

MINUTES of the Special Meeting of the
City Council of the City of Rye held in City Hall on
June 6, 2000 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

Acting Mayor Cunningham welcomed everyone to the June 6, 2000 special meeting of the city council. She said that both Mayor Otis and Councilman Stampleman would be delayed.

1. Pledge of Allegiance

Acting Mayor Cunningham invited the audience to join the council in the Pledge of Allegiance. Prior to the Pledge of Allegiance, Councilman Hutchings said that it is appropriate that we reflect on the sacrifices of those who preserved freedom for us on D-Day, fifty-five years ago today.

2. Roll Call

Acting Mayor Cunningham called the meeting to order; a quorum was present to conduct official city business.

3. Police Headquarters Feasibility Workshop

Acting Mayor Cunningham stated that the city council continues to review options for our Police Headquarters/City Court Facility as part of the Public Safety and Court Facilities Study process. She said that one option is to consider rebuilding the existing structure and an abutting warehouse building which is presently privately owned. Councilman McKean has developed a hypothetical conceptual space plan for utilizing the abutting building. The goal at this point is a prerequisite to determine the feasibility and desirability of the acquisition of the building or pursuing this matter further.

The intent of organizing this Police Headquarters Feasibility Workshop is to have Councilman McKean present the concept, review the issues involved, and obtain feedback from the city council, police department, city staff, and the public.

Using floor plans, Councilman McKean illustrated how the existing facility, when combined with the Manhattan Cable building, could provide optimum functionality for the police department and the court facility.

Highlights of Councilman McKean's presentation included:

- analyzing space needs for the police headquarters and the court;
- considering the old School Street School building, Disbrow Park property, and the Manhattan Cable Building as possible sites for the Police Headquarters/Court Facility;
- combining the existing police/court building with the Manhattan Cable building as a viable option;
- renovating in two phases so as not to interrupt the daily operations of police or the court; and
- preserving the character of the renovated building to keep it compatible with the neighborhood.

Mayor Otis arrived at this point in the meeting.

A question and answer period focused on the location of the garage and the cost of renovation vs. constructing a new facility.

Judge Alfano noted that the Chief Judge of the Unified Court System has a new organization plan to provide space for the court. In this program, the state will help with the proportioned debt for any improvement. Judge Alfano will forward literature on this issue to the City Manager.

Councilman McKean said he will leave the floor plans in the City Clerk's Office for anyone interested in reviewing them.

Mayor Otis expressed his appreciation to Councilman McKean for his informative presentation.

4. Approval of an amended Home Rule Message for Senate Bill S.4236-B/Assembly Bill A.7500-B to convey parkland to the Rye Free Reading Room

The Mayor apprised the council that the Assembly staff members responsible for parkland alienation have recently changed the boiler plate language on Home Rule messages. This amendment will necessitate the adoption of new Home Rule messages for Senate Bill S.4236-B/Assembly Bill A.7500-B to convey parkland to the Rye Free Reading Room.

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

WHEREAS, Senator Oppenheimer introduced Senate Bill S.4236-B in the New York State Senate and Assemblyman Tocci introduced A7500-B in the New York State Assembly which would authorize the City of Rye to sell and convey certain parklands to the Rye Free Reading Room; now, therefore, be it

RESOLVED, that the City Council authorizes the Mayor to file a new Home Rule Request in support of S.4236-B and A.7500-B.

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Stampleman

The resolution passed.

5. Resolution authorizing the Mayor to sign an employment agreement with Julia D. Novak to serve as Rye City Manager effective June 1, 2000

Councilwoman Cunningham apologized for not introducing City Manager Novak at the beginning of the meeting. Mayor Otis stated that he was thrilled that Mrs. Novak has joined the council for the first time as City Manager and officially welcomed her.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the Mayor to sign an employment agreement with Julia D. Novak to serve as Rye City Manager effective June 1, 2000.

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Stampleman

The resolution passed.

6. Discussion of the school stadium lights and related environmental issues

The Mayor referred to his June 1, 2000 memo which forwarded the historical background of the city's position on the Rye High School stadium lights issue. He also acknowledged the June 1, 2000 memo from Acting City Manager Christopher Bradbury and the May 31, 2000 letter addressed to the Rye City School Board from the Rye City Planning Commission regarding the SEQRA process on this issue.

Mayor Otis said the council has worked on a draft resolution on the issue of the Nugent Stadium lights.

Councilwoman Cunningham said, although the council does not have jurisdiction over the school board, this resolution portrays the council's concerns. She read the draft resolution aloud.

Councilman Hutchings stated that the council has to identify concerns that the City faces as a result of the decisions made by the School Board. He invited members of the audience to address the impact that this decision will have on Rye citizens in the future.

Councilwoman Larr initiated a brief discussion on liability issues and Mayor Otis' recommendation on the importance of having a traffic mitigation plan.

Councilman McKean acknowledged a letter from Mrs. Cathleen Morgan, president of the Rye City Board of Education. After reading excerpts from her letter, he clarified that the council was not invited to be a part of the decision making board; the council was asked for objective data. He expressed the feeling that this letter was an insult to the city council.

Councilman McKean said the Short Environmental Quality Review Form (SEQRA) prepared by the Rye City Board of Education is flawed because it denied that the field is in a flood plain and not in an environmentally sensitive area. This was evidenced by the fact that the appropriate categories were not checked off on the SEQRA form. He said it might be appropriate to begin an Article 78 procedure to have the SEQRA overturned.

Mr. Drew Shea, president of the Rye Natural Lights Association, pointed out that there were also inconsistencies in the form about the height of the light poles.

In response to Mrs. Morgan's letter, Councilwoman Downing clarified that each council member has a separate vote and independent views on issues.

Mayor Otis said unfortunately there were some untruths stated early in the process. The council was never asked to deliberate or to give opinions. In extensive communications in

March, the City informed the school board that there are processes, boards, commissions, and committees available to the school board through the good offices of the city to help the school board with the process. The school board did not take advantage of any of these options. On April 8th, the City Council discussed a host of issues on the stadium lights. He stressed that the city is not legally in a position to tell the school board how to handle its issues.

Mr. Peter Larr, Fieldstone Road, encouraged the city council to make the draft resolution more forceable by requiring the school board to go through the appropriate city processes for the installation of lights.

Councilman Stampleman arrived at this point in the meeting.

Dr. Michael Klemens, chairman of the Planning Commission, said the school board was disrespectful to the city by ignoring its land use decision processes. He said that he and the Planning Commission do not have confidence that the school board is capable of doing an environmental study since the short SEQRA form was inaccurate. On behalf of the Planning Commission, he encouraged the council to initiate an Article 78 proceeding to overturn the short SEQRA form completed by the school board.

Mr. Joseph Murphy, former member of the Board of Education, expressed concern that the school board ignored the City of Rye on a community issue. He suggested that the resolution should be stronger and should include that all parking be on the school grounds during the night games.

Mr. Philip DeCaro, Rye Beach Avenue, expressed concern about the SEQRA process being fatally flawed. He encouraged the Council to proceed with an Article 78.

Mr. Terry Cassidy, Pine Lane, acknowledged that the separation of power between the school board and the city is very important. He implored the council to be more forceful with the School Board because this lighting issue impacts all the residents.

Mrs. Susan Sayle, vice president, Rye City Board of Education, pointed out that the school board's motion to do the long SEQRA form has been tabled. She clarified that the form completed by the school board was the project description form which is the initial contact for the SEQRA process with the New York State Education Department. Although many have referenced this as the short SEQRA form, it is merely the minimum required to begin the process.

Both Councilmen Stampleman and Hutchings complimented Mrs. Sayle on her speech prior the school board vote.

Mr. Robert McCooey, Pine Lane, addressed the adverse environmental concerns that the installation of stadium lights will have on the community. He focused on aesthetics, light pollution, and flood plain issues. He recommended that the city council have the school board's decision revoked either by an Article 78 or through New York State Education Law 310.

Mr. Drew Shea demonstrated by the use of a Rye City map the number of residents who wrote in opposition to the stadium lights. He emphasized that this is a community issue which impacts the entire city. He said the residents need a voice, and encouraged the council to proceed with an Article 78 proceeding.

A council discussion focused on:

- the inadequacy and inaccuracy of the form used by the school board for the SEQRA process;
- the school board's philosophy that the school is in partnership with the community;
- the need for the school board to complete a long SEQRA form;
- the adverse impact of the lights on the entire community;
- the landmark status for buildings over fifty years old;
- the phone calls received by the council in opposition to the lights, none in favor;
- the lights being a community issue, not a Pine Lane issue; and
- the New York State Department of Education acknowledging that the responsibility for the SEQRA requirement rests with the local school agency.

Mr. Kenneth Sayle, Forest Avenue, stated that Superintendent of Schools Edward Shine, not the School Board, was responsible for doing the short SEQRA form. He encouraged the city to proceed with an Article 78 to correct this adverse impact on the community.

Mrs. Margaret Lucas Munding, Milton Point, stressed that it is not only the Pine Lane home owners who oppose the lights. She illustrated by a petition with over 200 signatures that this is a community issue. She asked the city council to take a position on this issue.

Mayor Otis said there is a sense of frustration because the city council does not have more power over this issue. New York State Law gives autonomy to the school board. The city has processes and has offered assistance and advice to the school board which were not accepted. He is sympathetic to the concerns addressed and has heard both sides of the issue. He said legally the question remains with the school board. The concern about litigation will be taken under advisement. He said the council has to be careful about its decisions and that there has to be a balance between the outcry from the community and the responsible jurisdiction. He acknowledged letters in opposition to the lights from Mrs. Jennifer Pomroy and Mrs. Lucy Rodriguez.

In response to Councilman Hutchings' question about what is gained by an Article 78 proceeding, Corporation Counsel Neale explained in detail the Article 78 process. He said that there are time limits to filing an Article 78 and that the determination will not be whether or not the lights should be installed. It will be whether the process has been done correctly. Mr. Philip De Caro said that the community will regain belief and faith in the process. The focus is on the process and not on the lights.

Mr. John Eyler, Stuyvesant Avenue, said the council has been lobbied by the opponents of the lights. He said that the concept that it was not a proper or public process is erroneous. The school board acted on the advice of its counsel and made an informed decision.

Mayor Otis noted that no one criticized the proponents of the lights.

Councilman McKean pointed out that the form was filled out erroneously because it did not indicate that the property is in the flood plain nor that it is a 50 year old building.

Mrs. Margaret Lucas Mundinger, Bird Lane, said that the city would be impacted in its budget by having to provide additional police coverage during night games at the high school.

Corporation Counsel Neale noted that an individual would probably have a better "standing" with the Article 78 procedure than a municipality. He said much depends on circumstances.

Mayor Otis said the simplest way to handle this matter is to approach the school board with these issues and concerns because it has the jurisdiction. The question about the city proceeding with an Article 78 will be referred to the Corporation Counsel for review and research. Individuals would have to consult their own attorneys about an Article 78.

Councilman Stampleman suggested that the Police Commissioner be asked his advice on this matter.

Mayor Otis explained that the procedure on any issue is to refer the matter initially to the appropriate person or board for information, review, and comment.

Councilman Stampleman withdrew his request.

Mrs. Ellen D'Angelo, Wappanocca Avenue, said there is a possibility that sometime in the future, there may be billboards on the high school field to offset the cost of night games. She was very concerned about the negative aesthetic impact that the night lights will have on the community.

The council discussed:

- responsibility for the Local Waterfront Revitalization Program consistency review;
- timing for an Article 78 contingent on the date of the negative declaration; and
- amending the resolution.

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

WHEREAS, the Rye School Board has decided to install lights at Nugent Stadium, and

WHEREAS, the City was asked to provide only objective information to the School Board for consideration, and

WHEREAS, the Rye Board of Education did not avail themselves of the informal review process that was offered in the City's memorandum of March 9th, and

WHEREAS, the Rye City Council is disappointed that the suggestions made by its members at the joint School Board/City Council meeting regarding process, environmental review, and deliberation, were ignored, and

WHEREAS, the Rye City Planning Commission has sent a studied letter to the School Board on this issue, and

WHEREAS, parking issues, increased police presence to assure safety of Rye citizens, traffic mitigation plans for evening events, have not been anticipated, and fully explored, and

WHEREAS, the full impact and cost to the City of Rye for nighttime events at Nugent Stadium has not been examined, and

WHEREAS, the City Council and the Board of Education have a long standing history of cooperation on decisions that affect all of the citizens of Rye, and

WHEREAS, no formalized procedure is currently available between the School Board and the City Council to facilitate better communications, recommendations, and advice regarding issues that overlap our separate education and community responsibilities; now, therefore, be it

RESOLVED, the Rye City Council recommends that the School Board conduct a more thorough SEQRA review using the long form Environmental Assessment Form prior to the installation of utility poles and lights at Nugent Stadium, and in the interest of improving communication and dialogue, it is suggested that a joint meeting of the School Board and the City Council be planned to structure such procedures and review the community impact of the light issue, and be it further

RESOLVED, the Rye City Council requests the Corporation Counsel to examine the basis for proceeding under CPLR Article 78 or our rights under Education Law 310 with regard to the School Board's decision to install lights at Nugent Stadium.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

7. Other Business

There was no other business.

8. Adjournment

Mayor Otis made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn to executive session at 10:20 P.M. to discuss a personnel matter.

The Council reconvened at 11:21 P.M.

There being no further business to discuss, Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn the meeting at 11:26 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk