

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on May 14, 2003 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
FRANKLIN J. CHU
CAROLYN CUNNINGHAM
ROBERT S. CYPHER
ROBERT H. HUTCHINGS
ROSAMOND LARR
DOUGLAS McR. MCKEAN
Councilmen

ABSENT:

None

1. Pledge of Allegiance

Mayor Otis called the meeting to order at the Square House and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor Otis asked the City Clerk to call the roll; a quorum was present to conduct official City business.

The Mayor welcomed everyone to the annual traditional meeting, acknowledging members of the Boards and Commissions, past officials, and City staff. He then made the following comments:

“We gather here at the Square House to renew, unite, and celebrate our links to each other and our connection with those who came before us.

“This annual tradition is an opportunity to again reflect upon the importance of what we all do together. Our unity of purpose, always working for the betterment of Rye, is a bond we share with each other and with those who have worked for Rye over the generations. The City Council, the City staff and volunteers on our Boards and Commissions have worked with this goal in mind.

“Next year we will celebrate the 100th anniversary of Rye as a Village. This will afford us another opportunity to celebrate our history.

“Our responsibility together is to always live up to the highest standards in serving our community. On behalf of the entire City Council, it is a privilege to serve with you and we wish everyone here success in your work on behalf of Rye.”

Councilwoman Cunningham said it is always a pleasure to be able to participate in this special historic tradition.

Mayor Otis then introduced Interim City Manager, Frank Culross who introduced members of the City Staff who were able to be present

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| William Connors | Police Commissioner |
| Michael Genito | Comptroller |
| James Kenny | RCTV Coordinator |
| Casey Liebst | Assistant to the City Manager |
| Louis Martirano | DPW General Foreman |
| Christian Miller | City Planner |
| Susan A. Morison | City Clerk |
| George Mottarella | City Engineer |
| Kevin J. Plunkett | Corporation Counsel |
| Julie Schmitter | Assistant to the City Manager |
| Vincenzo Tamburro | Building Inspector |
| Noreen Whitty | City Assessor |
| Scott Yandrasevich | Rye Golf Club Manager |

The Mayor said he had received regrets from former Mayors Grainger, Ilse, Ross, and Dunn and welcomed former Mayor John Carey who is distressed over the lack of help from Washington for NY State and all local municipalities, and said he was particularly pleased to be at the meeting also as a member of the Cable Committee. Acting Judge and former Councilman John Alfano said it had been 20 years since he first joined the Council and he was privileged to serve on the Court. In addition to Judge Alfano, the Mayor recognized former Council Members Beth Griffin Matthews, Joe Latwin and Bob Werner as well as Judge Peter Lane. The Mayor also recognized County Legislator George Latimer who urged the importance of putting aside differences and thanked everyone for the friendships forged while he was on the Council.

The Mayor greeted the following members of Rye City Boards, Commissions and Committees:

- Bruce Boemke, Chair of the Rye Golf Club Commission, who said the Club was in the best physical and fiscal position in years, due in part to new manager Scott Yandrasevich, and also thanked Carolyn Cunningham for her dedication and wisdom as the Commission’s Council Liaison. He urged everyone to think “Whitby” when going out to dine.
- Doris Blank, Chair of the Rye Cable Committee, who recognized other committee members John Carey and Marvin Goldstein, said the whole committee was bright and dedicated and she is proud to serve the City in this capacity; that RCTV is a light on the community; and they are looking forward to renegotiating the best possible new cable franchise contract.

- Judy Studebaker, Chair of the Zoning Board of Appeals, recognized other members Jonathan Kraut, Anthony Piscionere and Neil Wexler, and said serving was always interesting and fun.
- Nick Everett, Chair of the Board of Architectural Review, thanked the excellent staff support he has received over the past 9 years. (The Mayor thanked both Ms. Studebaker and Mr. Everett for the excellent leadership of the House Scale Sub-Committee which has been examining zoning guidelines.)
- Sid Burke, new Chair of the Landmarks Advisory Committee who, along with fellow member Fred Cummings, praised this wonderful tradition and good view of history.
- Barbara Cummings, representing the Planning Commission, thanked the staff, saying everyone works hard and contributes, which is typical of Rye.
- Joe Murphy, Chair of the Conservation Commission/Advisory Council thanked everyone for the privilege of serving and said it was a bonus that he now gets to serve on the Board of the Friends of Rye Nature Center.
- Brian Dempsey, Chair of the Traffic and Transportation Committee, thanked everyone for their help and cooperation and reported on the very successful Bike Derby held last weekend.
- Marion Shea, Chair of the Rye Senior Advocacy Committee, recognized committee member Sis D'Angelo and Joe Murphy, staff support. She reported the number of Seniors is rapidly growing; the committee is working on a new brochure; and awaiting word on a grant for safety mobility for Senior drivers.
- Matt Fahey, member of the Finance Committee.

The Mayor said the meeting was a great tradition and time for everyone to come together in this historic building to reflect on events that have come before. He thanked everyone for attending the special meeting and said the open meeting would continue across the Village Green in City Hall.

The meeting reconvened at 8:30 P.M.

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

Dan Verhoff, President of the Rye Babe Ruth Baseball League, introduced Maryann Gontin who spoke on behalf of the Board to clarify the aims and goals of the League. She said it is a Rye-based community program that has grown from two to eight teams and was put in place to provide a community-based baseball League for all Rye residents. She said enrollment is open for ages 13-18, with 100% of those applying on time placed on a team; that most are not on school teams. She said the Board recognizes the limited resources of the playing space; they worked hard to help pass the bond referendum to provide more space; and there is some concern about establishing a "rival" program to compete with already limited space. She assured the Council there is no bias or discrimination in the selection process; that they are grateful to local volunteers and the Recreation staff; and, as always, open to suggestions for improvement.

4. Continued discussion of a proposal to create a Youth Advisory Council

Councilman Cypher reported the Council had received a letter from the Rye Youth Council (RYC) which appears to question the need for a Youth Advisory Council, but, after discussing the concept with George Cady of the RYC, there is a better understanding of how this youth group would be different (involving Middle and High School youths in City Government so they can better understand what is at stake). He said the RYC will assume the job of selecting the group so plans are continuing to fall into place, hopefully to be completed by the beginning of the next school year. Mayor Otis suggested Councilman Cypher contact Greg Howells, Director of the Rye YMCA so they, too, can be involved.

5. Continued discussion of the construction noise issue and the possibility of establishing hours for construction activity

Mayor Otis, summarizing from the last meeting, said Rye had no laws on the books which prevented construction noise even though many communities do, and said the Council was interested in hearing further discussion.

Beth Griffin Matthews said her neighborhood had been under construction for as long as she could remember and suggested: 1) restricting hours to Monday-Friday during daylight hours and from 10-6 on Saturdays; 2) restricting the number of machines in use at one time; and 3) restricting the number of construction vehicles on the streets. *Joe Latwin* suggested the following: 1) carefully define the activity to be prohibited; 2) consider that the prohibition of even moderate noise on Saturday and Sunday will make it hard for residents to do any work on their own; and 3) remember this is a quality of life issue and the City needs to look at what it does, like pick up garbage early. *Joe Lorono*, a builder, questioned if the City is exempt from restrictions, why shouldn't builders be? *Stanislav Kotyza*, a builder, agrees the noise is bad and it should not be too early or on Sundays, but he reminded everyone that less time working would mean longer construction time. He said properties are small, so there is no alternative to parking on the street. It is important not to place so many limits they will hurt the workers.

Councilman Hutchings recommended keeping any new restrictions simple but giving the Police something to hang their hat on. He said the City should be responsible about when they make noise but should continue to be exempt because of emergencies and because of dollar constraints. Councilwoman Larr said to remember the schools are not responsible to the Council. Councilman McKean concurred with the idea of restricting noise to daylight hours but with more definite restrictions on the weekends. There was not real consensus from the Council on weekend hours. The Mayor suggested tabling the matter for now, but that staff should work up a chart of other community restrictions and begin to work on a possible law so that the Council might be able to set a public hearing at their next meeting.

6. Consideration of setting a Public Hearing on a proposed Local Law Amending Chapter 197, Zoning, of the Code of the City of Rye for the Purpose of Regulating the Scale, Size and Height of Residences

The Mayor said the Council had a draft of a possible local law before them. He said the House Scale Sub-Committee had worked hard and well, that the recommendations are not extreme, but need to be reviewed further before a public hearing should be set. He asked for additional input. Nick Everett, Co-Chair of the sub-committee, said the committee had met again; reviewed the law; and made additional changes. Councilman Hutchings said he thought the creation of the new law should be on a fast track. Christian Miller, City Planner, said before becoming a local law, certain procedures, such as conducting an environmental review, would need to be followed.

Councilman Cypher made a motion, seconded by Councilman McKean and unanimously carried, that the suggested law be reviewed by the Planning Commission, the Zoning Board of Appeals and the Board of Architectural Review; that the reports be in writing and include a minority report; that the reports be submitted prior to the Council's June 18th meeting; and that the proposed law be posted on the City's web site.

7. Consideration of rezoning request for two parcels of land located on Stuyvesant Avenue owned by American Yacht Club and identified on the Rye City Tax Map as Sheet 159.06, Block 1, Lot 3 and Sheet 153.18, Block 1, Lot 18

Jonathan Kraut, representing American Yacht Club (AYC), asked the Council to begin consideration of a request for two parcels of land located on Stuyvesant Avenue owned by AYC (adjacent to the Rye Town Dock and opposite Shenorock Shore Club [SSC]) to be rezoned from R1 (Residential) to MC (Membership Club). He said AYC intends, for the moment, to continue to use the land for storage although it is possible they might like to use it for docks in the future. He said the request will harmonize the area; be consistent with the City's Master Plan and Local Waterfront Revitalization Plan (LWRP); make no additional demands on municipal services; and would save the property from potential residential development. He indicated the request was acceptable to both SSC and Hen Island residents.

Councilwoman Larr, a member of AYC, offered to recuse herself, but Mr. Kraut said the issue at the moment was of such a general nature this is not necessary now. Councilman Chu asked if the request would affect the stone pier and was told it would not, but Mayor Otis suggested AYC contact the Town of Rye. Councilman Cypher said he would like to know if the plan would affect the taxes. Councilman Hutchings had no objections. City Planner Christian Miller said the request needs to be evaluated as part of a whole planning analysis of the area; that it needs careful review as it is not as simple as just changing one parcel.

Mayor Otis made a motion, seconded by Councilman McKean and unanimously carried, to refer the request to the Planning Commission for input on an informal basis while the City Planner reviews and considers the larger planning issues.

8. Approval of amendment of Chapter 191, Section 191-13, Vehicles and Traffic, of the Code of the City of Rye proposed to be promulgated by the City Manager with respect to seasonal parking restrictions on Red Oak Drive

Mayor Otis said that a request to impose seasonal parking restrictions on Red Oak Drive had been referred to the Traffic and Transportation Committee which is recommending that the request be deferred until the final fencing and exits for the new Disbrow Park field are in place. The Mayor said he recommended accepting this recommendation until it can be determined if the request is really necessary, at which time the Council would move quickly to impose the restrictions.

9. Authorization to fill the position of Secretary to the City Manager in the Manager's Office

Mayor Otis announced that Carol Johnson, Secretary to the City Manager, would be retiring as of July 1, 2003. He said she had served the City in an unbelievable way; knows everything in every department; and her departure will be a great loss to the City. Interim City Manager Frank Culross said Mrs. Johnson is an outstanding employee who will be greatly missed, but that she has served long and well and deserves to enjoy some years of retirement.

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

RESOLVED, that the Interim City Manager be and hereby is authorized to fill the Secretary to the City Manager position.

10. Authorization for the City Clerk to loan four voting machines to the Rye City School District for School Board Elections from June 2-4, 2003

Councilwoman Larr made a motion, seconded by Councilman McKean and unanimously carried, to authorize the City Clerk to loan four voting machines to the Rye City School District for Student and School Board Elections from June 2-4, 2003.

11. Resolution declaring the city's high-speed Océ copier, model #2400, serial #7439, inoperable and surplus

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

WHEREAS, the City of Rye owns a high-speed Océ copier, model #2400, serial #7439; and

WHEREAS, the City of Rye has identified this equipment as inoperable or obsolete; and

WHEREAS, the City Comptroller has authorized the disposal of said equipment; now, therefore be it

RESOLVED, that the Océ 2400 copier, model #2400, serial #7439, be determined surplus equipment; and be it further

RESOLVED, that the City Comptroller be allowed to dispose of the equipment in a way that best suits the City of Rye.

ROLL CALL:

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

NAYS: None

ABSENT None

12. Proposed resolution to amend the 2003 General Fund budget for police grants

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

WHEREAS, on November 6, 2002 the City Council accepted the award of a \$5,000 New York State Division of Criminal Justice Grant for the purchase of equipment for the City of Rye Police Auxiliary Unity; and

WHEREAS, on April 9, 2003 the City Council accepted the award of a \$5,000 New York State Division of Criminal Justice Grant for the purchase of police radios for the City of Rye Police Auxiliary Unit; and

WHEREAS, it is anticipated that the funds associated with the aforementioned grants will be expended and reimbursed in fiscal 2003; and

WHEREAS, the fiscal 2003 General Fund adopted budget did not include the estimated revenues or appropriations associated with the aforementioned grants; now, therefore, be it

RESOLVED that the fiscal 2003 General Fund budget be amended as follows:

Increase Estimated Revenues-State Aid for Police Auxiliary
Equipment \$5,000
Increase Estimated Revenues – State Aid for Police Auxiliary
Radios \$5,000

Increase Appropriations – Police Patrol Auxiliary Supplies
(Equipment) \$5,000
Increase Appropriations – Police Patrol Auxiliary Supplies
(Radios) \$5,000

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings
Larr and McKean
NAYS: None
ABSENT None

13. Designation of the Chair of the Board of Appeals, by the Mayor

Mayor Otis announced that Judy Studebaker, Chair of the Board of Appeals, was stepping down as chair because of personal reasons. He thanked her for her long and hard work as chair and nominated Alan Weil to serve as the new chair.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the nomination of Alan Weil to serve as Chairman of the Board of Appeals, effective May 14, 2003.

14. Miscellaneous communications and reports

Councilman Cypher reported that the Junior Prom, thanks to the new rules in place, had been alcohol free, fun and safe, thanks to the involvement of the school and the parents.

Councilman Chu announced that May was Asian American Heritage Month and invited everyone to the 5th Annual Festival from 11 am –6 pm on May 31st at Kensico Dam.

Councilman McKean reminded everyone this was Preservation Week, making it even more appropriate that the meeting had begun at the Square House, and applauded the preservation efforts of the Jay Heritage Center which had celebrated the week with a successful luncheon at Whitby Castle.

15. Old Business

Councilwoman Larr said her biography on the website needed to be updated and was asked to send any personal updates to either Julie Schmitter or Casey Liebst.

Councilman Chu commented on reports from the Traffic and Transportation (T&T) Committee on lowering the speed limit to 25 mph and on the Purchase St./Locust Ave. intersection and asked Brian Dempsey, Chair of the T&T, to consider addressing the Council on both issues. He said using Greenhaven as a test area for lowering the speed limit was a good

idea. Councilwoman Larr suggested rumble strips, but it was agreed these were too noisy in residential areas. Interim Manager Culross said the light at Purchase/Locust needed to be coordinated with other lights on Purchase Street and there was a need to enforce the open intersection. He said it was assumed this work should be done at the same time the work on the Locust Avenue Fire House is being done.

16. New Business

Mayor Otis reported on the proposed plans for the renovation of the Playland Pool and asked if the Council would like to hear from Bill Walsh, Chairman of the Playland Advisory Committee and from County Park officials. It was decided to hear from Mr. Walsh first.

Councilman McKean said the parking problems in Rye remain and recommended that at least some of the recommended solutions contained in the last parking report be included in the capital budget.

17. Draft unapproved minutes of the regular meeting of the City Council held April 30, 2003

Councilman McKean made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adopt the minutes of the regular meeting of the City Council held April 30, 2003 as amended.

Mayor Otis urged everyone to attend the Memorial Day Ceremonies on the Village Green on Monday, May 26, 2003 and made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn to Executive Session to discuss a personnel matter at 10:30 P.M.

The meeting reconvened at 11:09 P.M.

18. Adjournment

There being no further business to discuss, Councilman Cypher made a motion, seconded by Councilman Chu and unanimously carried, to adjourn the meeting at 11:10 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk