

MINUTES of the Regular Meeting of the  
City Council of the City of Rye held in City Hall on  
September 6, 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

An executive session of the City Council was convened at 7:30 p.m. to discuss litigation. The City Council opened the Regular Meeting at 8:15 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. Residents may be heard who have matters to discuss that do not appear on the agenda

Mr. Norman Cooper, 6 Chester Drive, addressed the Council regarding the serious problem this season with mosquitoes in the Greenhaven neighborhood, depriving the residents of the use and enjoyment of their yards. He stated that he favored integrated pest management programs and strongly encouraged the use of controlled spraying for safe and effective mosquito control.

He pointed out that Westchester County's program is only focused on controlling the West Nile Virus and that the Marshland Conservancy's policy regarding pest control only provides for larvicide treatment applied to large concentrations of water. He stated that these programs do not control adult mosquitoes.

Mr. Sandy Lichtenstein, 9 Harbor Lane, stated that many years ago the City of Rye conducted aerial spraying. Commenting that in recent years the preponderance of mosquitoes has been intolerable, he expressed the opinion that the Greenhaven section needs additional pest control. Mr. Lichtenstein requested that the Council either ask the County to address this problem or that the City resume spraying.

Mayor Otis noted that the City of Rye has been sprayed twice this year by Westchester County. He stated that the County's program provided for the spraying of every street in the city by using trucks that spray 300 feet in each direction. The Mayor also advised that the City of Rye has an aggressive program of putting briquettes in all storm drains but that Westchester County preempted this program this year. He further advised that the City just recently learned that the County did not do the entire City and immediately sent out city staff to treat the storm drains in those areas not covered by the County.

The Mayor stated that he will ask the County about their plans for the rest of the season. He noted that the City of Rye has not sprayed in over 12 years and questioned whether the city should start a spraying program at the same time the County is conducting a spraying program. He stated that the city will continue the briquette program and pointed out that Greenhaven is on a six-week cycle under this program. He also pointed out that the County is getting advice from the Center for Disease Control and New York State Health Department and that the city must defer to their expertise. The Mayor stated that the city will continue to monitor the situation and commented that much of the problem has to do with the wet weather this year.

Councilman McKean pointed out that there are products available for certain sized acreage that do not use pesticides.

Also appearing before the Council were Mr. Joseph Dunne, Mr. Robert Husted, Mr. John Powers, and Mr. David Swinghamer, residents of The Preserve located at the Boston Post Road and Johnson Place. Mr. Swinghamer, speaking for the group, stated that they had very recently learned from the City Engineer that a traffic signal was being installed on the Boston Post Road at Johnson Place relatively soon. Mr. Swinghamer questioned the need for a traffic signal at this location and inquired as to the basis for this determination having been made.

Mayor Otis stated that as part of a traffic study conducted for the city by an outside consulting firm, locations with high accident rates had been analyzed and mitigation measures recommended. He pointed out that the report recommended the installation of a traffic signal at this location and that the Traffic and Transportation Committee had recommended that the city implement the recommendations in this report.

The City Manager added that the signal will be activated by vehicles approaching the intersection from Johnson Place or Barlow Lane. She pointed out that this study was conducted in 1999 and that the report concluded that this intersection warranted a traffic signal.

In response to Mr. Swinghamer's request to review the recommendation and proposal prior to the installation, Mayor Otis advised Mr. Swinghamer to contact the City Manager's office

to obtain the requested information.

4. Proposed resolution requesting Delta Airlines to not violate the voluntary curfew at Westchester County Airport

Councilwoman Cunningham reported that she had attended two meetings held by the County Executive at Westchester County Airport regarding the notification the County received that a subsidiary of Delta Airlines has scheduled a new daily flight to Atlanta that will leave Westchester County Airport at 5:59 am in violation of the voluntary curfew. She stated that the County Executive has asked for the help of surrounding communities to persuade Delta not to violate the voluntary curfew.

Councilwoman Cunningham, in her memorandum dated August 30, 2000, submitted a proposed resolution in support of the County Executive's position on the voluntary curfew for Council consideration. She stated that the resolution before the Council was intended to encourage Delta to be a good neighbor by not violating the voluntary curfew. She recommended that this resolution be sent to Delta Airlines and encouraged the City to advise residents to call the Chairman of Delta to oppose this decision.

Council discussion focused on the appropriateness of including the telephone number of the Chairman of Delta Airlines and the proposal that the City publicize the daytime slot of its subsidiary should they decide not to violate the curfew. It was the consensus of the Council that the telephone number should not be included and that residents could be advised of this decision by Delta Airlines in the newsletter being sent to residents this month.

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

**WHEREAS**, the City of Rye is impacted by the noise of takeoffs and landings at Westchester County Airport and strongly supports the voluntary curfew in effect at the airport for nearly 20 years; and

**WHEREAS**, the City of Rye considers nighttime noise a major threat to the quality of life of our residents; and

**WHEREAS**, the violations of the voluntary curfew by a major airline will undoubtedly lead to future additional violations; and

**WHEREAS**, we believe that Delta Airlines wishes to be a good neighbor to the Westchester communities and not to awaken thousands of Westchester residents in violation of the nighttime curfew; now, therefore, be it

**RESOLVED**, that the City Council requests that Delta advise its subsidiary, Atlantic Southeast Airlines, not to operate a flight at this too early

hour, in violation of our curfew, but to remain with its daytime slot.

The resolution passed as amended.

Councilwoman Cunningham urged that City residents call Delta at 404-715-2600 to voice their opposition to this violation of the voluntary curfew.

5. Authorization for the City Manager to enter into an agreement with the Friends of Rye Nature Center for the rehabilitation of the mansion ruins at the Rye Nature Center

At the request of Mayor Otis, the City Manager reviewed the offer from The Friends of the Rye Nature Center to undertake the rehabilitation of the mansion ruins at Rye Nature Center to stabilize them from further erosion. She reported that following the Council's directive at its June 21, 2000 meeting, discussions had been entered into with The Friends and a letter of agreement developed regarding their plan. The City Manager requested that she be authorized to enter into an agreement with The Friends of Rye Nature Center covering Phases 1 and 2 of the project, pointing out that Phase 1 will include mortar injections to stabilize the foundation and Phase 2 will provide for an engineering study to determine if structural work is necessary.

Councilman McKean expressed his concerns about who would be performing the work and about The Friends assuming the liability for this project. The Corporation Counsel pointed out that if the City were to perform the work, it would be subject to public bidding and that once the project is presented to the City as a gift, the City will assume the liability.

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

RESOLVED that the City Manager is hereby authorized to enter into an agreement with the Friends of Rye Nature Center for Phase 1 and Phase 2 of the rehabilitation of the mansion ruins at the Rye Nature Center.

ROLL CALL:

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

NAYS: None

ABSENT: None

6. Discussion of proposal by restaurateur at Rye Town Park to extend their season to year-round service

Mayor Otis reported that the Rye Town Park Commission has received a request from the restaurateur at Rye Town Park to negotiate a year-round arrangement at the Park. The Mayor stated that any decision to extend the season is under the jurisdiction of the Rye Town Park Commission, but that he and Councilman McKean, as members of the Park Commission, wanted to obtain the views and opinions of the Council, the Friends of Rye Town Park, neighbors, and residents before any decision is made.

Mayor Otis stated that during the original bid process, Councilman McKean and he were opposed to allowing this until the Commission had some experience with the selected restaurateur. He indicated that the general feeling of the Commission at that time was that this would be an incentive that would be available if things worked out well. The Mayor stated that the Town of Rye would not be inclined to approve this request if there is opposition from the neighbors.

Following Council discussion of the positive feedback received during the summer season, the potential for additional revenue for the Park, and the decreased traffic problems during the winter season, the Mayor stated that he would include this information in the City newsletter he is currently working on and request that residents submit their views and opinions to the City Council.

7. Discussion of the title "Acting Mayor" and possible alternatives

The Mayor stated that the City Charter provides for the appointment of an "Acting Mayor" to assume the mayoral duties in the absence of the Mayor. The City Council was provided with the section of the Charter outlining the process for appointing the "Acting Mayor" and responsibilities.

Councilwoman Cunningham stated that on a number of occasions when she has been asked by the Mayor to represent him at events where he was unable to attend, there has been confusion when she introduced herself as Acting Mayor. She indicated that to some, the term "Acting" is interpreted to mean that the Mayor is ill or has resigned. Councilman Hutchings stated that he did not believe this to be confusing and questioned the need to make a change. Mayor Otis said that people seem to feel the word "Acting" means that it is an interim position and that there is a vacancy. He added that there would be no change in the responsibilities.

Councilman McKean said that he would support the title "Deputy" over "Acting." Mayor Otis said he would like to set a public hearing for the next Council Meeting.

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

**WHEREAS**, a proposed local law entitled "A local law amending Section C7-2 of Article 7 and Section C6-7 of Article 6 of the Rye City Charter, changing the title Acting Mayor to Deputy Mayor" has been introduced 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 October 4, 2000 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 local law.

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  
Section C7-2 of Article 7 and Section C6-7 of Article 6 of the Rye City Charter,  
changing the title Acting Mayor to Deputy Mayor**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 4<sup>th</sup> day of October, 2000 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 Section C7-2 of Article 7 and Section C6-7 of Article 6 of the Rye City Charter, changing the title Acting Mayor to Deputy Mayor.

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

Dated: \_\_\_\_\_ City Clerk

**ROLL CALL:**

**AYES:** Mayor Otis, Councilmen Cunningham, Downing, Larr,  
McKean, and Stampleman

**NAYS:** Councilman Hutchings

**ABSENT:** None

8. One appointment to Board of Assessment Review for a five-year term, by the Council

Mayor Otis made a motion, seconded by Councilwoman Larr and unanimously carried, to re-appoint Mr. Howard Seitz to the Board of Assessment Review to a five-year term expiring

September 30, 2005.

9. Consideration of request from Christ's Church for controlled traffic on Rectory Street on Sunday, September 17, 2000, for its Annual Fall "Welcome Back Parish Picnic"

Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the request from Christ's Church for controlled traffic on Rectory Street on Sunday, September 17, 2000, for its Annual Fall "Welcome Back Parish Picnic."

10. Consideration of the request of Westchester Triathlon Committee to use City streets for the 18<sup>th</sup> Annual Westchester Triathlon on Sunday, September 17, 2000

Councilman McKean, referring to the July 31, 2000 letter from the Race Director of the Westchester Triathlon requesting use of certain city streets, expressed concern that there are two events scheduled on the same day and asked if there would be some coordination. The City Manager stated that she will be certain that there are no conflicts.

In response to the request of Councilman Hutchings, the City Manager stated that she would ensure that the organization is advised of the street use policy prohibiting the use of painted directional arrows on the roadway.

Councilwoman Cunningham made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the request of Westchester Triathlon Committee to use City streets for the 18<sup>th</sup> Annual Westchester Triathlon on Sunday, September 17, 2000.

11. Draft unapproved minutes of the special meeting held August 14, 2000, the regular meeting of the City Council held August 16, 2000, and the Special Meeting held August 22, 2000

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the Special Meeting of the Council held August 14, 2000, as amended.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the Special Meeting of the Council held August 22, 2000, as amended.

Councilman Stampleman expressed concern that the minutes of August 16 were not yet available and pointed out that under the Open Meetings Law, they are required to be available within two weeks of the meeting. Mayor Otis pointed out that there had been extenuating circumstances and that they would be considered at the next Council meeting.

12. Miscellaneous communications and reports

Councilman McKean called attention to the Fall Harvest Dance on September 16, sponsored by the Friends of Rye Nature Center and advised that invitations are available at the Center for those who may not have received one.

Mayor Otis noted that the Friends of Rye Town Park are holding a fundraising event for the Duck Pond Project Sunday, September 24. He advised that information may be obtained from Chris Cohan, President of the Friends.

Councilman Stampleman reminded everyone that the Library is having its annual book sale on September 23. He advised that the sale would be preceded by a preview party for members only on Thursday, September 21, and a Rare Book Sale and reception on Friday evening, September 22, 2000.

He also advised that the library would host a children's Vehicle Fair on Sunday, September 23 and that the Pulverman Foundation would once again host a concert at the Performing Arts Center on Sunday, October 1.

Councilwoman Cunningham reminded the Council that there is a joint meeting scheduled for September 7 at 7:00 p.m. for the City Council, the Zoning Board of Appeals and the public to review how the floor area ratio (FAR) is calculated. She stated that the information to be presented will be helpful in understanding how large houses are erected on small lots.

13. Old Business.

Councilman Stampleman noted a report from the City Manager on various properties owned by the County in Rye. He made specific mention of the property located at Locust and Ridgewood Drive that residents have requested that the City acquire. He requested that the issues of the condition of and the cleaning up of the property be addressed with the County.

Councilman Stampleman inquired about a request from On the Way Café to extend their hours to enable them to serve dinner, as well as breakfast and lunch. Mayor Otis responded that this is a zoning issue and would be referred to the appropriate City agency.

The Mayor referenced his memorandum of August 31, 2000 concerning the need for a volunteer or volunteers to take over a leadership for this year's First Night celebration. In discussing the importance of this event to the residents, suggestions were made that perhaps one of the PTO's or the Rye Youth Council might consider chairing the event. The Mayor advised that suggestions and ideas should be passed on the Connie MacLeod.

Councilman Stampleman inquired if any of the recommended changes to the financial policies which were discussed several months ago were implemented. The City Manager reported that Comptroller Genito has prepared a new summary document with the changes recommended by the Finance Committee and that it will be circulated to the Council.

Referring to a previously discussed proposed change to the arrest process, Councilman Stampleman stated that after reviewing the statistics provided, he saw no need to change the present procedure.

14. New Business

The Mayor referred to the August 14 presentation of the 2001-2005 Capital Improvements Program and suggested that the schedule a Capital Projects Budget workshop. The Council agreed to have a workshop on Tuesday, September 26.

The Council discussed the scheduling a joint meeting with School Board and gave the suggested dated for the City Manager to try and coordinate with the Superintendent of Schools.

In response to Councilman Hutchings' inquiry, the City Manager advised that she would send the Council information of the December 6, 2000 National League of Cities meeting in Boston.

Mayor Otis pointed out that the City Council Meeting scheduled on December 6 needs to be rescheduled since some members will be attending the National League of Cities meeting. On motion of Councilman McKean, seconded by Councilwoman Larr and unanimously carried, the December 6, 2000 meeting was rescheduled to Wednesday, November 29, 2000.

15. Adjournment

There being no further business to discuss, Councilwoman Cunningham made a motion, seconded by Councilwoman Downing and unanimously carried, to adjourn the meeting at 9:35 p.m.

Councilman Stampleman stated that there was a need to discuss night activities at the football stadium and security. The City Council then re-opened the meeting.

Discussion focused on charging the schools for security for night events and the use of the grassy area across from the stadium on the Boston Post Road for parking. The Council determined that there would be no parking on the grassy area for night events at the high school because of the danger to pedestrians crossing the Boston Post Road at night and that there would be no charge for security for the Rye/Harrison football game and bonfire or for one night game.

There being no further business to discuss, Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to adjourn the meeting at 9:50 p.m.

Respectfully submitted,

Carol W. Johnson  
Interim City Clerk