

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

PRESENT:

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

The Mayor announced that there has been concern about cellular companies conducting tests to establish a cell tower in Disbrow Park. He said that while there is no law against testing, the City does not intend to grant a request to install a tower in Disbrow Park and asked the City Manager to convey that intention to Nextel.

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. Workshop on Sidewalks and Trailways

Mayor Otis introduced the workshop by saying that the topic merged two concepts: the recommendation in the Recreation Department's Master Plan to create scenic trailways to increase

walking and the recommendations of the Traffic and Transportation Committee to provide adequate sidewalks, especially for school children. He recognized the presence of Brian Dempsey from the Traffic and Transportation Committee and Tom Fendler from the Rye Recreation Commission and opened the discussion.

Councilman McKean asked that the Manager follow up on getting ordinances from other like communities who have trailways. Councilmen Stampleman, Larr and Cunningham raised the question of responsibility for whatever is in front of your property (i.e. are trailways subject to the same monetary and maintenance requirements as sidewalks). The City Manager indicated that it would be up to the Council to decide, but if the trailway looked like a nature trail it would be likely to require different care from a sidewalk (for example, the Nature Center trails are not plowed). Corporation Counsel Neale said there are no standard codes for new trailways and reiterated that the Council can define trailways and their standards anyway they wish. In terms of asking owners to pay for the trailway, should it be in front of their property, Mayor Otis said that the City had not paid for sidewalks in the past, but that there are grants for assistance and perhaps the City should try and find a way to help. Councilwoman Cunningham said she thought perhaps the City had helped with the installation of sidewalks on Locust Avenue.

Mayor Otis suggested that, for this discussion, the Council should try and figure out where they want the trailways and/or sidewalks. Councilman Hutchings said the Recreation Commission's recommendation was for a trailway along Blind Brook past the Nature Center to meet the path to Playland Parkway and does not involve any City sidewalks. He suggested the Council focus on the Recreation Commission's recommendations first. The Mayor said that there is heavy "traffic" on Stuyvesant and Forest Avenues and that we should ask the public what they think in terms of location, materials and general "look." It was agreed that trailways and sidewalks have more in common than not, and that the Council should continue to consider them together. Councilwoman Downing said that it was her understanding that trailways are less expensive than sidewalks and she favored the more pastoral look of trailways. Councilman Stampleman suggested that the next step could be to have the Recreation Department map out a route, complete with suggestions of how to maintain it, and let people comment. Councilman Hutchings said he favored adding Stuyvesant and Forest Avenues to the map route and also suggested he would like to know more about grant opportunities for Recreation Trailways. Councilman Stampleman suggested that the Department of Public Works also be consulted in the creation of the map.

In summary, the City Manager will 1) contact Boulder, CO to see what that community did; 2) determine what the City did on Locust Avenue; 3) work with the Recreation Department to develop a map route; 4) develop a plan to notify everyone about the project; and 5) investigate the potential for grants. The City Council will set a public meeting inviting the public to come and see the proposed map and to hear what they would like.

5. Presentation by The Preserve on the proposed traffic signal on the Boston Post Road at Johnson Place/Barlow Lane

Mayor Otis reported that the installation of a traffic light had been recommended for the intersection of the Boston Post Road at Johnson Place/Barlow Lane, but that the residents of the Preserve were opposed to the idea and had requested that they be given time to develop their own report on the necessity of a light. He introduced Thierry Hasse, President of the Homeowners Association of the Preserve who introduced Anthony Russo of AKRF Engineers, P.C.

Mr. Russo said AKRF reviewed the findings of the Berger Lehman Associates traffic signal warrant study done for the City of Rye in 1999 which reported that only the criteria for Warrant 2 (interruption of continuous traffic) was met, while the criteria for the other 6 warrants were not. AKRF conducted their own study and found that no criteria for any of the 7 warrants had been met. Therefore, in lieu of a light they recommended 1) cross road signs; 2) "reduce speed" warning signs (flashing); 3) pavement markings; 4) more police presence or even a smart trailer. Councilman McKean added that the City could install a fixed device which records speed such as the one on Playland Parkway.

The Mayor thanked everyone for coming and said that the Traffic and Transportation Committee will review the matter immediately. Councilman Hutchings said he hoped the final determination would be made at the next meeting.

6. Proposed resolution in Support of Continued Funding to Expand Project Impact

Mayor Otis presented a proposed resolution in support of continued Federal funding to expand Project Impact. Councilman Hutchings said he was opposed to the resolution because it is not the intention or the tenor of the new administration and because the President has said that "project impact has not proved it's effectiveness." He said it has not proved it's effectiveness to him either and he would like to know what it has done for Rye. The Mayor explained that the goal of the program is to prepare communities for natural disasters such as flooding; that he feels it is one of the most interesting projects to come out of Washington in generations; and that it has brought, and saved, the City money. He said that so far, the City of Rye has benefited from a hydrology study of the brooks which flood; a study of risk hazards; training of the City staff in emergency responses; plans to mitigate flooding; a plan for a solution for flooding brooks as required by the increased State Pollutant Discharge Elimination System (SPDES) requirement; developing disaster shelters; money for the Beaver Swamp Brook environmental assessment; new partnerships with companies like Con Edison, United Hospital and the Red Cross; and technical assistance grants to develop our GIS system. Councilwoman Larr agreed that the benefits were on-going and hard to weigh at this point. Councilman McKean said Project Impact was not just about Rye, but had long-term value to many communities, especially as everyone tends to overdevelop. Councilwoman Downing requested that a list of specific benefits to Rye be prepared.

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

WHEREAS, Project Impact, the Federal Emergency Management Agency program to encourage local officials to make their communities more resistant to natural disasters, has been a great success; and

WHEREAS, there are now nearly 250 Project Impact communities and over 2,500 Project Impact partner organizations across the Country, working together in a public/private partnership to lower the cost of disasters through disaster planning and prevention; and

WHEREAS, New York State's Project Impact Communities, the City of Rye, Village of Freeport, City of Buffalo, Village of East Rockaway, Village of Waverly, Town of Dryden, Town of Eden, Town of Erwin, City of New Rochelle, and the Town of Amherst have been models for other communities around the Country, and

WHEREAS, Project Impact and locally-based hazard mitigation should be continued and strengthened; and

WHEREAS, funding should continue to go directly to communities to encourage building disaster resistant communities and providing the foundation for the assistance provided by other agencies working in partnerships with local communities in this important work; and

WHEREAS, the features that make Project Impact distinctive - holistic, innovative, and community-based - should be continued and strengthened; and

WHEREAS, Project Impact, with its focus on locally determined goals and objectives, has been one of the most innovative federal programs to be developed in years; and

WHEREAS, as a Project Impact community, we have benefited from these efforts to make our community safer, more focused on disaster prevention planning, and better prepared for natural disasters; now, therefore be it

RESOLVED, the Rye City Council pauses in its deliberations to ask that the President of the United States George W. Bush and the Congress of the United States continue to fund and expand Project Impact, a vital program that saves lives, property, and taxpayer dollars; and be it further

RESOLVED, that copies of this resolution will be delivered to President Bush, the Leaders of the Senate and House of Representatives, the New York Congressional Delegation, and such other officials deemed appropriate by the Clerk of the City of Rye.

ROLL CALL:

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

NAYS: Councilman Hutchings

ABSENT: None

The resolution passed.

7. Discussion of the distribution of City Council minutes

Mayor Otis asked Councilwoman Larr to comment on when the minutes should be distributed. She said she thought, based on the conditions set forth in the Open Meeting Law, that it was acceptable to release unapproved minutes if they were requested, but that they should not be edited by anyone except the Clerk and that if they are released prior to approval by the City Council each page should be stamped "unapproved draft." Councilwoman Downing said she felt strongly that no person should make substantive changes prior to distribution and that it is the role of the Clerk to write minutes as she interprets. The Mayor said the Clerk has always been free to consult with people who were at the meeting for specific details. He stated in his view the City made the correct decision in releasing the unapproved minutes to residents and the press the day after the special meeting. He recognized Michael Klemens who said perhaps each page should be marked with a further disclaimer which says "substantive changes may be made." Davidson Gordon told the Council he thought minutes should be released as soon as possible. Mayor Otis and Councilwoman Larr will work together to draft a policy for the future.

8. Consideration of proposed local laws amending Chapter 177 of the Rye City Code by adding Article VIII, Persons with Disabilities Exemption, Sections 177-33 and 177-34, and amending Article III of Chapter 177, Senior Citizens' Exemption, by amending Section 177-26

Mayor Otis asked staff to explain the proposed changes. Corporation Counsel Neale said that the proposed laws before the Council reflect new State legislation which allows the City to adopt a local law granting partial exemption from property taxes to disabled persons with low incomes. The City Assessor has recommended that the City adopt a local law authorized by the State. Mr. Neale said adoption is voluntary and that he would like to review the proposed wording further. The Mayor said he supported the amendments, but urged additional review. He recommended the public hearing be postponed to no later than early April as the laws need to be adopted by May 1. The scheduling of the public hearing was postponed.

8a. Scheduling a public hearing on the request to de-map Westland Road

Mayor Otis said that Michael Klemens had requested that Westland Road be de-mapped as it borders the brook and can no longer be built upon. The request, which is routine when the request involves a street that can never be a street, has been approved by the Planning Commission and the next step is to set a date for a public hearing.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to schedule a public hearing at the next regular meeting of the City Council on March 21, 2001. The City Planner will prepare the public notice:

**PUBLIC NOTICE
CITY OF RYE**

PLEASE TAKE NOTICE that the Rye City Council has scheduled a public hearing for Wednesday evening, 8:00 p.m., March 21, 2001, in the Council Room of the Rye City Hall on the following matter:

The resident of 9 Charlotte Street has petitioned the Rye City Council requesting an amendment to the City's Official Map to de-map Westland Road, pursuant to Section 29 of General City Law. This de-mapping would result in Charlotte, Ellsworth and Mayfield Streets terminating in dead-ends. Any person interested or affected will be given an opportunity to be heard at the hearing. All information pertaining to this matter is available for public inspection at the City Planner's Office in Rye City Hall.

Dated: March 8, 2001

Rye City Clerk

9. Approval of the erection of a telephone pole on Macy Road in accordance with Chapter 167, Section 167-5

The City Manager explained that normally the City Engineer would have authority to approve such procedures but that, for some reason, Section 165-5 of the City Code made new telephone poles an exception. The proposed pole will be of standard height.

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the erection of a telephone pole on Macy Road in accordance with Chapter 167, Section 167.5.

10. Approval of the extension of the Master Agreement for Engineering Consulting Services with Harza Engineering Company

Mayor Otis turned the floor over to City Manager Novak who explained that the Master Agreement between Harza Engineering Company, Inc which, along with Satterthwaide Associates, is assisting with GIS mapping, needed to be extended and amended to reflect a revised fee schedule. She said that the cap of \$259,000 will remain the same, but the billing components will be changed.

Councilman Stampleman made a motion, seconded by Councilman McKean and unanimously carried, to extend the Master Agreement between Harza Engineering Company, Inc. and the City of Rye to December 31, 2001 and to adjust the billing rates for 2001 for both Harza and Satterthwaide Associates.

11. Designation of the official polling places of the City of Rye for all elections and authorization for the City Clerk to request a waiver of accessibility requirements for Milton School Gymnasium which does not meet the accessibility standards for the disabled

At the request of the Mayor and City Manager, the City Clerk explained that each year the Council is required to approve polling places for the year's elections and to authorize a waiver of accessibility requirements for the Milton School Gymnasium. She reported that District 1 will move to the Carriage House at the Jay Heritage Center (which is fully accessible) and that a new district (#15) has been added because District 2, which includes The Osborn, had grown too large.

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

RESOLVED that the City of Rye hereby designates the following locations as the official polling places for all the elections:

District No.	1	The Carriage House, Jay Heritage Center
District No.	2	The Osborn, in the Strathcona Building
District No.	3	City Hall, Council Chambers
District No.	4	City Hall, Council Chambers
District No.	5	Milton School Gymnasium, Hewlett Ave.
District No.	6	Rye Middle School Gymnasium
District No.	7	Damiano Recreation Center, Midland Ave.
District No.	8	Damiano Recreation Center, Midland Ave.
District No.	9	Disbrow Park, Public Works Building, (Old Garage) Oakland Beach Avenue
District No.	10	Rye Middle School Gymnasium
District No.	11	City Hall, Council Chambers

District No.	12	Osborn School Gymnasium, Osborn Road
District No.	13	Disbrow Park, Public Works Building, (Old Garage) Oakland Beach Avenue
District No.	14	Milton School Gymnasium, Hewlett Ave.
District No.	15	The Osborn, in the Strathcona Building

RESOLVED, that the Council of the City of Rye hereby authorizes the City Clerk to request a waiver of the accessibility requirements for Milton School Gymnasium which does not meet the accessibility standards for the handicapped.

12. Consideration of request of the Recreation Department to use City Hall and the Village Green for the Annual Pops Concert on Sunday, July 1, 2001

Mayor Otis asked the Council to consider the request of the Recreation Department to use City Hall and the Village Green from 4:00 - 9:30 PM for the Annual Pops Concert.

Councilwoman Larr made a motion, seconded by Councilman Stampleman and unanimously carried, to grant the request of the Recreation Department to use City Hall and the Village Green for the Annual Pops Concert on Sunday, July 1, 2001.

13. One appointment to the Board of Ethics to fill the unexpired term ending January 1, 2004

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing and unanimously carried, to appoint Warren Ross to the Board of Ethics to fill the unexpired term of Richard Runes ending January 1, 2004.

14. Bids for One (1) Bedknife Grinder

Mayor Otis said there was only one bidder for both the Bedknife Grinder and the Three Utility Vehicles but that both sole bids fell within the anticipated range so that it was recommended that the Council approve the bids as submitted.

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

RESOLVED, that Bid #2-01
- One Bedknife Grinder be and is
hereby awarded to Turf Products
Corporation, the sole bidder meeting

specifications, in the amount of
\$11,585.

ROLL CALL

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

NAYS:None

ABSENT: None

The resolution carried.

15. Bids for Three (3) Utility Vehicles

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

RESOLVED, that Bid #2-02 - Three Utility Vehicles be and is hereby awarded to Steven Willand Inc., the sole bidder meeting specifications, in the amount of #17,250.

ROLL CALL

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

NAYS:None

ABSENT: None

The resolution carried.

16. Miscellaneous communications and reports

Councilman Stampleman suggested that the Comprehensive Mosquito-borne Disease Surveillance and Control Plan issued by the Westchester County Board of Health be passed on to the Greenhaven Association. Mayor Otis added that the County will be using larvicides in catch basins again this year; that it is important to make sure the whole community is covered; and the City should check with the County on the replenishment schedule.

Councilwoman Downing asked if the staff had been able to create any material to discourage people from using white rocks on Stuyvesant Avenue. The City Manager said that they had proposed materials but there was no consensus about further action. Councilman Stampleman suggested the materials be included in the next City Newsletter.

Councilman McKean reported that the Planning Commission would be reviewing the Flood Mitigation Report this month.

Councilwoman Cunningham read a note from the Zoning Board of Appeals (ZBA) saying they would like to meet with the City Council to discuss the Floor Area Ratio (FAR) issue. She suggested that it might be a good idea for the ZBA to meet with the Master Plan Update Task Force, with the Landmarks Advisory Committee, and the Board of Architectural Review (BAR). The Mayor said that perhaps a workshop should take place to see what is workable, but that it would be good to see where we are with the Master Plan Update and the FAR segment. Michael Klemens, Planning Committee Chairman and head of the Master Plan Update Task Force, said that the plan had fallen in a crack with the departure of the former City Planner, but he hoped to have the whole plan, which is sensitive to the entire population of Rye, ready within 3-4 months. The Mayor said they would welcome the input of ZBA, Landmarks, and BAR members on the Master Plan Update Task Force which needs to be the result of a joint effort.

17. Old Business

Councilman Hutchings urged all Council members to read the "Guide to Working with RCTV" booklet prepared by the RCTV staff and asked everyone to send them their interview schedules. Councilwoman Cunningham agreed that it was good to plan in advance but having open slots could be an opportunity to air "late, breaking news."

Councilwoman Cunningham expressed her appreciation on behalf of the whole Council to everyone who participated in the Whitby Chapel Golf Outing, chaired by Patty Adimari, Chris Donley and Lorraine Mignone, thereby contributing to the restoration of Whitby Chapel. She asked that the wording on the small plaque which will be erected at Whitby and the names of those who contributed be listed below as a permanent record of their contribution.

"The restoration of the Chapel Room was partially funded by a gift from participants of the May 2000 Whitby Castle Golf Outing. The City of Rye appreciates the efforts of Rye Golf Club and community members to preserve one of Rye's historic treasures"

Sponsors: Frank & Patty Adimari, The Benoit Family, The Bisceglia Family, Enzo Biscni, Bruce Boehmcke, Donald & Joan Bomann, Frank Borsella, Howard Bratches, Kevin Butler, Domenick Calgi, Raymond Calgi, James Capra, Paul Catalano, The

Codispoti Family, Sam Conca, John & Carolyn Cunningham, Michael Della Gala, Jr., Michael Domenici, Joseph & Christine Donley, Charles & Caren Dorn, Edward B. Dunn, Ian Dunn, Scott Dunn, Richard Eising, John & Dolores Eyler, Charles Francavilla, Robert GiaQuinto, Kenneth Gill, Peter Gisolfi, Christopher Kerry, F. LaRocca, D. Larossa, Kerry Lenihan, Jeffery Liebman, Joseph Lorono, Ronald Luiso, Christian Luce, The Maione Family, The Marconi Family, J. Murques, Jerry McGuire, Richard Mecca, Vincent Merlino, Lorraine Mignone, Anthony & Lauren Miscimarra, Bill Moran, Mario Mrdelja, Peter & Cathy Nix, Steven Otis, Romulo Perez-Segnini, Maggie Pinsker, Robert Rispoli, Alan Robben, The Rodgers Family, Steven Rosenfield, Dick Santucci, The Saracino Family, The Sirabian Family, Thomas Trister, Michael & Kathy Walsh ***** Allstate Lawn Sprinklers, Central Tree Service, Inc., The Osborn, Plaza Too, Rye Golf Club Swim Team, Town Dock Tavern, Woodtke Builders, Inc.

Contributors: Sohail Anjun, John Casey, Edward Collins, The Francella Family, Edward & Susan Hermann, Ronnie Mandell, Charlene Laughlin, Robert & Anja Porto, Holly Meeker Rom, Jane Mickatavage, Betty Seacord, The Sirabian Family, Lynn Sunstrum, William & Diane Switzer, Donald Whamond, Robert Woodrow ***** The Buick Classic, Moraio Bros., Woodrow Jewelers.

Special Thanks to: Howard Bratches, Richard Gonyea and the RGC Greens Staff, Dick and Pam Santucci, Terri Silverman-Jessen, The Rye Golf Club Membership Office, Nortel Networks, Pace Honda-BMW.

Councilman Stampleman reported that he, Councilwoman Cunningham, and Finance Committee Member Ted Downing had attended a very interesting workshop given by Bennett Keilson Storch DeSantis & Co., LLP on future accounting practices for municipalities effective 2003. He said that it was more "businesslike," assigning a value to everything; and that it would be lot of work, but that the staff can be counted upon to do it well.

18. New Business

There was no new business discussed.

Councilwoman Cunningham made a motion, seconded by Councilman McKean and unanimously carried to adjourn to executive session at 10:07 P.M. to discuss a personnel issue and a legal issue. Councilman Stampleman requested the presence of Planning Commission Chairman Klemens during the legal portion.

The Council reconvened at 11.10 P.M.

19. Adjournment

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

Respectfully submitted,

Susan A. Morison
City Clerk