

MINUTES of the Regular Meeting of the
City Council of the City of Rye held in City Hall on
February 2, 2000 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
CAROLYN CUNNINGHAM
ROBERTA DOWNING
ROBERT H. HUTCHINGS
ROSAMOND LARR
DOUGLAS MCKEAN
ARTHUR STAMPLEMAN
Councilmen

ABSENT:

NONE

Councilman McKean made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn into executive session to discuss personnel matters at 7:15 P.M.

The Council reconvened at 8:00 P.M.

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. Resolution commending the dedication and distinguished service of Martin L. Edelman to the City of Rye

The Mayor introduced a resolution honoring Martin L. Edelman who recently retired from the Zoning Board of Appeals.

Councilwoman Cunningham, who has served as liaison to the Board of Appeals, said that the proposed resolution reflects Mr. Edelman's contributions to the City of Rye perfectly. She commended him for giving such devoted service to the city.

Councilman Stampleman added that Mr. Edelman is also the chairman of the Board of Trustees for the Rye Free Reading Room.

Councilman Hutchings commended Mr. Edelman for his professionalism.

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

WHEREAS, Martin L. Edelman, lovingly known to all as Marty, has served the City of Rye with dedication, devotion, and commitment for the past thirteen years; and

WHEREAS, Marty served with distinction on the Rye Cable Television Commission and the Zoning Board of Appeals, and

WHEREAS, as chairman of the Zoning Board of Appeals, he is noted for always performing at the highest level of excellence; and

WHEREAS, his exceptional wit, concern, and interest in people has endeared him to all his associates; and

WHEREAS, the City of Rye has benefited from Marty's wise judgment, exceptional skills, and his dedication to our community; and

WHEREAS, his service epitomizes his sincere love for the City of Rye and at the same time represents his depth of commitment to serve the residents of the City; and

WHEREAS, Marty exemplifies the true meaning of volunteerism by sharing his professional acumen, and contributing his time, talents, and resources to make the City of Rye a better place to live; and

WHEREAS, his sense of humor, vigor, dedication, and friendship will be sorely missed because he inspires everyone by his energy, enthusiasm, and warmth; and

WHEREAS, his extraordinary record of service is deserving of the highest commendation; now, therefore, be it

RESOLVED, that the Rye City Council commends the dedicated service of Martin L. Edelman whose tireless efforts and love of our community make him a vital part of the City of Rye; and be it further

RESOLVED, that we express our appreciation for his distinguished service, and wish him and his family much success and happiness in the future.

Signed and sealed this 3rd day of March, 2000.

SEAL

Steven Otis
Mayor

Mayor Otis acknowledged Mr. Edelman's long standing contributions to the community. He said that he had a special skill in chairing the Zoning Board of Appeals in a very productive and deliberative way. He said that the City of Rye has benefited from his skill in the area of zoning.

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

Mrs. Josephine Zegarowicz, 8 Old Post Road, expressed concern about the proposed installation of permanent lights at the John Nugent Stadium at Rye High School. She said that the proposed lights on a 90 foot stanchion will reflect into her home. She expressed concern about visual pollution, litter, noise, traffic, and crime. She referenced an article entitled Kiplinger's "Buying and Selling a Home." She said these lights would adversely impact the quality of life in the City of Rye and increase taxes.

Mayor Otis stated that this issue does not fall under the City of Rye's purview; it is the Rye City School District's responsibility. He said that the Board of Education has not made a decision on the stadium lights. The Board is establishing a committee and subcommittees to research factual issues regarding the request to install lights at Rye High School. Mrs. Cathleen Morgan, president of the Rye City School Board, has requested that the City participate in obtaining a wide variety of information. The Mayor suggested that relevant city staff participate or provide needed information to the committee as appropriate. This could be coordinated between Interim City Manager Bradbury and Superintendent of Schools, Dr. Edward Shine. Boards and Commissions could be notified of the committee and would be free to provide written information or send a representative.

A brief council discussion followed on requiring an environmental impact study regarding the proposed installation of lights and the need for additional ball fields.

Mrs. Zegarowicz submitted a copy of Kiplinger's "Buying and Selling a Home" for distribution to the council.

Mayor Otis expressed his appreciation to Mrs. Zegarowicz for her comments.

Mr. John Rossini, Highland Road, expressed concern about the safety hazard caused by residents not clearing snow in front of their property.

Mayor Otis said that the city's policy states that snow should be removed within twenty-four hours.

Councilman Stampleman suggested that the next city newsletter should note the snow removal policy of the City.

5. Public hearing on a proposed local law amending Chapter 167, Streets and Sidewalks, of the Rye City Code by creating a new Section 167-15, Moratorium Related to the Use of the City's Right-of-Way

Mayor Otis opened the public hearing on a proposed local law amending Chapter 167, Streets and Sidewalks, of the Rye City Code by creating a new Section 167-15, Moratorium Related to the Use of the City's Rights-of-Way.

The Mayor said that the purpose of this moratorium is to allow time for the council to evaluate how the city will deal with providers who are approaching the city about use of the rights-of-way.

Councilman Stampleman noted that the council discussed this issue extensively at the January 27, 2000 special council meeting.

There being no one interested in addressing this proposed local law, Mayor Otis closed the public hearing.

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

WHEREAS, by the enactment of the Telecommunications Act of 1996, there is anticipated substantial growth in the wireline industry; and

WHEREAS, the City has limited space in the publicly owned rights-of-way to accommodate persons desiring to occupy and utilize the rights-of-way; and

WHEREAS, the City currently has no regulations of general applicability regulating the commercial use and occupancy of the City's rights-of-way; and

WHEREAS, the City intends to adopt regulations of general applicability regulating the commercial use and occupancy of the City's rights-of-way; and

WHEREAS, there has been interest expressed in the construction of such facilities within the City of Rye; and

WHEREAS, the City wishes to implement, review or replace an ordinance to more effectively protect the health, safety and welfare of the community, and to remove or change certain sections pursuant to recent case law to assure the orderly development of the City's rights-of-way, including but not limited to the development of procedures governing the filing of an application for authority to use and occupy the rights-of-way for commercial purposes, and for reviewing and analyzing an application for such, and for granting authorization for such, and

to permit the construction or reconstruction or rebuilding of wireline facilities in the City's rights-of-way; and

WHEREAS, a reasonable time for the City to complete its aforementioned review, and for the City to enact any required legislation resulting therefrom is deemed to be sixty (60) days from the date of adoption of this Ordinance, and

WHEREAS, the City has no pending applications for the use of the City's rights-of-way by commercial wireline facilities; and

WHEREAS, this moratorium is not meant to be prohibitive or exclusionary in nature during the moratorium, applications for authorization to use and occupy the rights-of-way for commercial purposes shall be accepted and processed by the City. However, in accepting an application during the period of this moratorium any application must be accompanied by payment not to exceed \$7,500.00 to reimburse the City for consulting costs in evaluating the application, and further, if authorization is granted, such authorization will be issued pursuant to the adoption of regulations as described previously and any changes in the City's Code.

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

LOCAL LAW NO. 2-2000

A local law amending Chapter 167,
Streets and Sidewalks,
of the Rye City Code
by creating a new Section 167-15,
Moratorium Related to the Use of
the City's Rights-of-Way.

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

Section 1. Chapter 167, Streets and Sidewalks, of the Rye City Code is hereby amended by creating a new Section 167-15, Moratorium Related to the Use of the City's Rights-of-Way, to read as follows:

§ 167-15. Moratorium Related to the Use of the City's Rights-of-Way.

There is hereby enacted a sixty (60) day moratorium on the issuance of authorization by the City of Rye on applications for the construction or reconstruction or rebuilding of wireline facilities in the City's rights-of-way.

Section 2. This local law shall take effect immediately upon adoption.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,
Hutchings, Larr, McKean, and Stampleman
NAYS: None
ABSENT: None

The local law was adopted.

6. Discussion of establishing a Parking Working Group

Mayor Otis said that establishing a Parking Working Group was mentioned in his annual message at the January 5, 2000 council meeting. He said it is time to provide a focused analysis of our parking needs in the Central Business District and the commuter parking lots. This proposed Parking Working Group will be comprised of representatives of the City Council, Planning Commission, Traffic and Transportation Committee, the Rye Merchants Association, and other interested and knowledgeable members of the community. The committee's task is to present choices to the City Council on the parking issue. He said we need to review information we already have, obtain additional information, explore options, and provide the City Council with alternatives.

A brief council discussion focused on:

- publicizing this committee to the general public, boards, commissions and committees, and the news media to solicit new ideas, and
- tentatively establishing a six month deadline for the report.

Councilman McKean volunteered to be the council liaison for this committee.

Anyone interested in participating in this committee may contact any member of the council, the Interim City Manager or the City Clerk.

Councilman McKean made a motion, seconded by Councilman Stampleman and unanimously carried, to establish a Parking Working Group to analyze the city's parking needs for the Central Business District and commuter parking lots.

7. Designation of the Chairman of the Finance Committee, by the Mayor

Council action on this agenda item was postponed to a future council meeting.

8. Designation of the following City Council Liaisons by the Mayor

Mayor Otis designated Councilwoman Cunningham as liaison to the Traffic and Transportation Committee and Councilman McKean to the Rye Merchants Association.

9. Consideration of the request of the Multiple Sclerosis Society to use city streets for their annual MS Walk on Sunday, April 9, 2000

Councilman Hutchings made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the request of the Multiple Sclerosis Society to use city streets for their annual MS Walk on Sunday, April 9, 2000.

10. Draft unapproved minutes of the regular meeting of the City Council held January 19, 2000

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 January 19, 2000.

11. Miscellaneous communications and reports

Councilwoman Downing initiated a discussion on alternate membership for the Board of Architectural Review. She expressed concern that one member is absent most of the time. She said there should be stricter regulations about members attending meetings.

Discussion focused on having an alternate member or as in some committees, regulating attendance through by-laws.

Councilman Stampleman was opposed to having an alternate member because that person would not be a full voting member.

Mayor Otis said that the council decided at the last council meeting to postpone any action on expanding the membership of the Board of Architectural Review for six months. At that time, the issue could be evaluated with the hope that there would be improvement.

12. Old Business

A. Councilman Hutchings asked about the status of the retaining wall on the Boston Post Road across from the Village Green.

Interim City Manager Bradbury apprised the council that this project has been reviewed by the Board of Architectural Review and is ready for bid. The Council will receive information on current plans.

B. Councilwoman Larr requested a status report on the noise barriers for I-95.

Mayor Otis informed the council that the New York State Thruway Authority has announced that the contractor has been selected. Since the contractor was unable to find the quality of wood he wanted before the winter, the construction will begin this Spring. The Mayor said he is hopeful that the City of Rye will be the first to receive noise barriers.

C. Councilwoman Cunningham asked about the status of the joint traffic study with the Rye City School District.

Interim City Manager Bradbury said all comments for the final draft of the Request for Proposal (RFP) have been received. In approximately two weeks, the RFP will be completed and available.

Mayor Otis requested that a draft of the RFP be included in the council's Friday packet.

The council briefly discussed the 1995 traffic study and the problems of traffic and pedestrian safety in the various schools.

14. Adjournment

There being no further business to discuss, Councilman Hutchings made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn the meeting at 9:05 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk