

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in City
Hall on February 7, 2001 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
CAROLYN CUNNINGHAM
ROBERTA DOWNING
ARTHUR STAMPLEMAN
Councilmen

ABSENT:

ROBERT H. HUTCHINGS
ROSAMOND LARR
DOUGLAS MCKEAN

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.

Councilman Stampleman asked the City Manager to report on the major fire which occurred in a two-family house on the corner of Goldwin Street and Cedar Place. She reported that by the time the Fire Department arrived the fire was full blown, but the City's firefighters, both staff and volunteers, were heroic in their fine efforts in saving both the structure and lives. Mayor Otis thanked everyone and said the City was proud of their fine effort. Councilwoman Cunningham said that if anyone wishes to contribute to assist the fire victims, contributions to the Red Cross can be earmarked for this specific fire.

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

There were no residents who wished to be heard.

4. Discussion of the American Yacht Club's proposal for land exchange with the Town of Rye at their entrance on Stuyvesant Avenue

Mayor Otis said that the purpose of initiating a discussion about the American Yacht Club/Rye Town Dock exchange was because additional information had now been received from the Town of Rye, including a completed questionnaire concerning parkland alienation and a very recent letter from Town of Rye Attorney, Monroe Mann. He said it was time for the Council to discuss and decide next steps, determine if additional information is necessary and what role City Boards, Commissions and Staff should play. He mentioned that when the land exchange was first proposed the Planning, Conservation, Boat Basin and Recreation Commissions had all reviewed the proposal but that these commissions should review the proposal again in light of all the new information. The Mayor said that matters have gotten more complex and that in addition to requiring State Parklands Alienation, it may need to be referred to the U.S. Corps of Engineers and to the New York State Office of Parks, Recreation and Historic Preservation. In response to a question from Councilwoman Cunningham he said it was his hope that the information gathering process was coming to an end and that it was time to join the issues and see that they were all carefully scrutinized. At the end of the process it will be up to the City Council to vote because the proposal involves parkland within the City.

Councilman Stampleman said he found Mr. Mann's letter discouraging and suggested that it would be helpful to have one person, or one committee, act as quarterback to clarify the issues and help the Council make a decision. Councilwoman Downing said that the issues appeared to be getting increasingly legalistic and suggested that a workshop where the issues could be discussed in a less formal atmosphere might be helpful. The Mayor agreed that there are many legal issues which include the possibility that the dock may be unalienable and reiterated that the Council needs to know the answers to all the questions. He also said that the SEQRA process needs to be looked at as well as whether a Local Waterfront Revitalization Program review is necessary.

Planning Commission Chairman Michael Klemens said that apart from the legal issues there were planning questions involved including equivalency issues, growth inducing impacts and the creation of the turn-around. He said the Planning Commission will be happy to help but will need City staff to coordinate the effort.

Joe McBrien, representing Shenorock Shore Club, reported that Shenorock's board has looked at the issues with an eye to finding a good solution for everyone. One of the approaches has been to take a look at the condition of the Town Dock to see if it could be rehabilitated. He reported that Shenorock had hired the firm of Allee King Rosen and Fleming, Inc. to prepare a technical memorandum. He submitted the report to the council for their review and as an addition to the information being gathered on the land swap issue. In summarizing the report, he said that the dock was found to be sounder than reported and that for approximately \$100,000, it could be basically rehabilitated. He said that Shenorock was prepared to make a sizable contribution toward that process. He also said that the report included various suggestions for alleviating some of the security issues, such as lights, rumble strips and even security cameras.

Beverly Pemberthy, Stuyvesant Avenue resident and a member of Shenorock, said that she felt that the exchange would be a great loss to the many fishermen who use the pier and have done so for many years.

There being no further comments Mayor Otis made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adopt the following resolution:

RESOLVED, that the full file gathered on the AYC/Town Dock Landswap be referred to the Planning Commission, Conservation Commission, Recreation Commission and Boat Basin Commission for review; that the legal issues be referred to the Corporation Counsel for review; and that the City Manager assign staff to coordinate the material produced by each commission for report back to the City Council.

5. General Policy Discussion of law requiring dog owners to pick up after their dogs

Mayor Otis reported that he had proposed a law requiring dog owners to pick up after their dogs in 1999, but that there was not enough support at that time for what many thought would be an unenforceable rule. He said that as of now Rye is the only community on Long Island Sound without such a law and that it is his impression that many people, including dog owners, would like one if for no other reason than to be able to approach "violators." Councilman Stampleman said many laws are difficult to enforce but that doesn't mean they should not exist. Councilwoman Cunningham said that such laws could be enforceable especially with a public awareness program. She added that there is a real impact on the quality of water in the Sound because there is not such a law. Councilwoman Downing was also in favor of proposing such a law so Mayor Otis said he would work with the City's Corporation Counsel to draft one. The Council agreed it should address whether restrictions should apply to public and private property, describe what kinds of private property, and should call for realistic, fairly small fines.

6. Discussion of the public participation process for the approval of the Flood Mitigation Plan

Mayor Otis asked the City Manager to explain the process needed for approval of the Flood Mitigation Plan. She reported that a draft had been created by Tessier Environmental Consulting partly as a result of Project Impact and that it will ultimately need to be approved by the City Council. She asked the Council to recommend which commissions should review the plan before final approval. Adoption of the plan will lower Federal Flood Insurance rates for Rye residents and will enable the City

to apply for additional funds to assist in disaster preparedness. The plan does not require new laws, but outlines a plan for the City to follow. Councilwoman Cunningham suggested, and the Council agreed, that the Planning Commission, the Conservation Commission, and the Boat Basin Commission be asked to review the draft and report back to the Council.

7. Scheduling a public discussion on February 28, 2001 on proposed amendments to Chapter 191, Vehicles and Traffic, establishing additional traffic and parking restrictions in the vicinity of Milton School

City Manager Novak asked the Council to set a date for a public discussion on proposed traffic changes in the vicinity of Milton School. She said that a public hearing was not necessary but that all neighbors had been notified that a discussion would take place; that the PTO had discussed the changes and that the feelings about the changes appear to be very positive. Councilwoman Downing was concerned that no one from Hewlett Avenue had responded one way or the other. Planning Commission Chairman Klemens suggested that standard discussion signs could be placed on Hewlett Avenue.

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously carried, to schedule a public discussion on February 28, 2001 on proposed amendments to Chapter 191, Vehicles and Traffic, establishing additional traffic and parking restrictions in the vicinity of Milton School.

8. Consideration of request to remove Westland Road from the City's Official Map

Mayor Otis said that the Council had received a request to remove Westland Road from the City's official map and asked Manager Novak to explain the demapping process. She explained that such a request would need to be referred to the Planning Commission which would make a recommendation to the Council once they had reviewed the details.

Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to refer the request to remove Westland Road from the City's official map to the Planning Commission.

9. Consideration of application of Sprint Spectrum L.P. for a Special Use Permit for 511 Theodore Fremd Avenue

Mayor Otis introduced Robert Gaudioso from Snyder and Snyder who was representing Sprint Spectrum, L.P. in their request for a special use permit for 511 Theodore Fremd Ave. He said that Sprint proposes to replace an existing flagpole with a shorter, wider one which would have an antenna inside, continue to fly both the American and Con Edison flags and look substantially the same while

meeting all the preferences stated in the City's wireless law. The application is submitted pursuant to Chapter 196 of the City Code which stipulates that the City Council has the ability to waive the pre-application meeting and the option of retaining expert assistance for the review of a particular application.

While the Council viewed the proposal favorably, Mayor Otis made a motion, seconded by Councilman Stampleman and unanimously carried to require the pre-application meeting and to engage the services of the consultant the City has previously used and thereby start the applications process for the Sprint Spectrum L.P. proposal.

10. Approval of amendment of Section 191-12, Vehicles and Traffic, of the Code of the City of Rye to designate a full-stop for traffic on Brown Avenue at Orchard Lane.

Mayor Otis asked City Manager Novak to explain the process required to approve the addition of a stop sign on the corner of Brown Avenue at Orchard Lane. She reported that a citizen had requested the stop sign because of high traffic speeds at the "T" intersection of Brown and Orchard Lane and that the Traffic and Transportation Committee had reviewed this proposal and agreed the stop sign was appropriate. Councilwoman Downing expressed some concern about the proliferation of signs in the City, but Manager Novak said there seems to be support for the installation as requested by the residents.

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

RESOLVED, that Section 191-12, Vehicles and Traffic, Stop Intersections, be amended to designate a full-stop for traffic on Brown Avenue at Orchard Lane.

11. Proposed resolution amending certain fees, effective January 1, 2001

Mayor Otis pointed out that upon review of the 2001 Annual Budget Document there were several items in the schedule of licenses and fees which need to be amended. Councilwoman Cunningham requested that a comparison of Waterfront Consistency Review Applications for individuals and/or institutions in other communities be made and Councilman Stampleman requested a similar comparison for snow removal fines.

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

RESOLVED, that the following fees established effective January 1, 2001 are hereby amended as follows:

CITY CLERK

General

Death Transcript \$ 10.00

PLANNING

Coastal Zone Management

Waterfront Consistency Review Application \$ 500.00

Subdivision Review

Inspection Fee - 7% of cost of improvement \$ 500.00
plus \$50 per lot Minimum

ROLL CALL

AYES: Mayor Otis, Councilmen Cunningham, Downing
and Stampleman

NAYS:None

ABSENT: Councilmen Hutchings, Larr and McKean

The resolution passed.

12. One appointment to the Commission on Human Rights for a three-year term; one appointment to fill the term ending January 1, 2002; and one appointment to fill the term ending January 1, 2003, by the Mayor

This item on the agenda was postponed.

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

This item on the agenda was postponed

14. Consideration of the request of the Rye YMCA to use city streets for the 13th Annual Rye Derby on Sunday, April 22, 2001.

Mayor Otis asked the Council to approve a request from the Rye YMCA to hold the 13th annual Rye Derby beginning on Purchase Street at 1:00 PM and ending on Locust Avenue at approximately 1:45 PM. Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the request of the Rye YMCA to use city streets for the 13th Annual Rye Derby on Sunday, April 22, 2001

15. Discussion of the distribution of City Council minutes

This portion of the agenda item was postponed until the February 28th Council Meeting.

Draft unapproved minutes of the regular meeting of the City Council held January 17, 2001 and the special meeting held January 24, 2001

Councilwoman Downing made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the regular meeting of the City council held January 17, 2001 as amended.

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approved the minutes of the special meeting of the City Council held January 24, 2001 as submitted.

16. Miscellaneous communications and reports

-Councilwoman Cunningham reported that she had attended the Project Impact breakfast meeting with the City merchants. Although it was not heavily attended, the meeting was a good one and provided excellent information.

-Councilwoman Cunningham also said she attended Westchester County Water District #4 meeting. Although the Town of Rye did not concur, the position of the City Council to return the money to the taxpayers, but maintain the existence of the district on paper, prevailed.

17. Old Business

-Councilwoman Downing stated that she was in favor of using someone other than Monroe Telecom Associates as the City's consultant in telecommunication matters. The City Manager mentioned that Mr. Monroe had helped the City write the current law and had been helpful in giving advice in a number of instances. The Council requested that Manager Novak investigate other consultants now so that the Council can be prepared to choose another consultant when the next situation comes up. Regarding the telecommunications process, Councilwoman Cunningham requested that the more information the Council can receive on each request the better it will be as it is a complicated, complex

subject. The City Manager pointed out that large maps relating to each project are always on file in City Hall.

-Councilwoman Cunningham requested that the amendments to the 2001 General Fund passed in agenda item #7 at the January 17, 2001 City Council meeting be reviewed. After discussion, Councilman Stampleman made a motion, seconded by Councilwoman Downing to amend the resolution at follows:

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

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

WHEREAS, it remains the intention of the City Council to engage the services of consultants to assist in completing a city development plan,

NOW, THEREFORE BE IT RESOLVED that the City Comptroller is authorized to increase the fiscal year 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 approval of the Council before these funds are disbursed.

-Councilman Stampleman reported that the sub-committees of the Rye Recreation Commission continue to meet to discuss and further refine ideas put forth in the master plan.

-Mayor Otis said that he was proposing that a request be made to the New York Conference of Mayors (NYCOM) to submit an amicus brief on behalf of the City in reference to the legal matter involving Home Depot. He made a motion, seconded by Councilwoman Cunningham, to adopt the following resolution:

RESOLVED, that the Rye City Council requests that the New York Conference of Municipal Officials (NYCOM) consider the request of the City of Rye for the submission by NYCOM of an amicus brief in the matter of Home Depot v. Edward Dunn, et. al, and

BE IT FURTHER RESOLVED, the Rye City Council authorizes our attorney in this matter, Robert Herman of Plunkett & Jaffe, PC, to submit the necessary material to NYCOM, with this resolution, to commence such a request.

ROLL CALL

AYES: Mayor Otis, Councilmen Cunningham, Downing

and Stampleman

NAYS:None

ABSENT: Councilmen Hutchings, Larr and McKean

The resolution passed.

-Councilwoman Downing asked City Manager Novak to see if we need to provide additional training to our tree workers now that the former tree foreman has retired and there is no official arborist on the city staff. Manager Novak said she would speak with the new foreman.

-Councilwoman Downing noted that the committee chairs who will be running First Night indicated they might need to ask the city for funds for this event. She said that she felt that there were other areas, such as the Rye Historical Society, where additional funds might be better spent. Mayor Otis said that the First Nightgroup was trying to form an executive board and would be having fund raisers. He also said that he and the City Manager had pointed out that the City already does support the event in terms of personnel, overtime, etc. He said that as far as the Historical Society is concerned, a meeting needs to be set up with the City Manager and the Society to explore areas which lend themselves to contracts for services.

18. New Business

-Councilwoman Cunningham reported that an interesting program on Habitat Restoration would be taking place at Manhattanville College on Thursday evening, February 9 and urged anyone interested to attend.

-Councilman Stampleman requested information about Planning Training Sessions be sent to him as he was interested in attending.

-Councilwoman Cunningham mentioned that there had been interesting information sent by the State concerning gas conservation and suggested this information be disseminated to the public.

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn to executive session at 9:30 P.M. to discuss pending litigation and a personnel matter.

The Council reconvened at 10:05 P.M.

19. Adjournment.

There being no further business to discuss, Councilwoman Downing made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn the meeting at 10:06. P.M.

Respectfully submitted.

Susan A. Morison
City Clerk