

APPROVED MINUTES of the Regular Meeting of
the City Council of the City of Rye held in City Hall on
May 16, 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:

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. Presentation of *Keys to the City* to the Rye High School Girls Field Hockey Team

Mayor Otis introduced the ceremony honoring the Rye High School Girls Field Hockey Team for winning the first unified state championship for any Rye team by saying that this was one of the best things to happen in Rye in years. He cited the spectacular records of the team (a won/loss record of 21-1-1, goals scored for and against 144-12, with 17 shut-outs) and said that it was the Council's pleasure to be able to present each member of the team with a Key to the City, which is in the form of a charm. He then presented a "key" to each member of the team (Julie Baine, Bryna Butler, Leslie Cacciapaglia, Alison Beswick, Katherine Miller, Kelly O'Brien Center, Nicole Cavino, Cate French, Captain Caitlin Moynihan, Charlotte Van Wagenen, Kate Dianni, Nina Fulmer, Emily Matorin, Erica Nectow, Meghan Landy, Megan Moynihan, Katie Wood and Pam Jordan).

The Mayor also recognized coach Kevin Kelly and asked the team to unveil the sign which will be placed at the main entrances to Rye as long as the team retains the title. The sign reads as follows: "Welcome. City of Rye. Home of Rye High School Girls Field Hockey State Champs 2000." The

Mayor concluded the ceremony by saying everyone is very proud and appreciative of what the team has done for Rye.

4. Presentation of a Distinguished Service Award for Historic Preservation by the Landmarks Advisory Committee

Mayor Otis introduced the Chairman of the Landmarks Advisory Committee (LAC), Diane Moran, who presented Distinguished Service Awards for Historic Preservation to those responsible for the Restoration of Whitby Castle. Chairman Moran began by thanking the Council for including the awards presentation as part of the regular council meeting and by introducing those on her committee who were present (Joan Cresap, Eugene McGuire and Nancy Stampleman) and thanking those unable to be there (Sid Burke, Russell Cecil, and Jack Zahringer). She also thanked Roz Larr, Council liaison to the committee. She said that by celebrating National Historic Preservation Week with awards, the committee hoped to raise public awareness of landmarks preservation as a dynamic planning tool for the community. She stated it is with great pleasure that they celebrate the thoughtful restoration and adaptive use of Whitby Castle, one of Rye's most important historic buildings (built in 1854 by A.J. Davis and part of the Boston Post Road National Historic Landmark District). She then presented awards as follows to the many people who made it possible.

From the City of Rye: Edward Dunn, Mayor of Rye 1994-97 who initiated the effort; former Council Member **Edward Collins** and Councilwoman **Carolyn Cunningham** who served on the Whitby Committee; and Councilman **Robert Hutchings** who worked tirelessly for the passage of the bond issue.

From the City Staff: Frank Culross, Manager 1978-2000 who piloted the restoration and managed the project through its many phases; **George Mottarella**, City Engineer, for overseeing the project after Mr. Culross' retirement; and **Terry Silverman-Jessen**, Rye Golf Club Manager, for years of steadfast support.

From the Whitby Committees: Vincent Marconi, Chairman of the First Whitby Committee which started the planning process and **Frank Adimari**, Chairman of the Second Whitby Committee which continued planning, selected the architect and monitored the many phases. Both thanked the LAC, the Council, who had the strength to make sure their vision for this landmark building came to pass, their committees and the city staff, which went above and beyond in saving the jewel of the community.

Peter Gisolfi Architects represented by: Peter Gisolfi, and Michael Tribe, Project Architect and **Mary Dierickx**, Preservation Planning Consultant, who said this was her favorite project. Mr. Gisolfi acknowledged the contributions of Joe Keating and Chris Wadsworth and said their firm was proud to be part of the project.

Calgi Construction represented by Dominick and Ray Calgi and Jim Vigilis who said they were submitting Whitby Castle for the "Build New York" Award.

From Restaurant Associates: Paul Richards, Catering Manager. He thanked Derek Bizry and Dominick Varacalli and said it was an honor and a real labor of love to be part of the project. He thanked all the people of Rye who have supported, and continue to support, the endeavor.

