

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on February 27, 2002 at 8:00 P.M.

PRESENT:

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

Mayor Otis congratulated the Rye Police Department for being honored by the American Legion Post 93 of Port Chester on Saturday, February 25, 2002. Councilwoman Cunningham added congratulations to George Mottarella who was named Engineer of the Year in Government by the Westchester County Chapter of the NYS Society of Professional Engineers and Michael Genito for his award as a Certified Public Finance Officer by the Government Finance Officers Association.

Mayor Otis introduced Jim Perry from the New York American Water Company (NYAWC) who discussed the present serious drought condition saying the area was more than 12" behind for this time of the year and the Drought Management Plan needs to go into effect immediately. He said without rain or snow, the area could be at stage 5 (the highest alert requiring a 25% mandatory cutback) within three weeks. He said Rye passed a resolution to follow the restrictions in 1995, and urged the Council and the media to help now to publicize and support the need for immediate restrictions. Examples of what everyone can do are: shorter showers, don't run water while brushing, keep ice water in the refrigerator, full loads of dishes and laundry, check for leaks, don't plant things that need a lot of water,

mulch your flowers. Non-potable recyclable water for such things as golf courses can be developed, but it is a very complicated and expensive procedure. Councilwoman Cunningham said The Rye Golf Club has its own well, but Mr. Perry warned the water levels are getting so low it could go dry. We need a significant northeaster or blizzard to help the situation especially as the ground is so porous that there is not much run-off. He said the company can tell from the meters who is conserving and it is within their jurisdiction to cut off the water if people are not complying. The Mayor thanked Mr. Perry for his presentation and said that the City would put the warnings and restrictions on RCTV and also on our web site.

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

There were no citizens wishing to address the Council.

4. Discussion of the Indian Point Nuclear Power Plants and review of resolutions adopted by other communities

Mayor Otis reported he had circulated different resolutions considered by other Westchester communities covering a variety of topics concerning Indian Point including the adequacy of evacuation plans, closure, alternative energy, conservation, plant safety, and security from terrorism. He said he was pleased to welcome Alfred Donahue, Mayor of Buchanan and James Steets from Entergy to the Council Meeting.

Mayor Donahue, a life-long resident of Buchanan, said that he, along with the 22,000 residents of the village, was convinced the nuclear plant was safe and that if it was not, he would be leading the effort to close it down, regardless of the financial implications to the village. He said prior to the events of September 11 (9/11) protests were minimal and that even the leak two years ago was blown out of proportion by the media. He said many wanting to close the plant are well meaning, but for some it is political and questioned if the plant is closed, what next – bridges, Playland? He assured the Council that since 9/11 lots of steps have been taken to see that the facility, already secure, is even more heavily protected; that everyone has questions about the evacuation plan; they are working on it to make it better, despite the fact that he is sure it will not be needed; and reported that the Governor and NY Senators also believe it is safe. In response to a question from Councilman Cypher, he confirmed that the site cannot be used for anything else for a century. Mayor Otis asked if the facility could be pierced and what safety precautions had been made to protect the spent fuel ponds from terrorists.

Jim Steets, from Entergy, joined Mayor Donahue in thanking the Council for inviting them and described the safety of the facility which was designed to withstand tremendous force (as much as two 737's). He said he is convinced that the building is impenetrable and that the cooling systems are well backed up. He agreed that the spent fuel ponds are more vulnerable but not at significant risk and confirmed that the Government and the National Regulatory Committee (NRC) have taken many steps

since 9/11 to make the facility even more secure. He also said that closing the plant would decrease the energy supply by 30%, that all public buildings would be affected and the likelihood of NYC blackouts highly increased. He said that the plant is running at capacity.

Marie Schiraldi-Cattau, working with the Indian Point Safe Energy Coalition, spoke in favor of closing the plant, reiterating her position from the prior two Council Meetings, saying that her concern was for the safety of her family; that a decrease in energy was a small price to pay; and that people should seek alternatives. She asked how anyone can guarantee that the facility is safe and said she is not comfortable having the plant open. She concluded by inviting everyone to an informational meeting in the White Plains Public Library on March 8th at 9:30 A.M.

Mayor Otis thanked everyone for coming and suggested that the following web sites had lots of information, both pro and con: www.proindianpoint.org; www.entergynuclear.com; www.riverkeeper.org; and www.closeindianpoint.org. Councilman Hutchings asked what the next step for the Council was to be and Councilwoman Cunningham said she viewed the plant as having huge potential for catastrophe, starting from when it was built on the Ramapo Fault, and that she intended to present a resolution urging action against the plant at the next meeting. Councilwoman Larr said an alternative resolution could also be prepared.

5. Consideration of the proposed Speed Hump Policy

Mayor Otis reported that the Council had received modified drafts of the Speed Hump Policy incorporating revisions based on discussions at the February 6, 2002 City Council meeting and a further modification by the Mayor suggesting that neighborhood input be in the form of attendance at a public hearing at a Traffic and Transportation (T&T) Committee Meeting. City Manager Novak said the suggested speed-measuring strip costs about \$3000 and would be a valuable tool for the City to have. She said she takes very seriously the issues raised by the Fire Department about having to slow down on streets with humps, but feels they have been resolved in other communities and can be here. Councilwoman Larr pointed out that the kind of street qualifying for the humps would not require more than two which might produce a 20 second loss in arrival time.

Brian Dempsey, chair of the T&T Committee, said there was an excellent web site (www.ite.org) which can educate everyone about speed humps; that the policy was well thought out; had been worked out with the committee's vice chair who is a fireman; and, except for the Fire Department, the test strip on Rye Beach Avenue has been well-received. He said the policy requires that the Fire and Police Departments, as well as EMS, sign off on the appropriateness of any proposed hump. Manager Novak assured the Council the staff and the T&T Committee would continue to work with all departments.

Councilwoman Larr made a motion, seconded by Councilman Hutchings and unanimously carried, to adopt the City of Rye Speed Hump Policy, dated February 26, 2002.

6. Consideration of resolution authorizing participation in the Westchester County Emergency Medical Services Mutual Aid Plan

At the request of Mayor Otis, Manager Novak explained that participation in the Westchester County EMS Mutual Aid Plan provides an additional safety net for EMS Services and pledges our assistance to cooperate with agencies throughout Westchester County.

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

RESOLVED, that the City of Rye elects to participate in the Westchester County EMS Mutual Aid Plan, and will agree to recognize a call for assistance through the Westchester Emergency Communications Center (60 Control) and will comply with the provisions of such plan as now in force and as amended from time to time, and certified by the Westchester County EMS Council through the County EMS and Emergency Service Coordinators and that no restrictions exist against “outside service” by such EMS agency/provider named herein within the meaning of Section 209 of the General Municipal Law which would affect the power of such EMS agency/provider to participate in such plan, and be it further

RESOLVED, that a copy of this resolution be filed with the county EMS and CAD coordinators.

7. Acceptance of a Grant Award from the State of New York Division of Criminal Justice Services in the amount of \$5,000 for the purpose of implementing the "Watch Your Car" program in the City of Rye by developing departmental policies, procedures and trained personnel to decrease the incidence of motor vehicle theft and insurance fraud

Manager Novak informed the Council that Police Commissioner Connors has been notified of the award of a grant from the NYS Division of Criminal Justice Services to implement the “Watch Your Car” prevention program in the City of Rye to decrease the incidence of motor vehicle theft and insurance fraud. The grant money would be used to train and pay for the overtime of the officers. She confirmed that this was a newer version of a type of grant we have received in the past.

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

RESOLVED, that the City Manager be authorized to accept the Grant Award from the State of New York Division of Criminal Justice Services in the amount of

\$5,000 for the purpose of implementing the "Watch Your Car program in the City of Rye by developing departmental policies, procedures and trained personnel to decrease the incidence of motor vehicle theft and insurance fraud.

ROLL CALL:

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

NAYS:None

ABSENT None

The resolution carried.

8. Consideration of the request of Christ's Church to close Rectory Street to traffic on Sunday, March 31, 2002, between the hours of 8:30 a.m. and 11:00 a.m. for its Annual Easter Egg Hunt

Councilman Hutchings made a motion, seconded by Councilwoman Larr and unanimously carried to approve the request of Christ Church to close Rectory Street to traffic on Sunday, March 31, 2002 between the hours of 8:30 a.m. and 11:00 a.m. for its Annual Easter Egg Hunt.

9. Consideration of request of the Recreation Department to use City Hall and the Village Green for the Annual Pops Concert on Sunday, June 30, 2002

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request of the Recreation Department to use City Hall and the Village Green for the Annual Pops Concert on Sunday, June 30, 2002.

10. Consideration of proposed resolution delegating the authority to approve routine requests for Controlled Traffic, Use of City Streets and Use of the Village Green to the City Manager

Mayor Otis reported that City Manager Novak had suggested responsibility for approving routine requests for Controlled Traffic, Use of City Streets and Use of the Village Green be delegated to the City Manager in order to conserve time and paper. Manager Novak would report regularly to the Council on the requests she had approved. Councilwoman Larr said it was an excellent idea that worked well at United Hospital and said a rolling calendar could be maintained. Councilman Hutchings agreed, saying this function is an administrative responsibility which should belong to the staff, while the Council should make policies, such as guidelines for use of the Village Green. Councilwoman Cunningham disagreed, saying some requests appear routine but are really not, especially when they pertain to use of the Village Green which has elicited much discussion in the past, and she believes each request should be on the agenda and she is not in favor of the proposal. Mayor Otis said that the

Council has the right to delegate such decisions but recommended against doing so, stating that these decisions should be kept open and accessible to the public. He also indicated that the Council cannot make decisions via e-mail. He read the following statement into the record stating his opposition to the proposal:

“I am writing to recommend against adopting a change in the process by which the City Council reviews and adopts requests to use City Streets and the Village Green. Most of these agenda items are routine and take seconds to adopt. They add no significant time to Council meetings. Yet the current practice provides the City Council and the public with knowledge of and access to the process before these decisions are made.

“The most valuable reason to have these items on the agenda is because they have provided City Council members the opportunity to provide important instruction and direction regarding a number of these requests.

“Councilman Hutchings has, on numerous occasions, raised specific questions regarding safety, removal of signage, and other issues, especially regarding walk-a-thons. The appearance of these items on the agenda provides the Council and the public the opportunity to raise issues or problems that may have materialized when the event in question was held the previous year.

“Members of the Council are often the ones who receive complaints about the conduct of events. A number of members of the Council have engaged in important policy discussions regarding the use of the Village Green. These types of requests seem to evolve each year. They are not standard and requests often bring policy issues that are being raised for the first time.

“In addition, these types of requests often bring representatives of the organization sponsoring the event. Their presence at Council meetings has given members the opportunity to ask about the request being made, what the group intends, and how problems are being anticipated. These discussions have been valuable. It is also important that these discussions are held in public.

“This is obviously not the most important issue the City Council will face. Given that practically no time is spent on these items, removing them from the agenda will not save us meeting time.

“Lacking a compelling reason to alter our longstanding practice I believe the presumption should be against changing it. I recommend that we take no action.”

Councilman Hutching made a motion, seconded by Councilman Cypher, to adopt the following resolution:

WHEREAS, neighborhood and community groups routinely request Controlled Traffic, Use of City Streets, or Use of the Village Green for annual functions, and

WHEREAS, the Department of the Public Works and Police Department scrutinize the requests upon receipt, and

WHEREAS, the recommendations of the Public Works Department and Police Department are then forwarded to the City Manager; and

WHEREAS, the City Manager then forwards the recommendations made by the Public Works and Police Departments to the City Council for authorization; and

WHEREAS, a practice exists to routinely approve the recommendation previously made; and

WHEREAS, it would be more efficient and would simplify the agenda of the City Council Meetings to delegate the authority to approve such requests to the City Manager; and

WHEREAS, New York State Vehicle and Traffic Law allows the City Council to delegate any or all of the powers granted to the Council to any official board or agency designated by the City Council, now, therefore be it

RESOLVED, that the City Manager shall have the authority to administratively approve requests for Controlled Traffic, Use of City Streets, and Use of the Village Green; and be it further

RESOLVED, that the City Manager shall submit a report to the City Council on a regular basis informing the Council of what requests have been approved.

ROLL CALL:

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

The resolution carried by a vote of 4 to 3.

11. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term

Councilwoman Cunningham made a motion, seconded by Councilman Chu and unanimously carried, to approve the appointment of Councilwoman Larr as Trustee of the Police Pension Fund for a one-year term ending January 1, 2003.

12. Draft unapproved minutes of the regular meeting of the City Council held February 6, 2002

Councilman Cypher made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the City Council Meeting held February 6, 2002 as amended.

13. Miscellaneous communications and reports

Mayor Otis reported that he had attended a meeting with the Thruway Authority and that they will be continuing the diamond grinding begun in Harrison. He said it is a new surface is designed to make less noise.

Mayor Otis announced he had joined the Executive Committee of the Westchester Municipal Officials Association.

The Mayor said there was a possibility the Council would be meeting at 6:30 P.M. with the Rye Neck Board of Education, prior to the Council Meeting on March 6, 2002.

14. Old Business

Councilwoman Cunningham asked Manager Novak to respond to a memorandum recently received by Arthur Stampleman regarding several errors in budget information sent with a recent tax mailing.

15. New Business

There was no new business to discuss

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn to Executive Session at 10:40 P.M. to discuss two contractual matters.

16. Adjournment

There being no further business to discuss, Councilman McKean made a motion, seconded by Councilman Cypher and unanimously carried, to adjourn the meeting at 11:37 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk