

MINUTES of the Regular Meeting of  
the City Council of the City of Rye held in City  
Hall on March 21, 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.

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

Orna Nahor, who lives at 381 Rye Beach Avenue, addressed the Council about some problems in the area. She said that there are a lot of children and she is concerned about the traffic situation, mostly due to young drivers speeding in the area, and the summer traffic when people take shortcuts to Playland through Rye Beach Avenue. She said she does not consider the road safe for her small child and wished the police would give more tickets to the speeders. She also mentioned the garbage and other litter which overflows the single garbage can. She said that she had written a letter to her neighbors and so far has received 18 responses, including many from older residents, all concerned about the same issues. She said they would all welcome any help the City can give and suggested a number of possible solutions, including more garbage cans, speed signs and bumps and a "no entry sign" at the entrances to both Redfield Street and Rye Beach Avenue off Old Rye Beach Avenue. She said it was a beautiful area and does not want to see it trashed.

The Mayor thanked her for her comments, saying they were not new issues. He said litter is a big problem, but that the garbage can belongs to Westchester County so the City is not in a position to add one. He suggested perhaps the County and Rye Town Park can add extra cans, especially during winter months. He said the police do try to step up their presence during the summer, but the traffic issues are complicated. He said the police (including often an officer on bicycle) are there, can write tickets and do, but that this is not the only area they have to cover so they can't be there all the time. He pointed out that Old Rye Beach Avenue is owned by the County. He said the Council will ask County Legislator George Latimer for input and that he will see that the issues be placed on the agendas of future Rye Town Park Commission and Playland meetings.

Councilman Stampleman suggested that the role of Rye police in the area be reviewed by the Rye Police Commissioner. Mayor Otis said he will recommend that the Traffic and Transportation Committee and the City staff review the situation. Councilman McKean said there was no reason to consider Old Rye Beach Avenue as a feeder to Playland and recognized that it does tend to become a de facto parking lot and the City should look into the situation.

4. Report of County Legislator/Chairman George S. Latimer

County Legislator/Chairman Latimer gave the Council an update on County issues. He said it was important for the County to be aware of issues in Rye which involve the County, to do what is in the City's best interest, and to learn how the County can interact and be responsive. He discussed the following issues:

The finalized 2001 County budget calls for a 5% tax cut which, adjusted, is about 3% for Rye residents. For the third consecutive year, this is less than the last year, made possible by a strong sales tax, the tobacco settlement, and the general economic boom. He reported that the overall budget is down to 1.2 billion versus 1.6 billion several years ago, and that the number of employees is down to 6300 (from 10,000), both decreases primarily due to the spin off of the Medical Center. He presented a copy of the mini-budget to the City Clerk for the record.

Plans are underway for the summer season at Playland which is the single most important issue for Rye. He said the County is in the process of setting up a meeting to review plans to avoid traffic overflow, and also to look at the time of the fireworks, noise level, transportation issues and conduct of teenagers. He said he also recognized the need for the County to clean up the right of way on Playland Parkway and also on the streets which back up to the Parkway. Councilwoman Larr inquired about the noise level for the fireworks and Legislator Latimer said the County was still working on finding a consistent level for fireworks acceptable to the neighbors.

Meetings are on-going concerning the mini-parcels of land owned by the County which the City might obtain. He said the 2.1 acre parcel on Theodore Fremd Avenue is not yet on the table because of the pollution issues which need to be resolved. He knows the Human Rights Commission wants to

meet concerning the remediation required because of the pollution. Councilman Stampleman inquired about the last time there had been a report issued on the situation. Councilwoman Cunningham reported that the State has a contract to remediate and report and that the State Department of Environmental Conservation had issued a report just last month. She said that unfortunately, the last report had indicated the groundwater contamination in some of the test wells was getting worse rather than better. Mayor Otis said he would see that Councilman Stampleman gets a copy of the report. Legislator Latimer said he understood there had been tours of the other sites and that the County is working with the appropriate committees. Mayor Otis indicated Sal Carrera, head of County real estate transactions, and the County Executive's office have been most helpful and that the City appreciates the County's support.

Legislator Latimer reported that the County had allocated a \$75,000 County Development Block Grant (CDBG) to repair the retaining wall at Rye Town Park; that he was pleased to report the settlement of the bus strike; and that he would like to be kept informed of any proposals coming from the Rye City Council on the Old Rye Beach Avenue situation discussed earlier. Councilman McKean reported that the County has also stabilized the Tennis Building on the Jay Property.

5. Discussion of Rye Town Park Restaurant's requests to provide year-round service and State permission to operate under a full liquor license

Mayor Otis reported that Seaside Johnnie's, the restaurant at Rye Town Park, has requested that it be able to stay open year-round and that it be granted a full liquor license. He said that while the Rye members of the Rye Town Park Commission (who comprise only 33%) can recommend, it is up to the full Commission to rule on the year-round request. He said that the application for a liquor license requires a home rule message from the City of Rye because it involves amending a State statute, so the City Council has veto power over this portion of the request. He noted that Seaside Johnnie's is a new establishment which was fixed up at the owners expense and is no longer a "drinking spot," but a family restaurant. Both Councilmen McKean and Stampleman said the Council has notified the public about these proposals in several ways and the Mayor said tonight the Council would like to hear what people feel about the proposed changes. In response to a question from Councilwoman Downing, the Mayor replied that the restaurant would like to begin year-round operations now with the same hours as last summer (9:00A.M.-11:00P.M. Monday-Thursday and until midnight on Friday and Saturday). Ultimately, the hours will be set by the Commission and can be revoked if they are not working out.

Mike Foster, President of the Waters Edge Condominium Association, said he saw no reason not to have a family restaurant year round but that the liquor license would be acceptable only if it was a minor extension to the family dinner concept. He said he would like to see easy, enforceable restrictions so it did not lead to another Cove East type of bar and would like to see the hard liquor cut off early (10:00 P.M.). Mayor Otis agreed that no one wanted to see another Cove East.

Eileen Tolve, a 37-year resident of 630 Forest Avenue, told the Council that all her neighbors were worried about the request; that they agreed to wine and beer, but were opposed to year-round

and to hard liquor, saying that with a midnight cut-off people would be there making noise until 2:00 A.M. She pointed out that it took 12 years to get rid of Cove East and that traffic, which is already bad, would get worse and there would be serious accidents. She pointed out there were tables by the wall and did not think they should be there.

Mr. Joseph Maloney, Vice President of the Water's Edge Board, asked why there should be a bar year-round. He said that already the late night noise is bad and that on some nights the police have had to be called. He said that liquor in the summer might be OK, but not in the winter. Further, if it is granted it should have an early (10:00 P.M.) cut-off time and any problems should be monitored. In response to a question by the Mayor, he said that even shorter hours during the winter with hard liquor would not be acceptable.

James Ruddle, Blind Brook Lodge, said he felt that even with the current situation the garbage is not being disposed of and that people are already drinking outside at night. He said it appeared that Seaside Johnnie's asked for a little, are now going for more, and it seemed to him from the newspaper that the request had already been approved. The Mayor said that definitely no decision had been made and they were all listening.

Orna Nahor, who spoke earlier, confirmed that there is a terrible garbage stench and wondered about the affect on the park if the restaurant is open all year. She said people do drink outside and that it would have a bad effect on youngsters. Councilman McKean said that the original agreement definitely prohibits drinking outside and suggested that the situation be checked out. She pointed out that there is not even a playground so why not restrict the restaurant as well. Councilman Stampleman asked why there was no playground and was informed that it is because the park is deemed a passive park.

Bill Walsh, 44 Redfield Street, said he was hard pressed to find plusses in the proposal and is concerned with the bigger issue of further commercialism of the waterfront, including on Old Rye Beach Avenue by Playland. He said that expanding during the winter is the start of a slippery slope which will make living in the area unattractive on a year-round basis instead of just during the summer. He agreed that it appears as if the restaurant has its foot in the door and now wants more.

The Mayor said the restaurant didn't seek year-round hours at first. Councilman McKean said that the Commission had never shut the door to expanded use but felt it should be tested first until it was seen to be working out. He said that the restaurant was requesting permission now so that they can build up a clientele so they will have winter constituents. Councilwoman Downing urged everyone not to be naïve, recognizing that a liquor license is a financial plus so the restaurant would be foolish not to promote liquor. She acknowledged alcohol leads to noise, more accidents, and a different character and urged everyone to recognize that restrictions would be necessary.

The Mayor said that Seaside Johnnie's was a bit more removed from homes so would not seem quite as commercial as something similar on Old Rye Beach Avenue and said the Council was very opposed to any commercial encroachments there. He said he felt the restaurant has tried to be a good

neighbor and that problems exist whether or not they are open, but that despite the plus of having a restaurant on the water open to the public, the City was concerned about security, kids loitering, etc. There are also questions to be worked out about such issues as who plows during the winter. Councilman Stampleman inquired about the number of Rye residents using the restaurant versus non-Rye and was informed that there are a lot of Rye residents, many dining at the beach for the first time. Councilman Stampleman said that having listened to the discussion, he is not in favor of granting a full liquor license.

Planning Commission Chairman Michael Klemens said it appears many changes are taking place in Rye Town Park and suggested perhaps the Planning Commission might review the changes in connection with the Local Waterfront Revitalization Program to determine the impact on the neighborhood and the coastal area.

Mayor Otis asked the Council for their additional thoughts on the subject. Councilwoman Cunningham said it would be nice to have public space on the water but has concerns about the liquor license, questioning how much restrictions can actually be monitored. The Mayor said setting and maintaining the restrictions would be up to the Commission. Councilman Hutchings said that people need to recognize the right of the owner and consider if having a liquor license will enable him to recoup his considerable investment.

Dennis Buckley, Oakwood Avenue resident and a member of Friends of Rye Town Park, said they have not had a chance to discuss the issue at a meeting and had not taken a position on the proposals. He said it was his understanding that the additional investment required to winterize the restaurant would be approximately \$100,000.

Mayor Otis said that there is a meeting of the Rye Town Park Commission on Thursday, March 22<sup>nd</sup> at 6:30 P.M. and said he thought it would be appropriate for anyone who wishes to attend and share their thoughts with the Commission. He said he had gotten letters both pro and con but said it was his feeling from this meeting that the Rye representatives to the Commission should not vote for the changes. Councilman McKean said that the Commission should also address better food, lighting issues and attention to all the promises made last year, including no service outside the restaurant.

Councilman Stampleman made a motion, seconded by Councilwoman Larr, to reject the request for a liquor license.

**ROLL CALL:**

**AYES:** Councilmen Cunningham, Downing, Larr and Stampleman

**NAYS:**None

**ABSTAIN:** Mayor Otis, Councilmen Hutchings and McKean.

The motion carried 4 - 0 with three abstentions.

As a further guide to the Mayor at the Rye Town Park Commission meeting, the Mayor polled the Council which voted 5-0 to give more consideration to the request to remain open year round. Mayor Otis and Councilman Stampleman abstained.

6. Public hearing on the request to de-map Westland Road

Mayor Otis opened the public hearing by explaining that Westland Road is a paper street on the City's maps which has never been used and is frequently flooded. He requested comments from the audience. Dr. Michael Klemens, who requested the de-mapping, explained to the Council that he would like to see the de-mapping of Westland Road as it is in a wetland area and will never be built upon and he feels his property will be more secure if there is no official street. He also reported that the Planning Commission unanimously supports the de-mapping. Paul Benowitz, a neighbor on Ellsworth Avenue, supported Dr. Klemens saying that the area is full of young families who think they live on a dead-end street which ends in a flood plain and feels they would all be very surprised to find a street there. There being no further comments from the public or from members of the Council, Mayor Otis closed the public hearing.

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

**WHEREAS**, the Rye City Council received the request of Mr. Michael W. Klemens of 9 Charlotte Street to amend the Official Map of the City of Rye for the purpose of removing the designation of Westland Road as a future right-of-way and street; and

**WHEREAS**, pursuant to Section 29 of General City Law of the State of New York, the proposed amendment has been referred to the Rye City Planning Commission; and

**WHEREAS**, after due consideration, the Rye City Planning Commission at its February 27, 2001 meeting recommended that the City Council approve the requested Official Map amendment; and

**WHEREAS**, pursuant to Section 29 of General City Law of the State of New York, a public hearing on the proposed Official Map amendment was held on March 21, 2001 and closed on that date; and

**WHEREAS**, the Rye City Council has determined that the proposed action will not have a significant adverse impact on the environment and hereby makes a negative declaration of environmental significance pursuant to the requirements of the State Environmental Quality Review Act (SEQRA);

**NOW, THEREFORE, BE IT RESOLVED**, that the Rye City Council hereby amends the Official Map of the City of Rye to remove the designation of Westland Road as a future right-of-way and street.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution carried.

7. Consideration of proposed local laws amending Chapter 177 of the Rye City Code by adding Article VIII, Persons with Disabilities Exemption, Sections 177-33 through 177-37

The Mayor asked the Council to set a public hearing to consider proposed local laws amending Chapter 177 of the Rye City Code by adding Article VIII, Persons with Disabilities Exemptions. Corporation Counsel Henry Neale said the Council had two versions before them: a longer one which follows the exact wording of the State and County legislation and a shorter one which allows the City to adopt whatever deduction the State authorizes without having to specifically amend the local law each time the authorization is changed. Mr. Neale said both he and the Assessor recommend adoption of the second, shorter version. Councilmen Cunningham and McKean both said they favored the second version.

Mayor Otis said he was concerned for the future that the municipality will not have enough say about changes and that the law the Council adopts should be consistent with other similar laws, such as the senior citizen exemption. He asked what other municipalities do and suggested the City Manager contact NYCOM. Councilman Stampleman pointed out that there is a discrepancy in the figures on version 1 and was concerned about the possible loophole which might allow an affluent person with a disabled person living in the home to obtain the exemption. He asked Mr. Neale to see if the loophole could be tightened.

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously approved, to schedule a public hearing at the next regular meeting of the City Council on Wednesday, April 4, 2001.

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing on a proposed local law amending  
Chapter 177, Taxation, of the Rye City Code by adding Article  
VIII, Persons with Disabilities Exemption**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 4<sup>th</sup> day of April, 2001 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law amending Chapter 177, Taxation, by adding Article VIII, Persons with Disabilities Exemption

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

Dated: March 26, 2001

Susan A. Morison  
City Clerk

8. Approval of a supplemental appropriation of \$10,520 from the General Fund Contingent Account to the General Fund Ambulance Services Account to cover the additional service contract cost for fiscal 2001

Mayor Otis asked Manager Novak to explain the request for a supplemental appropriation for ambulance services. She said it had been anticipated and that it was still a good value.

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

**RESOLVED**, that \$10,520 be transferred from the General Fund Contingent Account to the General Fund Ambulance Services Account to cover the additional service contract cost for fiscal 2001.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution carried.

9. Proposed resolution amending the additional city fee for dog licenses, effective January 1, 2001

At the request of Mayor Otis and the City Manager the City Clerk explained that the Council had been asked to approve an additional City fee for dog licenses of \$15 but that the State law limits the increase to only \$10 per dog.

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

**RESOLVED**, that the following fee established effective January 1, 2001 is hereby amended as follows: CITY CLERK, General - Dog License: Additional City fee \$10.00.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution carried.

10. Consideration of request of the Rye City School District to use three of the City's voting machines on May 15, 2001 for the Board of Education election and the school budget vote

Mayor Otis asked the Council to consider the annual request of the Rye City School District to use three of the City's voting machines for the Board of Education elections. Councilwoman Larr said she thought use of the machines to hold the student election was an excellent program.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to authorize the City Clerk to loan three voting machines to the Rye City School District for Student and School Board Elections from May 9-16, 2001.

11. Consideration of request of the Milton School P.T.O. to have Hewlett Avenue posted as a one-way street from 10:00 a.m. to 3:00 p.m. on Saturday, March 24, 2001, in conjunction with the Milton School Fair

Mayor Otis asked that the request from Milton School P.T.O. to limit traffic during the school fair be approved.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to grant the request of the Milton School P.T.O to have Hewlett Avenue posted as a one-way street from 10:00 AM to 3:00 P.M. on Saturday, March 24, 2001, in conjunction with the Milton School Fair.

12. Consideration of the request of the Rye Youth Council to hold its Annual Block Party on Saturday, June 2, 2001, at the multi-purpose area of Recreation Park

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to grant the request of the Rye Youth Council to hold its Annual Block Party on Saturday, June 2, 2001 at the multi-purpose area of Recreation Park.

13. Bids for one Police Boat

Mayor Otis asked the City Manager to discuss the bids for the new police boat. She said the following bids had been received:

**BID #1-01**

**ONE (1) POLICE BOAT**

<b>NAME OF BIDDER</b>	<b>SECURITY</b>	<b>AMOUNT BID</b>
Twin Hull Boats 135 Bywater Lane Bridgeport, Connecticut 06605	Certified Check \$3,105.56	\$62,111.25
Twin Lights, Inc. 197 Princeton Avenue Bricktown, New Jersey 08724	Certified Check \$3,464.55	\$69,291.00

City Manager Novak recognized Police Officer Gary Olivier and Boat Basin Supervisor Peter Fox and asked them if they would like to say anything about the new boat. Officer Olivier said that two bids were for a Glacier Bay 26-foot Island Runner Model 2670 and he concurred with the

recommendation of the Police Commissioner to select the bid from Twin Hull Boats, Inc. He said the Boston Whaler would be the auxiliary police boat and that police boat #1 would be auctioned. Manager Novak said she was pleased to report that Officer Olivier had found a grant whereby the State will reimburse municipalities 50% of the cost of marine law enforcement boats and, therefore, the boat, scheduled for delivery in early summer will, after the reimbursement, actually cost the City only about \$35,000 instead of the full amount of the bid.

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

**RESOLVED**, that Bid #1-01 "One (1) Police Boat" be and is hereby awarded to Twin Hull Boats, Inc. the lowest bidder meeting specifications, in the amount of \$62,111.25.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution carried.

14. Draft unapproved minutes of the regular meetings of the City Council held February 28 and March 7, 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 on March 7, 2001 as amended.

Councilman McKean made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the regular meeting of the City Council held on February 28, 2001 as amended.

Councilman McKean suggested that in the future this agenda item be reserved for the end of the meeting, rather than before "Miscellaneous Communications and Reports."

15. Miscellaneous communications and reports

Mayor Otis reported that he had attended a meeting with the County Park Commissioner concerning the Tennis Court Building on the Jay Property. The structure has now been stabilized and the County is willing to fund a feasibility study to develop a plan for future use. He urged the Planning Commission and the City Manager to become involved in the planning process. Councilman McKean said that the skylights had been removed so water was free-falling into the court causing much plant growth which is not good. Mayor Otis said he would call the County and raise that concern.

Councilman Stampleman reminded the Council of the tour of the Recreation Department facilities on Saturday, March 31, 2001 and said he hoped everyone would be able to come. He also urged the Council to read the packet delivered to them from Gretchen Pulverman outlining the needs of the Senior Citizens as guidance in developing plans for improvements to the Damiano Center if the City is to match what is available in other communities.

Councilwoman Cunningham requested that the catch basins for larvicide, particularly in the Greenhaven area, be cleaned out in time for the County spraying. Manager Novak said she would look into it.

Councilwoman Larr mentioned a letter from Larry Lehman concerning the proposed light for the Boston Post Road and Johnson Place saying that his point about the unequal timing of the two studies (January and June) was a good one and suggested waiting until June for a parallel study. Councilman Stampleman said they should not wait any longer. Manager Novak said the Traffic and Transportation Committee is planning to vote on April 5<sup>th</sup>. She said she thought they would be reluctant to ask anyone to conduct an additional study at this time, but they will take this situation into consideration. Councilman McKean also agreed that the letter made other valid points, such as the proposed use of non-glare lights and said he thought the Lehman report was well thought out.

Councilman Hutchings reminded everyone that biodegradable paper bags are now necessary if one wants yard waste taken away. He said black plastic bags are no longer acceptable.

Councilwoman Larr mentioned that Alan Caminiti had been appointed the new City Marshall. Mayor Otis said the choice of this dedicated auxiliary policeman is an excellent one.

Councilwoman Larr commented on the report from the Police Commissioner about the first three months of having a policeman on the new beat in the business area. She said she was impressed by how large an area is covered and by the number of tickets that had been given out. Councilman Stampleman asked the City Manager to ask the Commissioner to look into measures other than tickets by which the success of this endeavor can be measured.

16. Old Business

There was no old business to come before the Council.

17. New Business

There was no new business to come before the Council.

Councilman McKean made a motion, seconded by Councilman Stampleman and unanimously carried, to adjourn to executive session at 10:35 P.M. to discuss a land acquisition and a personnel matter.

The Council reconvened at 11:11 P.M.

Councilwoman Downing made a motion, seconded by Councilwoman Larr and unanimously carried, that the Council authorize the City Manager to make the best deal for the best price on the best piece of property as part of the City's land acquisition project.

Councilwoman Downing made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn to executive session at 11:13 P.M.

The Council reconvened at 11:24 P.M.

18. Adjournment

There being no further business to discuss, Councilman Stampleman made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn the meet at 11:25 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk