

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on May 28, 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 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.

Announcements

Mayor Otis reported that the decision in the Home Depot case against the City of Rye and various individual Council members had been overturned by the Appellate Court, and hopefully finally putting the matter to rest. He said it was a vindication for prior and present Councils as everyone had always agreed that the City Council acted correctly. He thanked former Corporation Counsel Richard Gardella, present Corporation Counsel Kevin Plunkett, Bob Hermann (who argued the case before the Appellate Court), Jonathan Loveless from Plunkett and Jaffee, and Frank Culross who had been City Manager at the inception of the case. Councilman McKean congratulated Mayor Otis who had urged everyone to “stay the course” even during times when it might have seemed easier to settle. The Mayor said decisions made were good for Rye and it is good to be able to put this case behind us.

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

Brian Dempsey, Chair of the Traffic and Transportation (T&T) Committee, addressed the Council to further clarify the Committee’s two memoranda submitted previously concerning traffic signals and reducing the speed limit.

He said the traffic signal at Locust Avenue and Purchase Street had been studied in 1999 and again in 2000, and it had been determined that 88% of the fire trucks from the Locust Avenue Fire House turn right onto Locust with 70% of those going right onto the Boston Post Road, and it is sometimes difficult to make the turn. The Committee is considering the following: 1) putting a blinking light in front of the firehouse; 2) re-striping Locust Avenue so that it would be three lanes at the intersection; and 3) trying to control the Locust/Purchase signal by: a) hardwiring it so it automatically changes if a button is punched in the firehouse, or b) using an opticom system, much like EZPass, to turn it to green. He said questions such as how long would it be green and how it coordinates with the rest of Purchase Street need to be examined. He said many signals will, under a new law, have to be replaced in the near future. He also suggested the crosswalks could be pushed back, and noted there are pedestrian problems at most of the Purchase Street intersections.

Mayor Otis said the assumption was this issue would be considered when the Locust Avenue Fire House was being rehabilitated and the City is currently waiting for a Building Committee report. Councilman McKean noted if public safety is an issue this matter should not necessarily have to wait for either the fire house renovation or a Purchase Street streetscape plan; he urged moving along where possible; and inquired whether or not there were any funds available. Interim City Manager Culross said they would look into it and create a game plan so that the matter could be addressed in this year's Capital Improvement Program. He said there was some money at the YMCA and perhaps there could be some Homeland Security grant money.

Mr. Dempsey discussed changing the speed limit from 30 to 25 mph, saying it is good for safety but how many signs will be necessary, will it be confusing if some roads are 25 mph and some are 30 mph, will it have any effect, and how will it be enforced? He said some tests have indicated that often people are not traveling as fast as it appears. It was agreed Greenhaven might be a good test area. The committee is also looking at ways of heightening awareness. The Council was concerned particularly about Milton Road, Midland, Forest and Stuyvesant Avenues where 25 mph is not perhaps realistic, but more enforcement is necessary. Mr. Dempsey said the number of traffic tickets issued is significantly up over prior years. Councilman Hutchings said there is a need for pedestrians to learn to help themselves and be more aware of traffic hazards. Councilwoman Larr mentioned the ever-present challenge of the Firemen's Circle. Mayor Otis thanked Mr. Dempsey for his report and said the Council looks forward to a specific proposal.

4. Presentation by the Chairman of the Rye Playland Advisory Committee on Westchester County Department of Parks, Recreation and Conservation's Master Plan Phase II, Part 2 Report with respect to the Playland Park's pool facility

The Mayor introduced Bill Walsh, Chairman of the Rye Playland Advisory Committee, who reported on plans from the Westchester County Department of Parks, Recreation and Conservation's Master Plan Phase II, Part 2 with respect to the Playland Park's pool facility. He said the pool is in dire need of rebuilding and the report makes the following recommendations:

- a multi-use pool with zero-depth entry, 6-lane, 25 yard lap area and a kiddy drop slide
- 520-foot long lazy river that also serves as catch pool for tube slide
- fenced in spray deck
- activity pool with body slide, bubble jets and wet bench
- tube rental and storage area
- decks and lawn area for lounging
- renovated concession area and changing rooms in existing bathhouse.

Mr. Walsh said multi-use is the trend and the Committee found the plan, in general, consistent and appropriate, but he personally had some concerns about the seascape vista and the possible loss of mature trees. He said the plans are projected to be included in the 2004 County budget so it is important to get the City's input. Councilman Cypher questioned how many more County residents would really benefit and also questioned the increase in traffic, both cars and busses. Councilman Hutchings said the loss of trees would increase the noise factor. The Mayor noted there were apparently lots of questions for the County Parks Commissioner and recommended that the Commissioner address the Council; that the public take a look at the plans; and consideration be given to some of the issues raised.

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

Councilman Cypher reported he is still working on his proposal to create a Youth Advisory Council (YAC); that he had received good input from the Recreation Department and Commission (including a suggestion for a teen workshop which Councilwoman Cunningham strongly supports); and would like to receive more input from schools other than the high school. He is still hopeful to get the YAC in place by the beginning of the 2003-4 school year.

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

The Mayor noted several memoranda had been prepared comparing construction noise restrictions in other communities and said his recommendations were to restrict construction noise to between the hours of 7:30 A.M. and 6:30 P.M. on weekdays and between 10 A.M. and 5 P.M. on Saturdays; to restrict all work on Sundays and Holidays; and to retain an exemption clause for occupants doing their own work. Councilman Hutchings stated the Council has no concern with reasonable construction and recognized that construction workers tend to work early. There were questions as to what is a holiday. It was agreed that a public hearing should be set based on the most liberal hours so that any possible additional restrictions would not require re-noticing the public. The Corporation Counsel was asked to draft a law according to the Mayor's proposal.

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

WHEREAS, the Council wishes to amend Chapter 133, Noise, of the Code of the City of Rye by creating a new section 133-8 *Construction Work Restricted to Certain Hours and Days* and to renumbering current Sections 133-8 and 133-9, and

WHEREAS, it is now desired to call a public hearing on such proposed amendment to the law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on June 18, 2003 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on amending Chapter 133, Noise, of the
Code of the City of Rye by creating a new section 133-8
Construction Work Restricted to Certain Hours and Days, and
renumbering current Sections 133-8 and 133-9.**

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Rye on the 18th day of June, 2003 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 amending Chapter 133, Noise, of the Code of the City of Rye by creating a new section 133-8 Construction Work, Restricted to Certain Hours and Days, and renumbering current Sections 113-8 and 133-9.

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

Dated: June 9, 2003

Susan A. Morison
City Clerk

7. 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

Mayor Otis recommended that 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 be postponed until reports are received from the Zoning Board, the Board of Architectural Review, and the Planning Commission.

8. Discussion of Chapter 15, Section 15-3, Code of Ethics of the Code of the City of Rye

Mayor Otis said the Board of Ethics had been asked to render an opinion to the Council concerning Chapter 15, Section 15-3 Code of Ethics of the Code of the City of Rye with respect to board and commission members appearing before the board or commission of which they are members. Board of Ethics Chair Mary Ann Ilse, reported that the Board had met and, in a split decision, was recommending the law remain in effect as written (board and commission members may appear before other boards, but not in front of their own, even if they recuse themselves), and that this law be more firmly enforced. Mrs. Ilse said everyone who joins a board, commission or committee now receives a copy of the Code of Ethics and suggested that at the beginning of each year chairs discuss this matter with their committees. The minority vote (Warren Ross and Beth Matthews) recommended loosening the restrictions. The Mayor suggested giving a one (1) recusal per year exemption, and said the Council could: 1) make the law even more strict; 2) keep it the way it is but enforce it; or 3) make it looser. Councilman Cypher, supporting the recommendation of the Board of Ethics, noted it was a bad time to water down the code; that it is important for public perception that everyone gets fair and equal treatment; that there is no competitive advantage given; and that Rye City government stands for fair treatment for everyone. It was the consensus of the Council to make no changes in the law, but to recommend more enforcement.

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, 2005

Interim City Manager Frank Culross commented on the Memorandum of Understanding between owners of certain multiple family dwellings and their tenants. He said the memorandum is a straightforward document, created in 1985 to stabilize rents for non-co-op apartments, which is renewed every two years and in effect provides a form of voluntary rent control.

Councilwoman Cunningham made a motion, seconded by Councilman Chu 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, 2005.

10. Resolution declaring certain Golf Club equipment as surplus

Interim City Manager Culross advised that a number of items at the Rye Golf Club, including some recently purchased equipment, are now surplus equipment because it will be more cost efficient to lease some of the items rather than own them. The surplus items will most likely be auctioned.

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

WHEREAS, the City of Rye Golf Club has several pieces of equipment that are no longer needed, and,

WHEREAS, some of the aforementioned equipment is to be traded in under the terms and conditions of a lease agreement for new golf equipment, now, therefore, be it

RESOLVED, that the following equipment be declared surplus and sold, transferred, or otherwise disposed of in the best interests of the City:

Make	Model	serial #	Year
Toro Triplex	3050	04351-9049	1999
Toro Triplex	3000	04455-90001	1991
Toro Fairway mower	5200-D	03540-90445	1999
Toro Fairway mower	223-D	03500-20399	1991
Cushman Aerator	GA 60	93000501	1993
Ransome Fairway mower	250	94501200147	2001
Ransome Rough mower	AR250	168	2000
Cushman Utility vehicles		96010866	1996
Cushman Utility vehicles		93000501	1993
Cushman Utility vehicles		92004702	1992
Cushman Utility vehicles		898530-8820	1989
Olathe Slice Seeder	84	840473	1982
Jacobson Sand Scorpion	88005	2012	2002
Salsco Leaf Sucker	725LS	1100200110160640	2001
Giant Vac	1601	87-212590	
Grasshopper Mower	616	456889	

And be it further

RESOLVED, that the following equipment be declared surplus and disposed of as trade-in under the terms and conditions of an equipment lease:

Make	Serial #	Year
Club Car Gas Utility Vehicle	RG0208-121689	2002
Club Car Gas Utility Vehicle	RG0208-121690	2002
Club Car Gas Utility Vehicle	RG9836-691245	1998
Club Car Gas Utility Vehicle	RG9841-703831	1998
Club Car Gas Utility Vehicle	RG0208-027663	2001
Club Car Gas Utility Vehicle	RG0208-027665	2001
Club Car Gas Utility Vehicle	RG0208-027667	2001

Roll Call

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

11. Resolution to amend 2003 budget for Predisaster Mitigation Grant

The Interim City Manager reported the City had received a \$12,000 grant and the City of Rye General Fund needs to be amended to reflect the grant.

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

WHEREAS, the City of Rye has received a Predisaster Mitigation (“PDM”) Grant in the amount of \$12,000; and

WHEREAS, the terms and conditions of the grant require that funding for the grant is shared between the City of Rye and the Federal Government; and

WHEREAS, under those terms and conditions, the City’s local share of expenditures is \$3,000 and the Federal government’s reimbursement for eligible expenditures is \$9,000; and

WHEREAS, the adopted fiscal 2003 General Fund budget did not anticipate the \$9,000 in Federal Aid or expenditures related to this grant; now, therefore, be it

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

Increase Estimated Revenues – Emergency Disaster Federal Aid \$9,000
Increase Appropriations – Emergency Disaster \$9,000

Roll Call

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

12. Three appointments to the Rye Beautification Advisory Committee for one-year terms ending January 1, 2004; three appointments for two-year terms ending January 1, 2005; and three appointments for three-year terms ending January 1, 2006, by the Mayor with Council approval

This agenda item was deferred to another meeting.

13. Designation of the Chairman of the Rye Beautification Committee Advisory Committee, by the Mayor

This agenda item was deferred to another meeting.

14. Miscellaneous communications and reports

Councilwoman Cunningham reported she represented the Mayor at the Westchester County Council of Governments meeting at which there was an interesting presentation of County health issues including SARS, West Nile and Smallpox. The previous day Councilwoman Cunningham represented the Mayor at a meeting sponsored by New York United Hospital Medical Center on the same issues which was also attended by Councilwoman Larr. She reported that a video was made of the conference which will appear on local cable channel 77 on the 1st and 3rd Thursdays of the month. She thanked the City's Cable TV staff for their assistance in producing this program

Mayor Otis mentioned a request from City employee Arcadio Ocasio that the City fly the MIA/POW (Missing in Action/Prisoner of War) flag. It was agreed this was a good idea and that staff get size specifications for such a flag.

Mayor Otis said 2004 would be the 100th anniversary of the establishment of the Village of Rye, predecessor to present day City of Rye. He said the Rye Historical Society was planning events to appropriately mark this event and suggested anyone interested in helping should call Eugene McGuire, President of the Historical Society. He said he and Councilwomen Larr and Cunningham would be liaisons from the City Council.

Mayor Otis said the Friends of Rye Nature Center (FRNC) would like to expand the Rye Nature Center building by creating a glass atrium using private funds and funds from a state grant which was given for capital improvements. The FRNC would like approval from the City to expand this city-owned building. Interim City Manager Culross said that because it is a city-owned building all plans must go through the normal City process rather than proceed as a private project without competitive bids, approval by the Building Department, etc. He said he would contact Bob Clyatt, president of FRNC, and have the Board of Architectural Review look at the plans. Councilman Hutchings said he felt the FRNC were doing a great job and hoped the City will do all it can to help.

15. Old Business

Councilwoman Cunningham said she was delighted the State had passed legislation to ease the crunch on this year's budget by limiting the Pension donation to 4½% (or only a \$17,000 increase over budget), but realized next year will be much more of a problem. Mayor Otis said next year's increase for pensions alone could represent as much as a 6% increase in property taxes, so there is a need to keep containing costs.

Councilwoman Cunningham said it is the season for cleaning catch basins before larvicides are put into the basins to kill mosquitoes and fight West Nile disease. She hoped the Department of Public Works had cleared all Rye catch basins so the larvicides can be effective.

Councilman Hutchings noted that the graffiti on the gas station at the end of Purchase Street was still there. Corporation Counsel Kevin Plunkett said that papers had been filed on May 23, 2003 with Criminal Court against the owner of the gas station and he was hopeful this would result in having the owner remove the graffiti. The next step is to file with the Supreme Court, after which the City can legally remove the graffiti.

16. New Business

Councilman Cypher reported that the Rye Youth Council Awards Breakfast would be taking place Thursday, May 29 and urged everyone to come.

17. Draft unapproved minutes of the regular meeting of the City Council held May 14, 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 May 14, 2003 as submitted.

Councilman McKean made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn to Executive Session to discuss a personnel matter at 10:17 P.M.

The meeting reconvened at 10:40 P.M.

18. Adjournment

There being no further business to discuss, Councilman Cypher made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn the meeting at 10:41 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk