

MINUTES of the Regular and Organizational
Meeting of the City Council of the City of Rye
held in City Hall on January 3, 2001 at 8:00 P.M.

PRESENT:

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

ABSENT:

1. Pledge of Allegiance

Mayor Otis called the meeting to order and invited the council to join in the Pledge of Allegiance.

2. Roll Call

Mayor Otis asked the City Clerk to call the roll; a quorum was present to conduct official city business.

The Mayor said that in addition to the regular meeting this was also the annual organizational meeting which traditionally begins with a message from the Mayor.

3. Mayor's Annual Message

The Mayor read the following Annual Message into the official record:

‘It is again my privilege to address you tonight and present the Mayor's Annual Message, to recognize progress made in the last year, and to note our hopes and goals for the future.

“At the outset, I would like to express the community's appreciation for the work of all the Department of Public Works employees for their special efforts in plowing the snow which blanketed our streets over the New Year's weekend. This was hard and tedious work, conducted over long hours and extended shifts. After the heavy snow of Saturday, we were all impressed upon awakening Sunday morning to find the pavement of most streets visible and our roads cleared, salted, and safe. I ask the City Manager to extend our thanks to everyone who worked those long hours and did such a fine job.

“Our community is special because of the kind of dedication which has been demonstrated over the course of the year by city employees, not-for-profit organizations, volunteers, parents, teachers, business people, and everyone who cares about our town and does the best job he or she can do. We are a town of people who care.

“It is also true that our community is special because we follow in a tradition and history of carefully planning for the future, while remaining connected to our past.

“In reflecting upon the last year, the themes of change, continuity, and progress are especially apparent.

“A few years ago, we realized that we were approaching a time when we could expect a significant turnover in senior staff within the City government. Many of our key professional staff were approaching retirement or changes in career paths.

“We did not know that this natural changing of the guard would occur in the condensed time period that the last year has brought. In the thirteen months between the end of 1999 and February of this New Year, we will have seen changes in the positions of City Manager, City Clerk, Police Commissioner, City Planner, Personnel Director, and two Assistants to the City Manager.

“The biggest challenge in such a time is to build upon the work of those who have been part of the team, to build upon success, to grow and improve services, and to always strive to do better.

“Our mission as a City Council has also been to insure continuity and the quality of services the residents of Rye expect. Our special responsibility was to find and hire a new City Manager to succeed the exceptional tenure of Frank Culross.

“We took great care with this important decision. We brought the community into the process of identifying the skills we needed for Rye's future. The community helped write the job description. The use of a public sector search firm helped guide the selection process. Our search was professional, nonpolitical, and rigorous.

“I can speak for the entire City Council in reporting that when we selected Julia Novak, we knew we had found an exceptional person. After seven months here in Rye, we remain enthusiastic about her experience, skills, and dedication.

“For us, change and continuity must go together. Julia has embraced Rye. She appreciates what is special about our town, about our City staff, our sense of community, our history, and our schools. Since Julia and Joe have two young children, before she started her job, I arranged a tour of the elementary schools. After her visit, Julia was animated and commented on how impressed she was with the education available in our City.

“Julia is as enthusiastic about Rye as we are. She brings the same respect for the things we value about how our town looks, how we do things, how we build upon success, how we keep our City government responsive, and how we keep our future connected to our past.

“The selection of the City Manager was just one task in which the work of the City Council has demonstrated itself. Our nonpartisan approach has meant that we have used our time constructively by addressing issues and working on well-thought out solutions. Progress on so many issues has been built upon the cooperative tone we all set.

“Progress is never possible on the basis of a whim. Lasting contributions to our community have always been the result of careful planning, thoughtful attention to detail, and collaboration.

“And so it is that much of the progress of the past year, and our continued hopes for the future are based upon the kinds of planning initiatives that have historically been successful in Rye.

“In the past year, we have seen the rebuilding and reopening of Whitby Castle, a solution designed, financed, and structured based upon community participation in the planning process and the work of the Whitby Committee.

“The actual design of the Milton Firehouse renovation and expansion was agreed upon through a similar collaborative process this past year that involved City boards and commissions, City staff, the Fire Chiefs and both professional and volunteer firefighter expertise. The project will go out to bid this week.

“The Recreation Commission released the results of their outreach and planning efforts in the Rye Recreation Master Plan. The major goals of the plan are additional athletic fields, a pedestrian trailway system, and a renovated Damiano Center including dedicated senior citizen program space. Each piece of the plan is being further refined with the goal of implementation based upon readiness, funding, and additional public feedback. We have already taken steps to address transportation needs of senior citizens. Our new senior van, which will arrive early this year, was made possible through a grant from Westchester County.

“The Traffic and Transportation Committee continues to be a catalyst for analyzing and correcting traffic and pedestrian safety problems in every part of town. Based upon the request of residents, parents, and the Committee, the City Council has again devoted more resources to traffic safety solutions including additional enforcement, replacement of antiquated traffic lights at key intersections, and special attention to the safety of children.

“The City of Rye and the Rye City School District jointly funded and completed a comprehensive traffic safety study for areas around each of the schools. Many of the report's recommendations have already been implemented. Other recommendations are in the process of being made a reality.

“The Parking Working Group is in the process of analyzing parking improvement options for the Central Business District and commuters that will be presented to the community for your response. Given the limitations of space and the cost of additional parking, this study will undoubtedly pose difficult choices that we as a community will have to weigh.

“The City Council is carefully weighing a number of alternatives for renovation or replacement of our outmoded Police Headquarters and Courthouse facility on McCullough Place. This is another area in which careful decisions will have to be made in addressing a long neglected City facility. Voters will ultimately have to adopt a proposed solution through referendum.

“Rye's Project Impact emergency preparedness program made great gains in the past year. We have almost completed the main hydrological technical study that is required before implementation of our flood control projects.

“We have submitted comprehensive grant applications to assist the City in acquiring key flood control properties that also address environmental, historical, open space, and recreational needs of Rye at the same time. We expect answers shortly on these proposals which will make our share of possible acquisitions affordable.

“We have a draft Flood Mitigation Plan which, when adopted, will allow us to lower flood insurance rates for Rye residents and make Rye eligible for additional outside grants.

“Our combined efforts with the Town of Harrison on Beaver Swamp Brook have continued to move forward. A state grant allowed Harrison to analyze pollution on their side of the brook. Westchester County has agreed to sponsor a pilot project to plant wetland vegetation off of Park Avenue by the brook. We continue to move forward towards our goals of flood mitigation, wetland restoration, and the creation of a nature area with our Harrison neighbors.

“Project Impact has allowed us to upgrade our GIS system and become a model for providing all sorts of data on properties in Rye over the internet.

“Project Impact related activities have already garnered over \$800,000 in outside grant commitments and significant other training, technical, and matching services to benefit our community. Congresswoman Nita Lowey has secured \$500,000 towards Beaver Swamp Brook alone and an invitation for additional wetland restoration assistance through the Natural Resources Conservation Service.

“At Rye Town Park, we saw another significant improvement with the renovation of the restaurant building and opening of Seaside Johnnies. This was the result of a planning process that Councilman McKean and I advocated as Rye's representatives on the Rye Town Park Commission, and was supported by the entire Rye City Council. The publicly owned building, long in disrepair, was renovated through the investment of at least \$400,000 in private funds as part of the license agreement for the restaurant. We now have a popular family orientated public restaurant on Long Island Sound. A decade of successful projects by the Friends of Rye Town Park have built on each other to help make the park an even more beautiful resource.

“Through thoughtful financial planning we have maintained our City's Aaa credit rating. This year we agreed to long term contracts with each of our four City employee unions providing stability, consistency with our financial planning, and fairness to taxpayers and our valued City staff at the same time.

“In our recently adopted budget for the year 2001, we included no tax increase above the 2.1% approved by the voters when they passed the Firehouse bond issue in 1999. We could have increased taxes above that amount but we chose not to. Instead our approach has been to exercise discipline, to thoroughly review and refine the budget, to reduce generous fund balances and keep taxes down, and increase taxes only when we must.

“Special mention must be made of the hard work of the City Manager, our City Comptroller Mike Genito and his staff, our Finance Committee, and Councilman Arthur Stampleman who all provided expertise in order to control taxes.

“Other important efforts continue, the work of the Rye Merchant's Association, the activities of our valuable not-for-profit organizations, the dedication of the volunteers who serve on City Boards and Commissions, our cooperative efforts to address the needs of young people, the work of our Police and Fire Departments, and the many other activities of this community, all making a better future for Rye.

“We must continue to review planning challenges that arise. One such challenge is to find a reasonable middle ground for the ratio of house size to lot size issue. There are aspects of height and setback rules for which other communities have established rules where we have none. I believe we can address the issue through small adjustments that protect neighbors and neighborhood scale from excesses, but do not encumber the legitimate desire for more room in houses. Most additions, rebuilt houses, or new houses fit nicely into our community. Our challenge will be to seek changes targeted at limiting those that do not.

“The success of the City Council depends on our ability to work together. I again thank Roz Larr, Arthur Stampleman, Carolyn Cunningham, Bob Hutchings, Bonnie Downing, and Doug McKean for your dedication, responsible service, and honest judgment that make our work possible.

“Change, continuity, and progress. We have had an exciting year, an ambitious year, a year where the benefits of doing things calmly, carefully, and thoughtfully increasingly bear fruit.

“We continue to be committed to addressing the issues you bring to our attention, to keeping you informed so you can help guide us along the way, and to implementing quality improvements in our town.

“By staying connected to you, and to the history of our community, we assure our continued progress together this year and beyond.”

Councilman Stampleman expressed his appreciation on behalf of the council to Mayor Otis for a job well done throughout the past year.

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

There were no residents wishing to address the council on matters that did not appear on the agenda

In response to Councilwoman Larr's question, Mayor Otis said that several board and committee positions remained open. Mayor Otis stated some of the board chairs were still speaking with interested citizens and that the appointments can be made as soon as the nominees accept the offer. He invited anyone in the audience who had an interest in serving on any of the boards to submit a resume to the chair of the committee. Councilman Stampleman added that they could speak with any member of the council as well.

5. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term

Mayor Otis made a motion, seconded by Councilman McKean and unanimously carried, to re-appoint Councilman Stampleman to the Police Pension Fund for a one-year term.

6. Two appointments to the Board of Appeals for three-year terms, by the Mayor with Council approval

Councilwoman Downing made a motion, seconded by Councilwoman Larr and unanimously carried to re-appoint Ms. Judith Studebaker and Mr. Anthony Piscionere to the Board of Appeals for three-year terms.

7. Designation of the Chairman of the Board of Appeals, by the Mayor.

The Mayor designated Ms. Judith Studebaker as chairman of the Board of Appeals.

8. One appointment to the Board of Architectural Review for a three-year term and one appointment to fill the term ending January 1, 2003, by the Mayor with Council approval.

Councilman McKean made a motion, seconded by Councilwoman Cunningham and unanimously carried, to re-appoint Nicholas Everett to the Board of Architectural Review for a three-year term and to re-appoint Susan Skelsey to fill the term ending January 1, 2003.

9. Designation of the Chairman of the Board of Architectural Review, by the Mayor.

The Mayor designated Mr. Nicholas Everett as chairman of the Board of Architectural Review.

10. Two appointments to the Commission on Human Rights for three-year terms; one appointment to fill the term ending January 1, 2002; and one appointment to fill the term ending January 1, 2003, by the Mayor.

Councilwoman Larr made a motion, seconded by Councilman McKean and unanimously carried, to re-appoint Richard Propper to the Commission on Human Rights for a three-year term.

One three-year appointment, one appointment to fill the term ending January 1, 2002 and one appointment ending January 1, 2003 will be made at a future meeting.

11. Designation of the Chairman of the Commission on Human Rights, by the Mayor.

The Mayor designated Mr. Richard Propper as chairman of the Commission on Human Rights.

12. Three appointments to the Conservation Commission/Advisory Council for three-year terms, by the Mayor with Council approval.

Councilman McKean made a motion, seconded by Councilwoman Cunningham and unanimously carried, to re-appoint Mr. Dennis Buckley to the Conservation Commission/Advisory Council for a three-year term.

Two three-year appointments will be made at a future council meeting.

13. Two appointments to the Finance Committee for three-year terms; one appointment to fill the term ending January 1, 2002; and two appointments to fill the terms ending January 1, 2003, by the Mayor with Council approval.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to re-appoint Ms. Doreen Beswick and Mr. Edmond J. Downing to the Finance Committee for three-year terms.

One appointment to fill the term ending January 1, 2002 and two appointments to fill the terms ending January 1, 2003 will be made at a future council meeting.

14. Two appointments to the Planning Commission for three-year terms, by the Mayor with Council approval.

Councilman McKean made a motion, seconded by Councilwoman Cunningham and unanimously carried, to re-appoint Mr. Joseph P. Cox and Mr. Lawrence Lehman to the Planning Commission for three-year terms.

15. Designation of the Chairman of the Planning Commission, by the Mayor.

The Mayor designated Dr. Michael W. Klemens chairman to the Planning Commission.

16. Four appointments to the Recreation Commission for three-year terms, by the Mayor with Council approval.

Councilman McKean made a motion, seconded by Councilwoman Larr and unanimously carried, to re-appoint Mr. Mack Cunningham, Mr. Bart DiNardo and Mr. Michael Ganfuss to the Recreation Commission for three-year terms.

One three-year appointment will be made at a future council meeting.

17. Three appointments to the Rye Cable Television Committee for three-year terms, by the City Council.

Councilman Hutchings made a motion, seconded by Councilwoman Downing and unanimously carried, to appoint Ms. Marge Bancel and Mr. Steven Fairchild to the Rye Cable Television Committee for three-year terms. He noted that Ms Bancel had previously served on the Rye Cable Commission.

One three-year appointment will be made at a future council meeting.

18. Designation of the Chairman of Rye Cable Television Committee, by the Mayor.

The designation of the chairman of the Rye Cable Television Committee was postponed.

19. Three appointments to the Traffic and Transportation Committee for three-year terms, by the Mayor with Council approval.

Councilwoman Cunningham made a motion, seconded by Councilman McKean and unanimously carried, to re-appoint Mr. Sal Samperi and Mr. Brian Dempsey to the Traffic and Transportation Committee for three-year terms.

One three-year appointment will be made at a future meeting.

20. Designation of the Chairman of the Traffic and Transportation Committee, by the Mayor.

Mayor Otis designated Mr. Sal Samperi chairman of the Traffic and Transportation Committee.

21. Designation of the City Council's Audit Committee by the Mayor.

Mayor Otis designated Councilman Stampleman, Councilwomen Larr and Cunningham to the City Council's Audit Committee.

22. Designation of the following City Council Liaisons by the Mayor:

Mayor Otis stated that all the present liaisons would remain in place as follows:

Ambulance Corps	Councilwoman Larr
Board of Appeals	Councilwoman Cunningham
Board of Architectural Review	Councilwoman Downing
Boat Basin Commission	Councilwoman Downing
Commission on Human Rights	Councilwoman Larr
Conservation Commission/Advisory Council	Mayor Otis
	Councilwoman Cunningham
Finance Committee	Councilman Stampleman
Landmarks Advisory Committee	Councilwoman Larr
Recreation Commission	Councilman Stampleman
Rye Cable Television Committee	Councilman Hutchings
Rye-CARES Coordinator	Councilwoman Downing
Rye City School Board	Mayor Otis
	Councilwoman Cunningham
Rye Free Reading Room	Councilman Stampleman
Rye Golf Club Commission	Councilwoman Cunningham
Rye Merchants Association	Councilman McKean
Traffic and Transportation Committee	Councilwoman Cunningham

Councilman Stampleman noted that there appeared to be vacancies on the Landmarks Advisory Committee and on the Board of Ethics. Mayor Otis stated that the chairman of the committees have some resumés and expect to fill the open positions in the near future.

23. Designation of the days and time of regular meetings of the City Council.

The Mayor asked the council to consider the schedule of meetings for 2001. The council agreed to move the second February meeting to the end of the month, and to select the earliest set of available dates for the November/December budget process including moving the public hearing meeting up to Monday December 3, 2001.

January 3	May 2	September 5
January 17	May 16	
February 7	June 13	October 3
February 28		October 17
March 7	July 18	November 7

March 21

November 14

April 4
April 18

August 13 (Cap. Budget)
August 15

December 3
December 19

The Board agreed tentatively to the following budget presentation schedule: Thursday, November 8 (Budget Presentation), Monday, November 12 (Budget Workshop), Wednesday, November 14 (Budget Workshop), Monday, November 26 (Budget Workshop)

24. Designation of official City newspaper.

The Mayor stated that a daily newspaper needs to be designated each year, and recommended *The Journal News*.

Councilman Stampleman made a motion, seconded by Councilman McKean and unanimously carried, to designate *The Journal News* as the official newspaper of the City of Rye for the purpose of publishing public notices.

25. Designation of the amounts of faithful performance bonds:

Mayor Otis stated that the designation of the amounts of faithful performance bonds needs to be made annually.

Councilman McKean made a motion, seconded by Councilman Hutchings and unanimously carried, to designate the faithful performance bonds in the following amounts:

A.	City Comptroller	\$1,000,000
B.	City Clerk	500,000
C.	City Marshall	100,000

26. Approval of the election of a new member to the Rye Fire Department.

Councilwoman Cunningham made a motion, seconded by Councilman McKean and unanimously carried, to approve the election of Richard Suarino as a new member the the Rye Fire Department.

27. Appointment of one member to the Emergency Medical Services Committee for a three-year term ending June 30, 2003.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the appointment of Mr. David Byrnes as the citizen's representative to the Emergency Medical Services Committee for a three-year term.

28. Consideration of the request of the National Multiple Sclerosis Society to use city streets for their Thirteenth Annual Sclerosis on Sunday, April 22, 2001.

The Mayor asked the council to consider the request of the National Multiple Sclerosis Society to use city streets for their Thirteenth Annual Walk. Councilman McKean expressed

concern about the manageability of the walk due to the amount of intersection crossings. City Manager Novak reported that the Rye Police Department had reviewed and approved the route. She also mentioned that another event was taking place that day. Mayor Otis suggested that the decision be deferred until the council can see and review both requests.

29. Draft unapproved minutes of the regular meeting of the City Council held December 20, 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 on December 20, 2000 as amended.

30. Miscellaneous communications and reports.

Mayor Otis reported that Con Edison has filed a certiorari against the State Office of Real Property Services challenging the valuation of special franchise assessments in a number of Westchester municipalities including the City of Rye. Assessments on special franchise property which include the poles, wire and cable in the public right of way are set by New York State. The City of White Plains is spearheading an effort to intervene in this litigation and would like all impacted municipalities to join in this litigation. He also said a letter from Mayor Joseph Delfino of the City of White Plains requesting our participation was received. Councilman Hutchings ask Corporation Counsel Neale to explain the issue in greater detail. Mr. Neale said that the issues in dispute could affect a significant amount of money. He also stated that while the City of White Plains has apparently taken the lead in forming a group comprised of local communities who wish to express their views regarding this issue, it is unclear exactly what they are doing, but he recommended it is better to act as a group than alone. Mayor Otis said he needed more information before the Council can make a decision as it is in the best interest for all municipalities to have a proper and fair assessment. Councilman Hutchings requested that City Manager Novak be authorized to act on behalf of the City to defend the council's position.

Councilman Stampleman made a motion, seconded by Councilman Hutchings and unanimously carried to authorize the City Manger to work with Corporation Counsel representing the City regarding this matter.

31. Old Business.

Councilwoman Larr stated that she was still receiving complaints from residents about speeding and suggested that both the Planning Commission and the Traffic and Transportation Committee review the various issues. Councilwoman Cunningham said she agreed with City Manager Novak's recommendation that a policy should be develop on the use of various speed controls, such as bumps, humps and rumble strips. Councilman McKean said that the Rye Manor residents are anxious to proceed with the installation of speed controls. City Manager Novak said issues such as cost factors and consensus of the most effective use of these speed controls need to be determined, and that she had already contacted Greenburg and Dobbs Ferry who have policies

in place. Councilwoman Cunningham reiterated that she would like to see a policy developed in the near future.

Councilman Stampleman inquired as to when the Whitby Castle restaurant will be open. City Manager Novak said they are working on the punch list and that the target opening date is February 14, 2001. Councilwoman Larr reported that she heard wonderful comments about the restaurant space, but was told it was apparent that the project is not completed.

Councilman Stampleman asked about programming on cable television and suggested again that a lead in line be added to announce programs. Councilman Hutchings said the Rye Cable TV staff is working on it.

Councilman Stampleman inquired about the Floor Area Ratio (FAR) issue. He added that it was important that the City maintain the proper FAR while providing residents with the opportunity to build on property or construct additions. Mayor Otis stated that workshops with the Board of Appeals and the Master Plan Committee are necessary before decisions are made.

32. New Business.

Councilwoman Cunningham reported that she along with Mayor Otis and County Legislator George Latimer attended a Metricom meeting regarding Ricochet's wireless modem service." . She said that small boxes are installed on poles which enable direct dialing to servers without using phone lines. This service will allow for better personal use and for those in field jobs. However, the user must be stationary. City Manager Novak mentioned that this would also be another revenue source for the city. Councilman Stampleman asked about potential vendors, and the Mayor said they can be determined in the future. The Mayor stated that this is a complex issue, and it should be dealt with cautiously and thoroughly.

Councilman Stampleman expressed concern about the cars parked on Manursing Ave. during the last snow storm, and noted that they were not moved to a city lot. City Manager Novak said that the policy on moving cars four hours after the National Weather Service has issued a winter storm warning, and continuing for twenty-four hours thereafter is in effect, and all the vehicles should have been ticketed. Councilwoman Larr stated that some residents may have been out of town due to the holidays. Mayor Otis said that the City developed this policy to help the residents during inclement weather, and residents who leave town should leave keys with neighbors in anticipation of storms, and perhaps a reminder should be sent out to those permit holders who are affected. Councilwoman Downing noted that the same problem occurred on Rectory Street. Both Councilwoman Downing and Councilman McKean praised the performance of the Department of Public Works during the last storm.

Councilman Stampleman inquired about the storage of the City's voting machines at Fraioli & Quigley in Harrison, the annual rental cost of \$6,000.00 to store the machines and the security of the site. City Manager Novak stated that the City had searched for a location in Rye, but could not find enough space. City Clerk Morison said that the machines are stored in a room that is secured, City Manager Novak further added that there will be storage for the machines back at the Milton Firehouse when the renovations are completed.

Councilwoman Downing suggested that the council schedule workshops regarding the new police/court space, the new sidewalk/trailways and the right of way issues that have been proposed. The Mayor stated he was not prepared to schedule these workshops at this time, and that more information is needed from Pat Cleary, city consultant. City Manager Novak stated that a walk-through of the Manhattan Cable Building, a potential new site for the police/court, is scheduled for Saturday, January 6, 2001.

Councilwoman Cunningham stated that she has concerns about Nextel's proposal to install cell towers at Disbrow Park. She said that the priority locations for these cell towers should be along I-95 and I-287. She added that this is a sensitive issue as cell towers are unattractive, and that she preferred co-locations at existing sites. She also said that it is important to keep residents informed as the proposal moves along. Councilman Hutchings said he hoped that any new installations would provide proper cell phone service to Milton Point. City Manager Novak said that as a property owner the revenue the city would realize from leasing is appealing, but everyone should be alerted to the issues. The Mayor added that the discussion about using Rye Town Park as an additional site for a cell tower would involve alienation of parkland. The Mayor said the City Manager Novak should be authorized to meet with Nextel and determine the next steps. Councilman Stampleman, in summary, listed four objectives: service to residents, revenue to the city, maintenance of appearance of community, and all sites, city owned or private, should require the same review process.

33. Adjournment

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

Respectfully submitted,

Susan A. Morison
City Clerk