

***APPROVED MINUTES*** of the Regular  
Meeting of the City Council of the City of Rye held in  
City Hall on April 4, 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.

Mayor Otis asked the City Manager to comment on the police incident which took place in Rye last Sunday evening. Manager Novak reported on the 13-hour standoff between a Rye woman brandishing a loaded weapon and the Rye Police. She said that fortunately no one (the officers, the public and the subject) was hurt and the way the incident was handled and resolved demonstrated the caliber of the Rye police and the community.

She thanked everyone who participated in the long efforts to bring the crisis to a peaceful solution - the neighbors, the enforcement officers from neighboring communities and Westchester County, the Rye Fire Department, the Rye Police Force, including Sergeant Ortiz who exercised extreme constraint when being in the direct line of fire, led by Lt. Robert Falk and Commissioner William Connors who were present throughout the ordeal. Mayor Otis concurred with her remarks, which were greeted with a well-deserved round of applause, and said Rye was fortunate that such experiences were rare. He said everyone appreciated the fine work of all participants.

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

Mayor Otis recognized former Mayor John Carey, 860 Forest Avenue, who asked if anyone had found the answer to who owns the town dock. He said, in his opinion, whoever owns the underwater land is the rightful owner of the dock. He also inquired if any information had been discovered about the third party beneficiary right of Rye residents to use the dock as stated in the agreement between the City of Rye and the Town of Rye in 1941. Mayor Otis said both questions were under study and no opinion on either question had been rendered. (See Agenda Item # 14 for a further discussion of these inquiries.)

Douglas Carey, 131 Purchase Street and a user of the stone pier, expressed his concern that the Council is considering a land swap and also his concern about the allegations of litter and unruliness. He said he and other volunteers had been visiting the pier regularly, picking up the litter which they will continue to do. He said he was voicing concerns on behalf of many of the community and urged the Council to proceed with caution on the proposed swap as he felt there were still many people in the community yet to be heard.

4. Continuation of 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 introduced the continuation of the conversation introduced at the last Council meeting to consider the request by Seaside Johnnies to provide year-round service and to apply to the State for a full liquor license. He said that the Rye Town Park Commission (RTPC) had reached no resolution and was postponing a vote until they had additional information. He recognized the presence of Rye Town Supervisor Robert Morabito, who is also President of the RTPC, and John Ambrose and Sam Chernin, co-proprietors of Seaside Johnnies. He then requested input from citizens in the audience.

Clint Phy, 327 Rye Beach Avenue and member of the Friends of Rye Town Park reported that at their meeting, which had just concluded, they had voted overwhelmingly in support of both requests, seeing many more pros than cons.

Tom Hartley, 4 Boulder Road, and representing the Rotary Club which now meets at the Crab Shanty, said he had three reasons to support the requests: 1) The Rotary Club has found Mr. Ambrose to be very professional and responsible; 2) The Crab Shanty is a well-run, well-controlled family restaurant; and 3) he feels it is hard to get access to the Sound unless you belong to a club and that the restaurant provides quality time for families to be able to enjoy time by the sea. David Gile, 129 Grandview Avenue and also a Rotary Club member, said he was here to testify to the character of Mr. Ambrose and to the quality of his operation which is definitely not bar oriented. He said he felt there was nothing inconsistent to having a good meal with a beverage of choice, and he hopes the Council will approve the requests.

Marcy Gordon, 652 Forest Avenue, asked if granting the liquor license automatically means long hours and said she was concerned about the litter and the noise. Mayor Otis said that the restaurant was within the park so the RTPC can impose whatever rules they want. He mentioned that the State statute which authorized the beer and wine service clearly states that both the Town Board and the City Council can suspend service so the Rye City Council can insist on similar controls for liquor service. Council McKean said that the City and Town can also change the hours (currently until 11:00 P.M. on weekdays and until midnight on Friday and Saturday) if things are not running smoothly.

Joseph Malone, Waters Edge resident and representing the Water's Edge Condominium Association, said the Association has voted to reject the request for a full liquor license but to approve the year-round request. He said the Board was concerned that even strict rules would be unenforceable and that the practice of a "last call" could mean very late hours. He said he was impressed by the turnout in support of the requests but pointed out that many of the speakers do not live in the area.

Edward Collins, 761 Forest Avenue, said, in his opinion, the beverage of choice for young people is beer, so that addition of hard liquor will not be an automatic attraction. He asked why adults should be prohibited from purchasing a cocktail and why the restaurant should be prevented from serving first class beverages, being successful and staying on at the park. Adam Kachalsky, Rye Colony, concurred saying he was familiar with both restaurants, saw no great difference between wine and beer and liquor and wanted Seaside Johnnies to continue. Larry Dobel, Coolidge Avenue, said he thought it was a first class restaurant and that liquor service would be important to keep it viable and ensure that it stayed.

Eileen Tolve, 630 Forest Avenue, says she enjoys the restaurant but wants to see wine and beer only. She concurred with Mr. Malone that those who don't live in the area don't understand what liquor can do and said she wanted to keep the area preserved not only for now but for future generations.

Judy Capute, from Mamaroneck, said John Ambrose gives 110% to all his restaurants and runs a safe, clean establishment. She said it was her opinion that the people who were drinking to excess were bringing their own coolers. Lorenzo Baba, also a non-Rye Resident, said that he thought the improvement of the restaurant under Mr. Ambrose was breathtaking; that the restaurant had no intention of becoming a bar and that it was a great place for those who couldn't afford a club to see the beach, which is beautiful even in winter.

Heinrich Cole Becker, 66 Milton Road, a recent retiree, agrees that it is shocking to see teens drinking and urged police enforcement of the rules, but he said that he loves Mr. Ambrose's restaurants. He said all civilized restaurants in the world serve alcohol and hardly anyone gets drunk. Jim Shields, Waters Edge, said he was shocked at the clientele of the previous restaurant and said that since Mr. Ambrose has taken over, all the drunken clientele have left.

Rye Town Supervisor Robert Morabito also addressed the Council saying it has been his pleasure to deal with Mr. Ambrose since he took over; that there have been no police reports or drunken incidents; that the motor cycle gangs no longer come there; and that RTPC was committed to continuous improvement and having the park become an even better asset. He said that safeguards would be built in so that at anytime there would be no alternative but to pull the license if there were problems. He thought both requests were good and reported that the response to the Town's web site was very positive. He said that the Town of Rye had approved both requests but wants to make sure the City of Rye is on board as well. In answer to a question from Councilman Stampleman, Supervisor Morabito said that they decided not to start with a full liquor license because the former situation at the Sand Bar had been so unsatisfactory, and they didn't know that much about Mr. Ambrose. He said that had he known what he knows now, he would have recommended full liquor from the start. He also said that he wants to do everything to make the park better and will act on any restriction the City Council wants to impose.

Councilman McKean reported that Mr. Ambrose has a seven-year lease, and he was confident that the lease would be fulfilled even if the requests were not granted. He said that the Council should consider the proposal on its merits rather than whether or not Mr. Ambrose will be more or less financially successful. Councilwoman Downing asked if the lease were broken and the restaurant taken over by someone else, would the liquor license, if granted, automatically be transferred to the new owner. Councilman McKean, the Mayor and the Corporation Counsel all agreed that the Council can impose any conditions they wish, including providing for an agreement with just this restaurateur, and that it can, and should, take immediate action if there are infractions. Councilwoman Cunningham said she was still concerned with the drinking and subsequent noise and traffic issues, but that she would like to hear from Mr. Ambrose about how he would maintain peace and quiet all winter and limit drinking hours.

Mr. John Ambrose, co-owner of Seaside Johnnies told the Council that he has fallen in love with the beach and looks forward to running a high-quality family restaurant for years to come. He brought a scrapbook of family events he has promoted at other places. He recognizes that he is still the new kid on the block with demons of the past to exorcize and thinks of himself as a neighbor first, rather than a businessman. He said he is very sensitive to the concerns of the immediate neighbors. He said the request for liquor was fueled by customer requests, but that it will never be his intention to "push" the bar business by staying open late, offering discounts, etc. He knows having such a license is a big responsibility which he will take seriously. He requested that the hours for the license be during food service so that those who choose to dine late can, if they wish, have a drink. He said he would continue to keep any music noise at a low, sedate level. His partner, Sam Chernin, said that they had never had any problems in terms of citations or police action in any of their other restaurants and guarantees there will be no problem. Mr. Ambrose thanked everyone for letting them speak and promised that they would continue to make every effort to see that the neighborhood flourished.

Councilman Hutchings said that he was still concerned with the potential problems but that having heard the arguments in favor this evening (particularly from Supervisor Morabito and former Councilman Collins), he was ready to cast his vote in favor of both proposals. Councilman Stampleman

suggested serving no liquor after 10:00 P.M. unless someone is ordering a meal. The Mayor said he agreed that there should be controls and felt that it was important the bar closes when the restaurant closes. Both Council Members Stampleman and Downing asked if the fears of those opposing the requests were lessened in light of tonight's promises to install proper controls. Mrs. Tolve said they were still concerned. For example, she said, the tables were already outside and were not supposed to be. Councilman McKean said this issue should be addressed. He and the Mayor agreed that specific provisions and restrictions for both requests, should they be approved, should be negotiated by the RTPC before being debated in public. He said the Council should review the agreements before granting final approval. He reiterated that the City is concerned with both security issues and achieving a better economic situation for the park. The Mayor repeated that granting a liquor license requires state action and would have to come back to the Council for final approval.

There being no further comments from either the public or the City Council members, Councilwoman Cunningham made a motion, seconded by Councilwoman Larr, to approve the request for year-round operation of Seaside Johnnies Restaurant but with a quarterly review of operations by the Rye Town Board and the Rye City Council. Councilman McKean added an amendment to the motion which requires a review of the proposed license agreement prior to final approval by the Rye City Council.

The Clerk called the roll but there were individual comments from each Council member as follows: Councilman Hutchings thought the resolution should be as simple as possible (i.e. support or not); Councilman Stampleman abstained because he wanted to know what specific restrictions would be in place to appease the neighbors; Councilman McKean wanted to move the process forward as quickly as possible so Seaside Johnnies can begin to build their business and have a greater chance of making the year-round operation a success. The Mayor said he had thought long and hard, had visited the restaurant on several occasions and found it to be quiet; that the noise he observed did not come from the restaurant, but from young people in the park and requires more police presence than any other restrictions; and had listened carefully to everyone. He had carefully decided to vote in favor but with the promise to keep a careful eye on the situation which, as had been mentioned earlier, was not permanent if unsuccessful and was under the control of the RTPC.

**ROLL CALL:**

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

**NAYS:** None

**ABSTAIN** Councilman Stampleman

**ABSENT:** None

The request for year-round operation with conditions was approved.

Councilman Hutchings made a motion, seconded by Councilwoman Larr, to request passage of State legislation which would allow a full liquor license at Seaside Johnnies with the consent of the Rye City Council. Councilman McKean added an amendment to the motion which requires a review of the

proposed State legislation, the power to review operations at least quarterly and to rescind operations if necessary.

The Clerk called the roll but there were individual comments from the Council members as follows: Councilwoman Cunningham said she was less convinced about this request and would personally prefer no liquor license, but would vote in favor because of the restrictions; Councilwoman Downing abstained because she would like to see a probationary clause; Councilwoman Larr said she heard more pros than cons; Councilman Stampleman abstained because he is still not satisfied with the constraints and guidelines; Councilman McKean said he would be in favor because of the pending conditions. Mayor Otis was in favor because the motion has enough restrictions and because the Council will need to vote again once the details have been drafted in the State statute.

ROLL CALL:

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

NAYS: None

ABSTAIN: Councilmen Downing and Stampleman

ABSENT: None

The request for passage of State legislation which would allow a full liquor license with conditions was approved. The Mayor thanked everyone for their input.

5. Public hearing on 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

Mayor Otis opened the public hearing on the proposed local law amending chapter 177 of the Rye City Code to add the provision to grant a partial exemption from county property taxes to disabled persons with low incomes. He said that the discussion at the last meeting had concentrated on whether to adopt a law which spelled out State legislation in detail or to adopt a shorter version which would automatically go into effect whenever there was a change in State legislation. He said he had consulted State lawyers and polled neighboring communities and feels that the longer version is preferable. Corporation Counsel Neale said that either form was acceptable and reported that he had examined possible loopholes and determined that it was possible but not very probable that people would find a way around the requirements. There being no further comments from the public or the Council, the Mayor closed the public hearing.

Mayor Otis made a motion, seconded by Councilman Stampleman, to adopt the following local law:

**LOCAL LAW NO. 1-2001**

**A local law amending  
Chapter 177, Taxation, of the Rye City Code  
by adding Article VIII  
Persons with Disabilities Exemption  
Sections 177-33 through 177-37**

Be it enacted by the Council of the City of Rye as follows:

**Section 1. Chapter 177 of the Rye City Code is hereby amended by adding Article VIII, which states:**

**§ 177-33. Purpose.**

The purpose of this Article VIII is to grant persons with disabilities who meet the requirements set forth in New York State Real Property Tax Law Section 459-c with the maximum possible real property tax exemption.

**§ 177-34 Exempt persons and income.**

Real property owned by one or more persons with disabilities, as defined in New York State Real Property Tax Law Section 459-c , or owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, shall be exempt from taxes up to a maximum of 50% of the assessed valuation, pursuant to the following schedule and subject to the following conditions:

<b>Annual Income</b>	<b>Percentage of Assessed Value Exempt From Taxation</b>
\$0 to \$20,500.00	50%
\$20,500.01 to \$21,499.99	45%
\$21,500.00 to \$22,499.99	40%
\$22,500.00 to \$23,499.99	35%
\$23,500.00 to \$24,399.99	30%
\$24,400.00 to \$25,299.99	25%
\$25,300.00 to \$26,199.99	20%
\$26,200.00 to \$27,099.99	15%
\$27,100.00 to \$27,999.99	10%
\$28,000.00 to \$28,899.99	5%

1. The income of the owner or the combined income of the owners of the property, from all sources, as set forth in New York State Real Property Tax Law Section 459-c, for the income tax year immediately preceding the date of making application for exemption must not exceed \$28,899.99. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no such return is filed, the calendar year.

2. Only that portion of property used exclusively for residential purposes shall be eligible for exemption pursuant to this Article.

3. Except as otherwise provided for in New York State Real Property Tax Law Section 459-c, to be eligible for exemption pursuant to this Article, property must be the legal residence, and be occupied, in whole or in part, by the disabled person.

4. Any exemption provided by this Article shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided, however, that no parcel may receive both an exemption pursuant to this Article and a senior citizens' tax exemption pursuant to Article III of this Chapter.

5. Notwithstanding any other provision of this Article to the contrary, the provisions of this Article shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this Article, were such person or persons the owner or owners of such real property.

**§ 177-35 Application for Exemption.**

Application for an exemption pursuant to this Article must be filed by the owner, or by all of the owners of the property, annually in the Assessor's office on forms prescribed by the New York State Board of Real Property Services on or before the appropriate taxable status date.

**§ 177-36 Cooperative Apartments**

As set forth pursuant to subdivision six of Section 459-c of the New York State Real Property Tax Law, title to that portion of

real property owned by a cooperative apartment corporation in which a tenant-stockholder resides and which is represented by his or her share or shares of stock in such corporation determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder. That proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to Section 459-c of the New York State Real Property Tax Law and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

**§ 177-37 Conditions of exemption.**

No exemption shall be granted pursuant to the terms and conditions of exemptions stated by Real Property Tax Law § 459-c, if the property receives an exemption for the same municipal tax purpose, pursuant to section 467 of the Real Property Tax Law.

**Section 2. This local law shall take effect immediately on filing in the office of the Secretary of State.**

ROLL CALL:

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

NAYS: Councilwoman Downing

ABSENT: None

The local law was adopted.

6. Proposed resolution establishing a policy for the distribution of City Council minutes

The Mayor asked the Council to consider a resolution establishing a policy for the distribution of City Council minutes, as proposed by the Mayor and Councilwoman Larr. Former Mayor John Carey

said he had no objection to the resolution but asked if a permanent copy of the minutes was still being kept in the library. He was informed that this was the case.

There being no further discussion, Councilwoman Cunningham made a motion, seconded by Councilman Stampleman and unanimously carried, to approved the following resolution:

**WHEREAS**, New York State law requires that all minutes of public meetings be released no later than two weeks following any such meeting; and

**WHEREAS**, the Rye City Council desires the public to be fully informed on its deliberations; now therefore, be it

**RESOLVED** that the Rye City Council hereby adopts the following legislative rules regarding the City Council minutes:

- a) Consistent with state law, "Draft-Unapproved" minutes shall be made available to the public in accordance with the provisions of the open meetings law, no later than two weeks from the date of such meeting;
- b) Each page of "Draft-Unapproved" minutes shall be labeled "Draft-Unapproved;"
- c) The regular distribution schedule is as follows: "Draft-Unapproved" minutes of each Council meeting will be available to the public on the Monday or the first business day following distribution to the City Council;
- d) Freedom of Information Law (FOIL) requests for draft "Draft-Unapproved" minutes prior to regular distribution schedule will be honored, if draft minutes are available, after a 24-hour prior circulation period to the City Council, or sooner, upon notification to the City Clerk by each member of the City Council;
- e) In compiling draft "Draft-Unapproved" minutes, the Clerk may, at his or her discretion, consult with staff, members of the Council, or other individuals, to clarify language in the drafting of minutes;
- f) After the City Council has officially approved the minutes, then the words, "Draft-Unapproved" are removed.

7. Consideration of request from the Rye Little League to install and maintain a scoreboard at Gagliardo Park adjacent to the baseball field

Mayor Otis reported that the Rye Little League has requested that they be permitted to install a scoreboard at Gagliardo Park adjacent to the baseball field, similar to the one at Grainger Field, but smaller. He said it was a gift, thanks to donations from parents of Rye Little League players, and that the League would maintain the board which will be approximately 4' x 12'. Doug Carey, who spoke earlier, said he was in favor of the gift but was worried about the water level underneath the ground,

about the location and about the appearance of the sign from the back side because that part of the park is used for a kids' educational enrichment garden.

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to authorize the City Manager to enter into a License Agreement with the Rye Little League by adopting the following resolution:

**WHEREAS**, the Rye Little League is prepared to construct and maintain certain improvements at Gagliardo Park to enhance that City recreational facility; and

**WHEREAS**, such improvements will benefit the residents of the City of Rye at no cost to the citizens of Rye for that construction; and

**WHEREAS**, such improvements are found to be a Type II Action, pursuant to Section 617.13 of the State Environmental Quality Review Act (SEQRA) regulations, and no further SEQRA review is required, now, therefore be it

**RESOLVED**, that the City Manager is authorized and directed to enter into a license agreement with the Rye Little League to permit the construction of a scoreboard on City property at Gagliardo Park to be maintained by Rye Little League.

8. Proposed resolution amending certain Rye Golf Club fees, effective January 1, 2001

Mayor Otis explained that some corrections to the 2001 Rye Golf Club fees needed to be made and asked the Council to approve the changes. Councilwoman Downing made a motion, seconded by Councilman Hutchings, to adopt the following resolution:

**RESOLVED**, that the following Rye Golf Club cart fees established effective January 1, 2001 are hereby amended as follows:

Senior 1 & 1 - regular 18 hole, members only	\$28.00
1 or 2 senior members - 18 hole, Sat. & Sun.	26.00
1 senior single - 12 hole rate	21.00
2 senior members - 12 hole rate	21.00
1 senior member - twilight	19.00
2 senior members - twilight	19.00

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

9. Adoption of County tax rate for 2001

Mayor Otis requested approval from the Council for adoption of the 2001 County Tax Rate. Councilman Stampleman noted that they were less than last year.

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

**RESOLVED**, that the tax rates for the amounts of County, Blind Brook Sewer District, Mamaroneck Valley Sewer District, and Refuse Disposal District charges for the fiscal year beginning January 1, 2001, shall be as follows:

<u>County</u>	
Levy	\$11,491,805
Taxable Assessed Value	132,166,288
Taxable Rate per \$1,000 Assessed Value	86.950
<u>Blind Brook Sewer District</u>	
Levy	\$ 1,924,285
Taxable Assessed Value	136,936,293
Taxable Rate per \$1,000 Assessed Value	14.052
<u>Mamaroneck Valley Sewer District</u>	
Levy	\$ 312,134
Taxable Assessed Value	19,751,571
Taxable Rate per \$1,000 Assessed Value	15.803
<u>Refuse Disposal District No. 1</u>	
Levy	\$1,766,474
Taxable Assessed Value	135,639,364
Taxable Rate per \$1,000 Assessed Value	13.023

and it is further

**RESOLVED**, that the Council does hereby certify to the City Comptroller the above stated levies and tax rates for the County, Blind Brook Sewer District, Mamaroneck Valley Sewer District, and Refuse Disposal District, and the City Comptroller is hereby directed to apportion and extend against each taxable property

listed upon the assessment roll of the City of Rye for 2001 at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums computed and determined, and, it is further

**RESOLVED**, that the tax warrant of the County be signed by the Mayor and directed to the City Comptroller to collect the amount of said taxes with interest as provided by law and any special assessment heretofore authorized and approved.

ROLL CALL:

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

NAYS: None

ABSENT: None

10. Two appointments to the Rye Cable Television Committee to fill unexpired terms ending January 1, 2002, by the City Council

Mayor Otis turned the floor over to Councilman Hutchings who told the Council how pleased he was that Doris Blank, a former member of the Cable Commission who had been instrumental in negotiating the current contract with Cablevision, and Cassie Robbins, who is a relatively new citizen of Rye and has cable and TV professional experience, were joining the Rye Cable Television Committee.

Mayor Otis made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the appointments of Doris Blank and Cassie Robbins to the Rye Cable Television Committee, to fill the terms ending January 1, 2002.

11. Schedule regular meeting of the City Council held annually at the Square House for May 2, 2001

Councilman Hutchings made a motion, seconded by Councilman Stampleman and unanimously carried, to schedule the regular meeting of the City Council held annually at the Square House for May 2, 2001.

12. Authorization for the City Manager to enter into a 2001 Selective Enforcement for Traffic Safety Grant Agreement with the County of Westchester for the period October 1, 2000 to September 30, 2001

Mayor Otis said that in an effort to increase traffic safety enforcement, the County is requesting municipal participation in the 2001 Selective Enforcement for Traffic Safety Grant Program. He said in exchange for the City's participation, the County is offering to reimburse the City in the amount of \$3,000 for traffic safety enforcement such as speeding, occupant protection, bicycle and pedestrian safety, motorists passing stopped school buses, and aggressive/unsafe driving behaviors.

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

**RESOLVED**, that the City Manager be authorized to enter into an agreement with Westchester County to participate in the 2001 Selective Enforcement for Traffic Safety Grant Program for the period October 1, 2000 - September 30, 2001.

13. Consideration of request of American Legion Rye Post 128 to hold Memorial Day services on Monday, May 28, 2001 on the Village Green

Councilman Stampleman made a motion, seconded by Councilman McKean and unanimously carried, to approve the request of the American Legion Post #128 to have a Memorial Day Ceremony at 9:45 A.M. on May 28, 2001 on the Village Green.

14. Miscellaneous communications and reports

Councilman Stampleman reported that the meeting on Saturday, March 30, 2001 with the Rye Recreation Commission was a good one. He said the plans for improvements to Damiano Center look good but will need money. He said they also visited potential new playing field sites at Playland and Disbrow Park; Gagliardo Field to inspect the site where improvements might be made because of a recent grant; and the Town Dock and Gibbons Property to help in evaluating the Land Swap issue. Mayor Otis asked how others could see the plans (perhaps reduced as low as 8 ½ X 11) and suggested Architect Rex Gedney arrange a showing for Council Members Downing and McKean who were not at the March meeting. Councilman Stampleman said that some of the seniors, including the President of the Senior Citizens Committee, had been able to provide input to the Damiano plans, and he suggested Superintendent of Recreation Bill Rodriguez show the plans to all the senior citizens.

Councilwoman Downing, following up on the earlier remarks from former Mayor Carey, asked what was going on with the research on the Rye Town Dock. Corporation Counsel Neale said that as

far as we know as of now, the land under the dock is owned by the State. He said it is unclear who actually owns the rocks which comprise the dock, but because they have been used by the Town for recreation for over ninety years, it may have the legal effect of being a dedicated park. Therefore, if its use as a park is discontinued, it would have to be alienated with the approval of the town, city and state. He said that the question of citizens' rights refers back to the allocation of assets when the City was created and that a conclusion now is premature. Councilman McKean encouraged both the American Yacht Club and Shenorock Shore Club to complete any submissions they may be planning. Manager Novak said all the Boards and Commissions are reviewing the material. Mayor Otis said that Shenorock has asked to make a formal presentation to the Council at a future meeting and reported the Council will get a written update on all the issues when it is ready. He reiterated again that this is a very complex issue which will need careful review.

Councilwoman Cunningham mentioned seeing a survey from the County on its mosquito control plan and said she assumed the staff would take care of responding. In response to a question concerning the City's history of mosquito controls, the answer is that there is a long history, dating back to 1970. She said Rye was one of the first to do larvicide controls and that a lot of information is at the Rye Nature Center. She said it was important for the County to know where Rye stands. Councilman McKean mentioned the continuing lack of proper drainage under the Metro North Railroad Bridge and Councilman Stampleman asked if the Greenhaven Association had been sent the County report on plans for this year's Mosquito Control. He also asked if he could get the most recent DEC report on ground water at the Theodore Fremd property owned by the County.

Councilwoman Downing said she was concerned with the state of the garbage around police headquarters and also inquired about the state of road repair. Manager Novak said that permanent repair (about \$300,000 per year) begins when the weather warms up. She said there is a schedule for repaving but that pot holes are filled on an on-going, as needed basis. In response to questions by Mayor Otis and Councilman Stampleman, she reported that the "cold patch" job on Locust Avenue made by NEON would have to be redone to the City's satisfaction. Mayor Otis said that linear openings cause more damage than just a hole in the street and the City should be watchful.

Councilman Hutchings inquired about the start of the Boston Post Road repair project and was informed that it would start as soon as one more specification is received and bids can be sent out. In response to a question by Councilwoman Larr, Manager Novak said that the traffic counts being made throughout the City were being conducted by the County to gather pre-summer versus summer traffic data. In response to Councilwoman Downing's inquiry about traffic lines in the Daniel Ball traffic circle, Manager Novak replied that once again, it was a matter of waiting for the warm weather. Councilwoman Downing also mentioned that the cones by Citibank are ugly and a pitifully unattractive first view of Rye. Councilman McKean suggested the Traffic and Transportation Commission might see if there is anything else that can be used which would be more attractive.

Councilwoman Downing thanked the Police Commissioner for seeing that the cars and trucks on Rectory Street were removed.

15. Old Business

Councilman McKean said that it was essential that something be done about the ventilation in the Council Chambers as it was extraordinarily warm on the dais. Manager Novak said that it was an approved capital improvement but so far no designs have been started.

16. New Business

There was no new business brought before the Council.

17. Draft unapproved minutes of the regular meeting of the City Council held March 21, 2001

Councilwoman Downing made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the minutes of the regular meeting of the City Council held on March 21, 2001 as amended.

Councilwoman Larr made a motion, seconded by Councilman McKean and unanimously carried, to adjourn to executive session at 11:05 P.M. to discuss a land acquisition matter.

The Council reconvened at 11:13 P.M.

18. Adjournment

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

Respectfully submitted,

Susan A. Morison  
City Clerk