Chairman Moran concluded the presentation by thanking Mayor Otis and the current Council and current staff for their continued support. She said Whitby has involved years of effort by many dedicated people, both volunteers and professional staff, as they wove the wonderful tapestry that came together to accomplish this project. She thanked everyone on behalf of the LAC.

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

There were no members who wished to be heard.

6. Public hearing on proposed local law amending Chapter 76, Dogs, of the Code of the City of Rye by adding Section 76-6, Removal of feces left by dogs, and Section 76-7, Penalties for violation of Section 76-6

The Mayor opened the public hearing on a proposed local law amending Chapter 76, Dogs, of the Code of the City of Rye by adding Section 76-6, Removal of feces left by dogs, and Section 76-7, Penalties for violation of Section 76-6. No members of the public were present but Councilwoman Cunningham mentioned that one citizen, Robert Bennett, had written a letter in strong support of the new law. The Mayor mentioned that many of the citizens who had asked for the new law are dog owners. John Rossini, Highland Road, said that he noticed that many dogs were not on a leash and suggested that there be heightened awareness of that part of the law as well. The Mayor closed the public hearing.

The council members favored a shorter version of the law than the one proposed at the prior meeting. As the shorter version had not been distributed to the Council a full eight days prior to the meeting, Councilwoman Larr made a motion, seconded by Councilman Stampleman and unanimously carried, to defer the actual vote on the law until the following meeting.

7. Consideration of Home Rule Message for S.4832 authorizing the Rye Town Park Commission to allow the service of liquor at Rye Town Park and discussion of amendments to the license agreement for the restaurant at Rye Town Park

The Mayor asked the Council to consider the Home Rule Message for S.4832 authorizing the Rye Town Park Commission to allow the service of liquor at Rye Town Park. He said that the authorization was a first step and that the Council would have an opportunity to review the terms of the actual agreement at a later date. He said that authorization of the Home Rule Message now was important because the legislative session would be over by the time of the next meeting.

The agreement, as drafted, includes 1) annual review of the use of wine and liquor by the Rye City Council and Rye Town Council; 2) annual review of year-round operation by the Rye City Council and Rye Town Council; 3) quarterly review of the use of liquor in the first year (probationary period) by the Rye Town Park Commission; and 4) default provisions allowing for more immediate action by the Rye Town Park Commission if problems arise. Councilman Stampleman said he still needed to know more details before he could support any action on the matter.

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham, to approve the Home Rule Message.

ROLL CALL:

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

NAYS: Councilman Stampleman

ABSENT: None

The motion passed.

8. Proposed resolution making a determination that the proposed purchase of the Rye Nursery and Friends Meeting House properties is consistent with the Rye City Local Waterfront Revitalization Program and completing the Coastal Zone Management Consistency Review requirements

Mayor Otis reported that the Planning Commission had completed a Coastal Consistency Review on the proposed Land Acquisitions and was of the unanimous opinion that the proposed land acquisition is consistent with the policies of the city's adopted Local Waterfront Revitalization Program (LWRP).

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

WHEREAS, the Rye City Council proposed to authorize bonding for the purchase of properties within the city for preservation, recreation and environmental protection purposes, and

WHEREAS, properties proposed for acquisition are located within the coastal zone as defined by the City's adopted Local Waterfront revitalization Program (LWRP), and

WHEREAS, the Rye City Council has reviewed the Coastal Assessment Form prepared in connection with the proposed action, now, therefore, be it

RESOLVED, the City Council makes a determination, pursuant to the Rye City Local Waterfront Revitalization Program (LWRP) and Chapter 73, Coastal Zone Management Waterfront Consistency Review, that the proposed action is consistent with the policies set forth in the Rye City LWRP.

9. Endorsement of Memorandum of Understanding which governs any variation in rent for a renewal lease between the owners of certain multiple-family dwellings and their tenants for a two-year term expiring on June 30, 2003

Mayor Otis asked the City Manager to comment on the Memorandum of Understanding between owners of certain multiple family dwellings and their tenants. She reported that the memorandum is a straightforward document, in place since 1985, which is renewed every two years and in effect provides a form of voluntary rent control.

Councilman Hutchings made a motion, seconded by Councilman McKean and unanimously carried, to endorse a Memorandum of Understanding which governs any variation in rent for a renewal lease between the owners of certain multiple-family dwellings and their tenants for a two-year term expiring June 30, 2003.

10. Acceptance of the relocated portion of Grandview Avenue and its related infrastructure improvements as a public street

Mayor Otis asked City Planner Christian Miller to report on the relocation of Grandview Avenue and the placement of additional signs. Mr. Miller said that in 1998 the Council approved the relocation of Grandview Avenue in conjunction with the construction at Rye Country Day School. He said that the process had been completed and it was time for the Council to officially accept the street and its improvements and to amend Section 191 of the code of the City of Rye to include the various signs now required. In response to a question from Councilman McKean, he said that the Certificate of Occupancy would be forthcoming shortly.

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

WHEREAS, Rye Country Day School has completed to the satisfaction of the City Engineer and City Planner the street, related infrastructure improvements and traffic signage in connection with the relocation of a section of Grandview Avenue extending from Cedar Street to an area just south of Elizabeth Street; and

WHEREAS, on April 21, 1999, the City Council adopted a resolution approving the proposed relocation and authorizing the Mayor and other officers of the City to execute all instruments necessary to complete said relocation; and

WHEREAS, the relocation of Grandview Avenue was an instrumental component in Planning Commission Resolution Number 15-1999, which resolution approved various building expansions and parking modification on the Rye Country Day School property; and

WHEREAS, Rye Country Day School has submitted to the City deeds, title reports, a sanitary sewer easement agreement and a map providing for the relocation and transfer of ownership of Grandview Avenue; now, therefore, be it

RESOLVED, that the dedication of the relocated portion of Grandview Avenue as a public street and the same hereby is accepted, and, be it further

RESOLVED, that the dedication of all related infrastructure improvements within the relocated Grandview Avenue right-of-way as identified by the City Engineer is hereby accepted.

11. Approval of amendment of Section 191-9.A of the Rye City Code, Left Turns, to prohibit left turns from Grandview Avenue into the Rye Country Day School driveway closest to Elizabeth Street and into the driveway closest to Cedar Street, and from Rye Country Day School's driveways closest to Hillside Avenue onto the Boston Post Road

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

RESOLVED, that Section 191-9A, Vehicles and Traffic, of the Rye City Code, Left Turns, be amended to prohibit left turns from Grandview Avenue into the Rye Country Day School driveway closest to Elizabeth Street and into the driveway

closest to Cedar Street, and from Rye Country Day School's driveways closest to Hillside Avenue onto the Boston Post Road.

12. Approval of amendment of Section 191-9.1 of the Rye City Code, Right Turns, to prohibit a right turn from Rye Country Day School's driveway on the easterly side of Grandview Avenue closest to Elizabeth Street

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

RESOLVED, that Section 191-9.1, Vehicles and Traffic, of the Rye City Code, Right Turns, be amended to prohibit a right turn from Rye Country Day School's driveway on the easterly side of Grandview Avenue closest to Elizabeth Street.

13. Approval of amendment of Section 191-12 of the Rye City Code, Stop Intersections, to designate all Rye Country Day School parking lot exiting driveways and Grandview Avenue at Cedar Street as full stop locations, and to eliminate the existing Grandview Avenue, southwest curve opposite the entrance of Rye Country Day School location as a designated stop intersection

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

RESOLVED, that Section 191-12, Vehicles and Traffic, of the City of Rye Code, Stop Intersections, be amended to designate all Rye Country Day School parking lot exiting driveways and Grandview Avenue at Cedar Street as full stop locations, and to eliminate the existing Grandview Avenue, southwest curve opposite the entrance of Rye Country Day School location as a designated stop intersection.

14. Approval of amendment of Section 191-19 of the Rye City Code, No Parking Any Time, to prohibit parking on west side of Grandview Avenue from the northern property boundary of Rye Country Day School property on the west side of Grandview Avenue to Cedar Street, and to eliminate the existing Grandview Avenue west from a point in front of 29 Grandview Avenue to the southwest curve opposite the entrance to Rye Country Day School as a No Parking Anytime location

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

RESOLVED, that Section 191-19, Vehicles and Traffic, of the City of Rye Code, No Parking Any Time, be amended to prohibit parking on the west side of Grandview Avenue from the northern property boundary of Rye Country Day School Property on the west side of Grandview Avenue to Cedar Street, and to eliminate the existing Grandview Avenue west from a point in front of 29 Grandview Avenue to the southwest curve opposite the entrance to Rye Country Day School as a No Parking Any Time location.

15. Resolution establishing the compensation of the City Manager

Mayor Otis said that the Council had conducted a six-month review of the City Manager's performance in January, 2001 and, as the Council continues to be pleased with Manager Novak's performance, it is granting a modest mid-year adjustment to her salary.

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

RESOLVED, that the City Manager's annual salary be increased by \$2,500 to \$122,500, effective June 1, 2001, the anniversary of the City Manager's first year of service, based upon evaluation by the City Council in January, 2001.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

16. Consideration of the request from residents of Rye Beach Avenue for controlled traffic on Halsted Avenue on Saturday, June 9, 2001 for a *Block Party*, with a rain date of Saturday, June 16, 2001

Councilman Hutchings made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the request from residents of Rye Beach Avenue for controlled traffic on Halsted Avenue on Saturday, June 9, 2001 for a block party, with a rain date of Saturday, June 16, 2001.

17. Consideration of the request from residents of Onondaga Street for controlled traffic on Sunday, June 17, 2001, for a *Block Party*

Councilwoman Downing made a motion, seconded by Councilman McKean and unanimously carried, to approve the request from residents on Onondaga Street for controlled traffic on Sunday, June 17, 2001 for a block party.

18. Miscellaneous communications and reports

Councilman Stampleman reported that the Rye Recreation Commission passed a resolution requesting the City to move toward implementation of the components of Master Plan, perhaps leading up to a bond issue which would include the Damiano Center.

Councilman Stampleman reported that during a discussion of the proposed land swap between the American Yacht Club (AYC) and the Town Dock at the Rye Recreation Commission meeting two individuals, who are users of the dock, felt their views were going unheard. Councilman McKean said that the same sentiments had been expressed at the Planning Commission and he, like Councilman Stampleman, had urged them to address the Council, either in person or in writing. Councilman Stampleman said that to be proactive he had begun to visit the dock one to three times a day to hear what the users have to say. He said one suggestion is that the proposed new signs should include turning off motors of parked cars. He said that AYC should be invited to present their latest report to the Council. Councilman McKean said they had done so before the Planning Commission and he found the study on biodiversity very interesting. Councilman Stampleman asked when they might receive a chart outlining where all the issues stand. Manager Novak said probably not until the end of June as they have not received reports from all the entities studying the case and Mayor Otis said they still have to hear back from the Town of Rye concerning their survey.

Councilwoman Cunningham reported that the Zoning Board of Appeals is eager to meet with the Council to discuss Floor Area Ratio guidelines. Councilman McKean agreed this would be a good idea and also asked the City Manager to investigate whether the Fire Resistance Rating of walls or structures based on distance between property lines are acceptable and being adhered to.

Councilman Stampleman inquired about rocks on Forest Avenue opposite #750 and said he understood the City owned that land. The City Manager said she thought the City had an easement, but

didn't own the land. Councilwoman Cunningham said she would like an update on who owns what part of the area and everyone agreed that the rocks were inappropriate, regardless of who owns the land.

Councilwoman Downing reported that she had received a call about dynamiting on Dogwood Lane and asked if there was a notification procedure. The Mayor said that the code governing blasting is very weak and said he felt the Council should look into changing it. Councilwoman Cunningham mentioned that there are no limitation to the hours one can work on construction, blast, chip rocks, etc. Councilwoman Larr suggested that while the city's Noise Ordinance might cover some of the issues, the City should look into what other municipalities do.

Councilwoman Downing said that the Rye Free Reading Room had launched their Second Capital Campaign and that she had recently interviewed Martin Edelman and Peggy Peters on Eye on Rye and urged everyone to watch.

19. Old Business

Councilman Stampleman reported that the new "yield" road signage at the Firemen's Circle was a great improvement but wondered if it might need lines as well. The City Manager agreed that not everyone was following the directions and said she would discuss possible additional signage with the City Engineer.

20. New Business

The City Manager announced that her assistant, Julie Schmitter, had given birth to a daughter, Emma Kaitlyn, on Friday, May 11 after working until 4 PM. that day. Mother and child are doing well.

Mayor Otis asked the Council to review three proclamations: One for the Gold Man Award at the YMCA; one for the retiring head of the Rye United Methodist Nursery School, and one proclaiming National Senior Health & Fitness Day in Rye. Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the following three proclamations:

PROCLAMATION FOR GOLD MAN AWARD

WHEREAS, the Rye YMCA is committed to recognizing individuals involved in volunteering their time and talents in fostering its principles and goals; and

WHEREAS, Susan W. Friesell excels in her leadership roles that benefit the "Y"; and

WHEREAS, Susan is this year's recipient of the Gold Man Award, the highest honor bestowed on a volunteer by the YMCA; and

WHEREAS, Susan has served in numerous capacities as a member of the Board of Directors since 1993 and has always worked to promote and preserve the high standards of the YMCA; and

WHEREAS, Susan has been an enthusiastic and hardworking member of the YMCA by serving on the Executive Committee since 1996, currently as Secretary; by chairing the Program Committee, the Personnel Committee and, currently, the Board Development Committee; by serving on the Long Range Planning Committee; and by being a member of the MRC Board; and

WHEREAS, Susan has played an exceptional role in co-chairing the Rye Derby for two years and represented the RYE YMCA for three years as a member of the Key Leader's Conference Planning Committee; and

WHEREAS, Susan makes a difference by her efforts, is extremely generous in giving her personal time to help others, and is an edifying role model to all, not only at the YMCA, but as a volunteer in other community organizations including Rye High School, United Hospital and the Rye Presbyterian Church;

NOW, THEREFORE, BE IT RESOLVED the Rye City Council pauses in its deliberations to present this proclamation as a testimony of its high esteem for Susan's distinguished service to the YMCA and the Community and to congratulate her for her selection for this year's Gold Man Award.

Signed and sealed this 16th day of May, 2001.

SEAL

Steven Otis
Mayor

**PROCLAMATION FOR RYE UNITED METHODIST NURSERY SCHOOL
RETIRING DIRECTOR**

WHEREAS, Jean S. Klein has faithfully served an entire generation of Rye youngsters and their parents for 26 years as teacher and director at the Rye United Methodist Nursery School; and

***WHEREAS**, Jean has given hundreds of children a strong foundation for learning and supported their tentative parents through trials large and small; and*

***WHEREAS**, she has decided to retire to pursue varied interests long “on hold”; and*

***WHEREAS**, Jean will be honored by her current and former students at an Ice Cream Social on June 3, 2001; and*

***WHEREAS**, the Rye City Council greatly recognizes the tremendous service and contribution Jean Klein has provided the City of Rye;*

***NOW, THEREFORE BE IT RESOLVED** the Rye City Council pauses in its deliberations to express its appreciation and gratitude on behalf of the people of the City of Rye and does hereby congratulate Jean S. Klein for her distinguished service and wishes her continued success and happiness in her well deserved retirement.*

Signed and sealed this 16th day of May, 2001.

SEAL

*Steve Otis
Mayor*

PROCLAMATION FOR NATIONAL SENIOR HEALTH & FITNESS DAY

***WHEREAS**, the President of the United States has designated May as Older Americans Month and National Physical Fitness and Sports Month; and*

***WHEREAS**, it is appropriate to honor our mature citizens for their many contributions to the vitality and strength of our community; and*

***WHEREAS**, the United States Surgeon General has determined that regular physical activity results in significant health benefits and improved quality of life for older adults; and*

***WHEREAS**, all older adults can participate in activities that improve and maintain their health;*

NOW, THEREFORE, BE IT RESOLVED that all citizens be urged to support the efforts of local organizations that encourage older adults to enhance their lives through physical activity; and

BE IT FURTHER RESOLVED that the Rye City Council pauses in its deliberations to proclaim Wednesday, May 30, 2001 as National Senior Health & Fitness Day in the City of Rye, County of Westchester, State of New York.

Signed and sealed this 16th day of May, 2001.

SEAL

Steven Otis
Mayor

21. Draft unapproved minutes of the regular meeting of the City Council held May 2, 2001

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the regular meeting of the City Council held on May 2, 2001 as amended.

Councilwoman Larr made a motion, seconded by Councilwoman Downing and unanimously carried, to adjourn to executive session at 9:40 P.M. to discuss a personnel matter and a contractual matter.

The Council reconvened at 11:30 P.M.

22. Adjournment

There being no further business to discuss, Councilwoman Downing made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn the meeting at 11:31 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk