which exceeds six feet in height.

### **§ 90-5. Side Line Fences in Residence Districts.**

In all residence districts, no fence or free-standing wall may be erected along a side division line which exceeds four feet in height if such fence or wall would be situated within any part of an area of the lot that is within 35 feet of the front division line (measured by the shortest distance to such line) or if such fence or wall would be situated within 35 feet of the right-of-way of an abutting street. However, if the shortest distance from the front division line to an existing residential structure is less than 35 feet, the limitation requiring that the height of a fence or wall may not exceed four feet extends from the front

division line along the side line to the point that is the shortest distance to the residential structure. No such fence or wall may be erected along any other segment of the side line or within 35 feet of the side line (measured by the shortest distance to such to such segment) which exceeds six feet in height.

**§ 90-6. Side Line Fences Where Residential Use Adjoins Business Use.**

If such fence or free-standing wall is erected near the side line of a lot being used as a residence which abuts property in a business district being used as a business, and if a point on the side line nearest to the building on either the residential property or the business property is within 35 feet of the front division line, the height of such fence or wall may not exceed four feet for a distance from the front division line until such point and may not exceed six feet in height beyond such point.

**§ 90-7. Side Line Fences Where Residential Use Adjoins I-95 or I-287.**

A fence or free-standing wall erected on a residence lot which abuts I-95 or I-287 and is situated within one foot of the property line may exceed four feet in height but may not exceed six feet in height.

**§ 90-8. Fences on Property with Steep Grade.**

The height of a fence or free-standing wall may exceed four feet but may not exceed six feet above the natural grade if it is:

1. On a corner lot; and
2. Within 10 feet from the property line of an abutting roadway; and
3. Is situated where the average natural grade at the location of the fence or wall is at least four feet higher than the average natural grade on the property within six feet from the fence or wall.

**§ 90-9. Rear or Side Line Fences in Business Districts.**

In all business districts, no fence or free-standing wall may be erected along a rear or side division line, or anywhere on the lot within 35 feet of such line (measured by the shortest distance to such line) which exceeds six feet in height; except, if the lot abuts a street, the height of a fence or wall located within 35 feet of the line abutting a street may not exceed four feet; and, if the lot adjoins a lot within a residence district, the height may not exceed the height that would be allowed on the adjoining lot.

**§ 90-10. Fences or Walls Prohibited in All Districts.**

In all districts, the following are specifically prohibited:

barb wire fences or fences using razor wire or any other material likely to cause physical injury to persons or animals;

fences or walls erected in such a manner as to inhibit or divert the natural drainage flow or cause the blockage or damming of surface water creating ponding;

fences or walls which may create a fire hazard or other dangerous condition or which may result in obstruction to effective fire fighting; or,

fences or walls more than eight feet in height located anywhere on a lot, unless permitted by a section of Chapter 197 referring to outdoor tennis courts, or other structures required for recreational activities.

**§ 90-11. Fences and Walls Prohibited in All Residence Districts.**

In all residence districts, the following are specifically prohibited:

chain link fences having an unfinished or jagged top edge; and, chain link fences having the opening spaces between wires covered by fabric sheeting or by strips of plastic or other material woven through the open spaces; in the case of a fence constructed before the effective date of this Chapter, the requirements of this section shall apply upon the repair or replacement of that fence or wall.

temporary fences, such as snow fences or expandable and collapsible fences, unless necessary for use on sites under construction or for snow control; canvas and/or cloth fences, except when necessary for protection of shrubs and vegetation.

**§ 90-12. Traffic Visibility Across Corners.**

In all districts, except the Central Business District, no structure or planting of bushes or trees shall be maintained, or shall be allowed to remain, on any lot within 25 feet of any street corner intersection, measured in any direction by the shortest distance to the nearest corner, at a height in excess of three feet above curb level or so as to interfere with visibility of vehicle traffic across the corner.

**§ 90-13. Fence Posts or Supporting Members.**

In all districts, a fence or wall shall be erected with the smooth, finished or better side facing out toward the adjoining lot or abutting street; and, all fence posts or supporting members shall be placed on the inside of the fence or wall. In the case of a fence or wall constructed before the effective date of this Chapter, the requirements of this section shall apply upon the repair or replacement of that fence or wall.

**§ 90-14. Duty to Maintain.**

Fences, walls and the area between their exterior side and the nearest property line (or the nearest curb line if there is an abutting street) shall be properly maintained at all times; broken, cracked, rotted or rusted structural components shall be removed or repaired promptly; grounds shall be kept clear or planted with vegetation appropriate to the site. A property owner who fails to provide proper maintenance may, after notice by the Building Inspector and an opportunity to correct the situation, be required to remove the fence or wall.

**§ 90-15. Duty of Building Inspector.**

The Building Inspector shall have the duty and all power necessary to issue appropriate notices or orders directing a property owner to correct any conditions which are in violation of this Chapter.

**§ 90-16. Jurisdiction of the Board of Appeals.**

The Board of Appeals, acting pursuant to Chapter 197, is specifically vested with the additional jurisdiction necessary to hear and decide appeals by persons who may be aggrieved by a determination made by the Building Inspector in the enforcement of the provisions of this Chapter.

**§ 90-17. Persons Eligible to Appeal.**

For the purposes of this Chapter, a person who may claim to be aggrieved must be an owner of a lot where a fence or wall has been erected or is sought to be erected or must be an owner or occupant of a lot which adjoins such lot or is situated on the opposite side of a street across from such lot. An appeal must be filed with the Clerk of the Board within 30 days after the determination being appealed was made.

**§ 90-18. Standard for Review.**

The Standard that shall be used by the Board of Appeals in determining appeals made pursuant to this Chapter shall be the most restrictive standard generally applicable in the State of New York for the granting of variance from enforcement of provisions of a Zoning Ordinance limiting the height of structures located in a residential district. In making a determination on an appeal, the Board may consider the unusual amount of automobile traffic on a street adjoining a residence lot as being a relevant factor. Any roadway designed with four lanes for use by vehicles is presumed to have an unusual amount of traffic.

**§ 90-19. Rules or Regulations.**

The Board of Appeals is authorized to adopt and issue such rules or regulations as may be necessary for orderly administration of this Chapter. A copy shall be on file in the Building Inspector's office.

Section 2. This local law shall take effect immediately on filing in the office of the Secretary of State.

ROLL CALL:

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

NAYS:None

ABSENT: None

The local law was adopted.

The following three local laws repeal those sections in the existing Code that are inconsistent with the new ordinance or redundant.

Councilman Stampleman made a motion, seconded by Councilwoman Walsh, to adopt the following local law:

**CITY OF RYE  
LOCAL LAW NO. 8-1999**

A local law amending Chapter 167 of the Rye City Code by REPEALING  
Section 167-4

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

Section 1. Chapter 167 of the Rye City Code is hereby amended as follows: Section 167-4 is REPEALED in its entirety.

Section 2. This local law shall take effect immediately on filing in the office of the Secretary of State.

ROLL CALL:

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

NAYS:None

ABSENT: None

The local law was adopted.

Councilman Stampleman made a motion, seconded by Councilwoman Walsh, to adopt the following local law:

**CITY OF RYE  
LOCAL LAW NO. 9-1999**

A local law amending Chapter 197 of the Rye City Code by REPEALING  
Sections 197-49, 197-50 and 197-60

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

Section 1. Chapter 197 of the Rye City Code is hereby amended as follows: Sections 197-49, 197-50 and 197-60 are REPEALED in their entirety.

Section 2. This local law shall take effect immediately on filing in the office of the Secretary of State.

**ROLL CALL:**

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

NAYS:None

ABSENT: None

The local law was adopted.

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

**CITY OF RYE  
LOCAL LAW NO. 10-1999**

A local law amending Chapter 197 of the Rye City Code  
by amending Section 197-47

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

Section 1. Section 197-47 of Chapter 197, of the Rye City Code is hereby amended as follows:

**§ 197-47. Front yard restrictions.**

The restrictions in the various districts as to front yard lines shall be as set forth in the Table of Regulations incorporated as Article VIII of this chapter. No building or structure shall be erected within the required front yard except as permitted in Chapter 90.

Section 2. This local law shall take effect immediately on filing in the office of the Secretary of State.

ROLL CALL:

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

NAYS:None

ABSENT: None

The local law was adopted.

6. Public hearing on proposed local law amending Article III of Chapter 157 of the Rye City Code, Sanitary Regulations, by amending Section 157-34, Fees

Mayor Otis opened the public hearing.

The Mayor said the proposed local law provides a mechanism to collect fees which are unpaid by residents who have bulk pickup in excess of the permitted amount. He noted that the Corporation Counsel prepared two versions of the proposed local law.

There being no one wishing to address the proposed local law, Mayor Otis closed the public hearing.

The council unanimously selected version B of the proposed local law.

Councilman Stampleman made a motion, seconded by Councilwoman Walsh, to adopt the following local law:

**CITY OF RYE  
LOCAL LAW NO. 11-1999**

A local law amending Article III of Chapter 157  
of the Rye City Code, Sanitary Regulations, by repealing and  
replacing Section 157-34

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

Section 1. Section 157-34 of Article III of Chapter 157 of the Rye City Code is hereby repealed and replaced with a new Section 157-34 to read as follows:

**§ 157-34. Fees.**

A. A fee in an amount as established by resolution of the City Council may be charged for bulky metals and bulky waste placed at curbside for collection in excess of the amount allowed by §157-28, in accordance with the rules and regulations established by the Department of Public Works with the approval of the City Manager.

B. Because collection of bulky metals and bulky waste or excessive materials is a service benefiting the property, the cost of collection may be levied against the property and may become a continuing lien. A statement of fees and penalties in accordance with this section shall be served upon the owner of the property, either personally or by mailing addressed to the last known property owner as the name and address appears on the assessment roll of the City of Rye. If the amount stated is not paid within thirty (30) days after demand, the City Assessor shall, in the preparation of the next assessment roll, assess such amount upon such property, and this amount shall be levied, collected and enforced in the same manner as taxes upon said property for City purposes are levied, collected and enforced.

Section 2. This local law shall take effect immediately on filing in the office of the Secretary of State.

ROLL CALL:

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

NAYS: None

ABSENT: None

The local law was adopted.

7. Public hearing on proposed local law REPEALING Sub-section 197-13.2, Landmarks Preservation District - Alansten, of the Code of the City of Rye

Mayor Otis opened the public hearing.

Councilman Stampleman informed the council that he had discussed this proposed local law on repealing Sub-section 197-13.2, Landmarks Preservation District - Alansten, from the Code of the City of Rye with Mr. David Parsons, owner of adjacent property, Mrs. Diane Moran, chair of the Landmarks Advisory Committee, and the Jay Heritage Center. He said everyone is in agreement with the repeal.

There being no one wishing to address this local law, Mayor Otis closed the public hearing.

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

**CITY OF RYE  
LOCAL LAW NO. 12-1999**

A local law amending Chapter 197 of the Rye City Code by REPEALING  
Sub-Section 197-13.2

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

Section 1. Chapter 197 of the Rye City Code is hereby amended as follows: Sub-Section 197-13.2 is REPEALED in its entirety.

Section 2. This local law shall take effect immediately on filing in the office of the Secretary of State.

ROLL CALL:

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

NAYS: None

ABSENT: None

The local law was adopted.

8. Proposed resolution amending the City of Rye's Local Police Pension Fund

Consideration of the proposed resolution amending the City of Rye's Local Police Pension Fund was postponed to the December 15, 1999 council meeting.

9. Consideration of proposed local law increasing the pension of the widow and children of a deceased policeman under the Police Pension Fund of the City of Rye

Mayor Otis acknowledged the November 24, 1999 memo from City Manager Culross which recommended scheduling a public hearing on a proposed local law to increase the pension of the widow and children of a deceased policeman under the Police Pension Fund of the City of Rye.

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 increasing the pension of the widow and children of a deceased policeman under the Police Pensions Fund of the City of Rye", 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 15, 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 increasing the pension of the widow and children of a deceased policeman under the Police Pensions Fund of the City of Rye**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 15th 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 increasing the pension of the widow and children of a deceased policeman under the Police Pensions Fund of the City of Rye.

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

Dated: City Clerk

10. Consideration of proposed local law amending Chapter 170, Subdivision of Land, of the Code of the City of Rye with respect to penalties

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

**WHEREAS**, a proposed local law entitled "A local law amending Article IV of Chapter 170 of the Rye City Code, Subdivision of Land, by amending Section 170-15D, Tree Preservation", 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 15, 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 IV of Chapter 170 of the Rye City Code, Subdivision of Land, by amending Section 170-15D, Tree Preservation**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 15th 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 Article IV of Chapter 170 of the Rye City Code, Subdivision of Land, by amending Section 170-15D, Tree Preservation.

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

Dated: City Clerk

11. Resolution declaring certain computer equipment as surplus and authorizing the City Manager to arrange for its disposal

Mayor Otis acknowledged the November 23, 1999 memo from City Manager Culross requesting that certain computer equipment be declared surplus and to authorize the City Manager to dispose of it.

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 declares certain computer equipment as listed in the City Manager's memo dated November 23, 1999 as surplus and authorizes the City Manager to arrange for its disposal.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

12. Discussion of engaging an executive search firm and the transfer of funds from Contingent Account for this purpose

Mayor Otis said that the Council received proposals from three executive search firms.

A brief council discussion concluded with the consensus of the council favoring the firm of Bennett Associates for the executive search for a City Manager.

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

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the City Comptroller to transfer \$20,000 from the Contingent Account to Personnel for the purpose of engaging the executive search firm of Bennett Associates of Norwell, Massachusetts.

ROLL CALL:

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

NAYS: None

ABSENT: None

The motion passed.

13. Authorization for the City Manager to enter into a 2000 Stop-DWI Patrol Project and Training Reimbursement Contract with the County of Westchester for the 2000 calendar year

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

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the City Manager to enter into a 2000 Stop-DWI Patrol Project and Training Reimbursement Contract with the County of Westchester for the 2000 calendar year.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

14. Consideration of the request of the Cystic Fibrosis Foundation to use city streets for their Annual Great Strides Walk on Sunday, May 21, 2000

Councilman Hutchings made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the request of the Cystic Fibrosis Foundation to use city streets for their Annual Great Strides Walk on Sunday, May 21, 2000.

15. Draft unapproved minutes of the special joint meeting of the City Council and Board of Education held on November 10, 1999, the special meetings of the City Council held on November 15 and November 22, 1999, and the regular meeting of the City Council held November 17, 1999

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the special joint meeting of the City Council and Board of Education held on November 10, 1999 as submitted.

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the minutes of the special meetings of the City Council held on November 15 and November 22, 1999, as submitted.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the regular meeting of the City Council held on November 17, 1999, as amended.

16. Miscellaneous communications and reports

A. Mayor Otis reported that he, Councilwoman Cunningham, Councilwoman Larr and the City Manager met with representatives of the Purchase Meeting House, Religious Society of Friends, to discuss their goals for the Friends Meeting House located on Milton Road. Concern about open space, flooding on Milton Road, historical preservation, and parkland uses prompted the city to inquire about possible acquisition of this property, if it is for sale.

Both Councilwoman Cunningham and Councilwoman Larr stressed the importance of this property for its historical value and its location in the flood plain.

Councilman-elect McKean said that this property is probably eligible for listing in the national register because of its age and the unique nature of the building.

Councilwoman Walsh suggested that Mrs. Karen Kennedy, Westchester County Department of Planning, may already have prepared forms for the potential listing in the State Register.

The Mayor suggested that City Engineer George Mottarella inspect the property and building. He also plans to schedule a tour for the council to visit the property. Councilwoman Walsh suggested inviting the Landmarks Advisory Council to participate in this tour.

B. Mayor Otis complimented Administrative Assistant Jeffrey Stonehill for his excellent report on Y2K readiness. A council discussion focused on what method should be used to share this material with the public. It was determined to post this report on the City of Rye's website and to do a press release.

C. City Manager Culross acknowledged receiving a request from a resident of 124 Coolidge Avenue to remove a city-owned sycamore tree in front of his property at the intersection of Park and Coolidge Avenues. He noted that the resident would absorb the cost of removal. After a brief council discussion, it was decided to adhere to the city's tree preservation policy by not removing this tree.

#### 17. Old Business

A. Councilwoman Cunningham inquired about the status of the Fire Houses' architectural contract and expressed concern about the high fees.

City Manager Culross responded that the city is presently in negotiation with the architects. He said at the November 17, 1999 regular council meeting, the City Council authorized him to enter into an agreement with Kaestle Boos Associates, Inc. for architectural and engineering services for the addition to and renovation of the Fire Houses. If the council wishes to rescind that authorization, he respectfully requested their passing a resolution to that effect.

Mayor Otis suggested that the City Manager provide an interim report.

Both Councilman Hutchings and Councilwoman Larr stated that the City Manager is competent to negotiate the contract and that the council should not micromanage his authority.

Not hearing any further support for an interim report, the Mayor withdrew his recommendation for the report.

B. After a council discussion on the procedures for referrals vs. general communication practices, Councilman Stampleman made a motion, seconded by Councilman Hutchings, and unanimously carried, to refer the Planning Commission Memo 12-99 dated November 16, 1999, "Theodore Fremd Avenue", to the Traffic & Transportation Committee for review and comments.

18. New Business

A. Councilwoman Cunningham requested more information about the records management clerk for the Police Department.

City Manager Culross explained the difference between his and Police Officer Chittenden's request for staffing. He said his proposal would hire a civilian records manager which is currently performed by a Sergeant. This would free up a Sergeant, increasing the amount of police supervision and make a patrol officer available for enhanced traffic enforcement. Police Officer Timothy Chittenden, president of the Rye Police Association, has suggested eliminating the proposed civilian administrative assistant in Police Staff Services and as an alternative, promote a patrolman to sergeant. The City Manager stated that it is in the best interest of the city to have a civilian employee rather than a highly paid Police Officer doing record management.

B. City Manager Culross responded to Councilman Stampleman's query by saying the Kirby Lane North drainage problems have been referred to the City Engineer.

C. Councilman Stampleman requested that the February 1, 1995 letter and Traffic and Parking Study for all schools in the city from Frederick P. Clark be forwarded to the city council in the Friday packet.

D. Councilman Hutchings asked for a status report on the retaining wall located on the Boston Post Road across from the Village Green.

City Manager Culross said the bidding process will be in the Winter, 1999 and construction will begin in the Spring, 2000.

E. Councilman Stampleman asked the date for the swearing-in ceremony for the newly elected councilmen. The general consensus was to schedule the ceremony for January 2, 2000.

19. Adjournment

There being no further business, Councilman Hutchings made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn the meeting at 10:15 P.M.

Respectfully submitted,

Alice K. Conrad  
City Clerk