

MINUTES of the Regular and Organizational
Meeting of the City Council of the City of Rye
held in City Hall on January 17, 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: None

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.

3. Explorer recognition

Mayor Otis introduced Joe Banahan, Associate Advisor to the Explorer Post 700 - Port Chester - Fire Department who asked the Council to join him in recognizing the transfer of Richard Suarino from POST 700 to membership in the Rye Fire Department. Mr. Banahan informed the council that Post 700 is comprised of young men and women between the ages of 15 and 21 who are interested in learning about public service specifically the activities of the volunteer fire department. Mr. Banahan asked Richard Suarino to come forward and presented him to Fire Chief Roode of the Rye Fire Department for approval.

Fire Chief Roode informed the Council that Mr. Suarino had made application as a member of the Poningoe Hook and Ladder Company of the Rye Fire Department. Their members and the Board of Wardens of the Fire Department have approved Mr. Suarino for membership and he asked that the Mayor and Council give their final approval.

Councilman Stampleman made motion, seconded by Councilwoman Larr and unanimously carried to approve the appointment of Mr. Suarino Mayor Otis read the following Proclamation honoring Mr. Suarino as the first member of the Explorer Post to join the Fire Department:

***WHEREAS,** Richard Suarino has been elected into membership in the Hook and Ladder Company of the City of Rye Fire Department; and*

***WHEREAS,** since June 26, 1999, Richard has been an active member of the Rye Fire Department Venture Crew, known as the Explorer Post; and*

***WHEREAS,** the Explorer Post trains young men and women who are 15 years of age or older in firematic functions enabling them to assist at major fires in safe non-fire fighting functions and partake in various other functions such as drills, parades and ceremonial functions; and*

***WHEREAS,** as a member of the Explorer Post Richard has given volunteer service to the City of Rye and its Volunteer Fire Department by assisting at working fires, being on emergency stand-by, working on equipment maintenance, taking part in training drills, and participating in public education programs and department sponsored youth activities; and,*

***WHEREAS,** Richard is the first person from the Explorer Post to graduate into the City of Rye Fire Department;*

***NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Rye hereby recognizes and commends Richard Suarino for being the first graduate of the Explorer Post to be appointed to the City of Rye Fire Department, and*

***BE IT FURTHER RESOLVED,** that this resolution be presented to Mr. Suarino as an expression of the City of Rye's appreciation on behalf of the entire City of Rye for this accomplishment.*

Signed and sealed this 17th day of January, 2001

Seal

*Steven Otis
Mayor*

4. Introduction of Police Commissioner William R. Connors

Mayor Otis turned the podium over the City Manager Novak who said that it was her great pleasure to introduce the new Rye Police Commissioner, William R. Connors to the Council. She said he is highly qualified for the position having served for 20 years on the New York City Police Department. Since 1998 he has been Executive Officer in the First Deputy Commissioners Office. He has a Juris Doctorate from the New York School of Law and just last December graduated from the prestigious Police Management Institute at the Columbia University Graduate School of Business where he wrote his dissertation on Police customer service. Manager Novak asked Mayor Otis to issue the oath of office to Mr. Connors and concluded her remarks by thanking Joe Verille for all his good work as acting commissioner and saying that everyone is in agreement that great things lie ahead for the Police Department.

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

Mrs. Carol Pirro addressed the Council on behalf of all Rye Manor residents on the subject of additional parking. She said that there were only 34 spaces and about 55 residents with cars so that parking on Theodore Fremd was the only alternative; that the spaces on Theodore Fremd were occupied by the cars of the construction workers at The Osborn and by residents who park all day and commute from the Harrison Station; that many residents have disabilities and find parking at a distance a problem; and that many were loath to use their cars because they might lose their parking space. She mentioned that the situation was particularly difficult during the snow ordinance months and said all Rye Manor residents would be appreciative of whatever the Council could do to help with the situation. Various other Rye Manor residents suggested such solutions as stickers so that they might not get tickets; making Theodore Fremd one way; providing visitor permits for family members; and control of speeding.

Mayor Otis said the Council recognizes this as an important issue and that he has already taken some action on the matter by writing again to the owner of the neighboring building to see if some additional spaces could be leased. He said that the City would contact The Osborn to try and get the workers to park elsewhere and informed the residents that within the next 2-3 years Theodore Fremd will be rebuilt and, in light of current circumstances, perhaps redesigned. Councilwoman Cunningham asked if an agreement similar to the Manursing Ave. snow removal exception could be worked out for the Rye Manor area. The Mayor mentioned that permit parking on the street would need State approval, but he assured the residents that the Council would work on this important problem and get back to them as soon as there is something to report. The residents mentioned that Josephine DelMonte, President of the Rye Manor Association was the appropriate contact person.

6. Discussion of Water District #4

Mayor Otis said that the issue on the future disposition of Water District Number 4 and the \$300,000 it is holding is an old one but that Manager Novak will be attending a meeting with County Legislator Noto on January 22 and that the Council should review its options and provide her with its current thinking. He said essentially there are three options: 1) attempt to dissolve the district and return the money to the Taxpayers (rejected by voters in recent years); 2) return the money to the Taxpayers, but maintain the existence of the District on paper; and 3) spend additional funds for more study. In answer to a question by Councilwoman Cunningham, Manager Novak said that the first feasibility study has been completed and that it would not be prudent to conduct another.

Councilman Stampleman said he felt there was still no reason to take over the district; that the legal structure in place; and the money should be returned. Both Councilwoman Cunningham and Councilman Hutchings agreed. Councilman Stampleman suggested that the City Manager might find out if the money can be used to defray costs for the actual consumers of water, but, in any event, the fund should not remain with the district.

7. Amend 2001 General Fund budget

Mayor Otis asked Manager Novak to discuss the reasons for a request to amend the 2001 General Fund Budget. She said that as of year-end, funding for the city development plan lapsed and she requested that the Council re-appropriate the funds so that work on the plan can continue. Councilwoman Cunningham said the development of the plan has taken longer than anticipated because the City is not using a consultant but is relying on volunteers who have less time to devote. She said that there is a lot of new information, including a section on the FAR (floor/area ratio) and that once the draft is completed public hearings will be held. The Mayor said that completion of the plan would be a priority for the new City Planner.

Councilman Stampleman made a motion, seconded by Councilman McKean and unanimously carried to amend the resolution to include the caveat that when the appropriated funds are ready to be expended the proposal be brought back to the Council for final approval.

Councilwoman Larr made a motion, seconded by Councilwoman Downing to approve the following resolution:

WHEREAS, funding in the amount of \$76,900 was included in the fiscal 2000 general Fund budget to engage the services of planning consultants to assist in creating a city development plan, and

WHEREAS, at the close of fiscal 2000 the aforementioned funds were not encumbered not expended, and

WHEREAS, it remains the intention of the City council to engage the services of planning consultants to assist in creating a city development plan,

NOW, THEREFORE BE IT RESOLVED that the city comptroller is authorized to increase the fiscal 2001 General Fund City Planner budget by \$76,900 for consultants with the appropriation of \$76,900 of unreserved and undesignated fund balance, subject to prior advice of the Council before these funds are disbursed.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

8. Appointments to various Boards, Commissions and Committees:

A. Three appointments to the Landmarks Advisory Committee for three-year terms and one appointment to fill the term ending January 1, 2002, by the Mayor with Council approval

Councilwoman Cunningham made a motion, seconded by Councilman McKean and unanimously carried, to re-appoint Joan Cresap, Nancy Stampleman and George Zahringer to the Landmarks Advisory committee for three-year terms and to appoint T. Patrick (Sid) Burke to fill the term ending January 1, 2002. Councilman Stampleman recused himself from the vote.

B. One appointment to the Board of Ethics for a three-year term, by the Mayor with Council approval

Councilman McKean made a motion, seconded by Councilwoman Larr and unanimously carried to re-appoint Richard Runes to the Board of Ethics for a three-year term.

C. 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.

D. One appointment to the Recreation Commission for a three-year term, by the Mayor with Council approval

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried to appoint Douglas French to the Recreation Commission for a three-year term.

E. One appointment to the Finance Committee for a three-year term, by the Mayor with Council approval

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried to re-appoint Frederick Dunn to the Finance committee for a three year term.

9. Consideration of the request from Rye Little League to use city streets for their annual Opening Day Parade on Saturday, April 21, 2001, with Sunday April 22 as the rain date

The Mayor asked the Council to approve a request from the Rye Little League to hold their annual opening day parade on Saturday, April 21, 2001, with Sunday, April 22 as the rain date. Councilman Stampleman suggested that it might be better therefore to change the date of the annual joint City Council/Board of Education meeting scheduled for the same day, but it was the general feeling of the Council that with the meeting starting at 9:00 AM there would be plenty of time to have the meeting and attend the parade.

Councilman Hutchings made a motion, seconded by Councilwoman Downing and unanimously carried to approved the request from the rye Little League to use the city streets for their opening day parade on April 21, 2001, with a rain date of April 22, 2001.

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

Councilman McKean made a motion, seconded by Councilwoman Cunningham to approve the request of the National Multiple Sclerosis Society to use city streets on Sunday, April 22, 2001 starting at 10:00 AM.

11. Consideration of the request of Midland School PTO to use city streets for the Annual Midland School Fair Parade on Saturday, April 28, 2001

Councilman Hutchings made a motion, seconded by Councilwoman Larr to approve the request to use city streets for the annual Midland School Fair Parade on Saturday, April 28, 2001.

12. Authorization to pay the balance of Union Free School District taxes as of December 31, 2000

Mayor Otis acknowledged the January 13, 2000 memo from City Comptroller Michael A. Genito to City Manager Novak regarding the balance of the Rye Neck Union Free School District taxes.

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

RESOLVED, that the City Comptroller be, and is hereby authorized to pay the balance of Rye

Neck Union Free School District taxes as of December 31, 2000, in the amount of \$65,292.73 on February 15, 2001 in accordance with Section 22.9 of the City Charter

ROLL CALL:

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

The resolution passed.

13. Approve a proposed easement allowing public access to a privately constructed sewer

The Mayor reported that a request for a proposed easement allowing public access to a privately constructed sewer had no adverse fiscal or environmental impact and that this action had been requested by affected property owners.

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

WHEREAS, seven property owners on South Manursing Island road, a private way, constructed an extension of public sanitary services to their properties at their expense, in a manner which as been accepted by the County Department of Health and the City Engineering Department, and applicable regulations require that the City have access to the extension for purposed of repair and maintenance:
and

WHEREAS, a proposed instrument granting to the City the necessary easement has been prepared in a form which is acceptable to the City Engineer and the Corporation Counsel,

THEREFORE BE IT RESOLVED, the proposed easement is accepted.

14. Draft unapproved minutes of the regular meeting of the City Council held January 3, 2001

Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried to approve the minutes of the regular meeting of the City Council held January 3, 2001 as amended.

15. Miscellaneous communications and reports

Councilman Stampleman reported that at the Joint Meeting of the BAR and the Landmarks Advisory Committee both groups seemed comfortable with the latest plan for the library addition and that while many details are yet to be resolved much progress toward achieving a plan which can be granted a certificate of approval was made. (See #17. New Business for a discussion of a proposed bridge over the brook and a better communications system between BAR, Landmarks and Planning)

In answer to a question by Councilwoman Downing, Corporation Counsel Neale informed the Council that speeders receiving a ticket in Rye will, if convicted get points on their license.

Councilman Stampleman reported that the Recreation Commission is very enthusiastic about the new master plan and anxious to proceed. They have formed sub-committees for each major area of the plan. The Mayor said this was good as each area needs to be more fully developed.

Councilwoman Larr reported on the quarterly meeting of the Emergency Medical Services (EMS). She said a 4th unit was being put together and the public will be asked to support it, particularly because both the State and insurance companies were cutting back on their support. The City's contribution of \$61,000 covers salaries and keeps the vehicles on the road, but does not cover the cost of transporting patients. The Mayor mentioned that there is a new staging area near The Osborn so that service will be more accessible.

Mayor Otis informed the Council that the Town of Rye will have their report concerning the American Yacht Club/Town of Rye Land Swap back to the City by the end of next week. Once the Council had had a chance to read it, the matter can be placed on the agenda so that next steps can be discussed and determined.

Councilman Stampleman inquired whether the extra collection day had been instituted in the Central Business District. The City Manager said she believed it was, but that she and the Mayor both were aware that people tend to litter. Suggestions to alleviate the situation included more bins and the possibility of having the police cite people for littering.

Councilwoman Cunningham reported on a new threat to trees - the Asian Longhorn Beetle. She commended the Manager and staff for their quick response to this potential problem by making sure representatives were able to attend a County Workshop.

Councilwoman Downing inquired about the reaction to the offer of a clock by Woodrow Jewelers. Manager Novak said she was gathering additional information and would report back.

Councilman Stampleman urged people to remember to clear their own sidewalks after a snow storm, reminding everyone that it is the individual's responsibility to do so; that penalties can be enforced if they are not cleared; and that there is always the possibility of being sued should someone slip on an unshoveled sidewalk.

Manager Novak informed the Council that the bids were out for the Milton Point Fire House and that she expected the Council would be able to approve the winning bids at their February 28th Council Meeting.

16. Old Business

Councilwoman Downing inquired about a date for future workshops on sidewalks/trailways and the right of way issues. The City Manager said she was gathering information from other municipalities. Mayor Otis suggested that March 7th as part of the regular Council Meeting might be a good time.

Councilman Hutchings inquired about the wall on the Post Road and was informed that the money has been appropriated and that the City is ready to proceed this spring.

Councilwoman Cunningham said that as she had received no comments about the proposed wording on the plaque for the Whitby chapel, she would proceed with the project.

17. New Business

Councilwoman Downing reported that she felt a bridge connecting the village green with the YMCA was important and thought the issues of who might pay for both design and construction should be addressed by the Council. Councilman Hutchings said he thought a bridge would be an important element in tying together the village green and that the Council should explore all the pros and cons. Councilman Stampleman pointed out that approval of the bridge should not impact approval of the Library's proposed addition, but agreed that the Council should get some idea of the costs. The Mayor suggested that the Planning Commission give its input and City Manager Novak said she would explore the idea with both the Planning and Engineering Departments. She also said it was possible, at some later time, that the City might have to engage outside experts to look at the matter. Councilwoman Cunningham suggested that perhaps the architect for the YMCA might have already developed a plan for such a bridge.

The Mayor reported that there is interest in developing a small committee consisting of a representative from the Zoning Board of Appeals, The Planning Commission, and the Board of Architectural Review and their respective Council liaisons to meet to work out some of the issues which affect each area, but in different ways. The broad issue is to enable overlapping commissions to communicate and keep each other in a collective "loop." He said that further conversation about the development of such a committee should continue at a Council meeting when representatives of all boards/commissions can be present.

Councilwoman Cunningham questioned the impact of a request by Seaside Johnnies at Rye Town Park to expand their liquor license from wine and beer to hard liquor. The Mayor said that this would require a public hearing to see how citizens feel about it and also State legislation. He also said that the Rye Town Park Commission would have input and suggested that this idea

could be written up in the City's next newsletter. Councilman McKean suggested that it would make sense to explore this issue in conjunction with the proposal to have the restaurant open year-round.

Councilman McKean made a motion, seconded by Councilwoman Larr and unanimously carried to adjourn to executive session at 9:35 P.M. to discuss a litigation matter.

18. Adjournment

There being no further business to discuss, Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn the meeting at 11:15. P.M.

Respectfully submitted,

Susan A. Morison
City Clerk