

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on August 13, 2003 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor  
FRANKLIN J. CHU  
CAROLYN CUNNINGHAM  
ROBERT S. CYPHER  
DOUGLAS McR. McKEAN  
Councilmen

ABSENT:

ROBERT H. HUTCHINGS  
ROSAMOND LARR

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.

Announcement by the Mayor

Mayor Otis announced that on August 12, 2003 the City of Rye had prevailed at the New York State Board of Real Property Services when the State agreed to side with the City of Rye over the objections of the Town of Rye and the Village of Mamaroneck to adopt a segment rate for the Rye Neck School Tax Rate for those residents of the City of Rye in the Rye Neck Union Free School District (RNUFSD). He said it is the second year the State had agreed to adopt a segment rate and is a culmination of a four-year effort by our Assessor, Noreen Whitty and the City's Corporation Counsel. This year's ruling has resulted in a lowering of the percentage increase in the tax rate from 16.74% to 9.4%, a savings to each affected citizen of an average of \$1100. Councilman Chu reminded everyone that, while it is definitely a victory, the City will have to take this path annually. He also reminded everyone that the Council had moved the due date for the RNUFSD from September 1 to October 1. (See Agenda Item 7 below for further discussion.)

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

There were no members in the audience who wished to be heard.

4. Presentation by Mayor and Police Commissioner of Certificates of Recognition to members of the Police Department for exceptional performance during calendar year 2002

(Note: This agenda item actually took place at the beginning of the meeting after the pledge of allegiance and the roll call. After the presentation the officers and their families departed for refreshment in the employee lounge.)

Mayor Otis introduced Police Commissioner William Connors who thanked the Mayor and Council for hosting this Police Department Recognition Ceremony. He said the Department has recognized its officers' actions in many ways, but mostly internally, and it is nice for the City to recognize and reward some of the outstanding work done by Rye police officers. He said tonight's ceremony will recognize acts performed during calendar year 2002 that showed bravery, initiative or dedication, based on nominations submitted by all of the Department's supervisory officers and reviewed by a committee who made the tough decisions as to what is "exceptional" work (rather than "just routine police work", which often seems extraordinary on its own).

He said a "good" cop runs toward danger, stays calm and cool and puts him or herself at risk to protect others. A "great" cop does all that and more: cares and gives comfort to the sick, dying or troubled; responds to the ordinary complaints and writes parking tickets in addition to making the big arrests; has the skill, patience and manner to talk people out of a bad situation; can be stern and strong but also respectful and caring. He said Rye has many great cops and he sees examples of this everyday: working in 90 degree heat during the 4<sup>th</sup> of July DWI checkpoint; installing child safety seats; taking joy in finding new spot to hide to catch speeders; connecting with our kids at DARE graduations; lugging a fully equipped First Aid bag; fighting six foot seas and lightening to search for a distress signal; working late on a Sunday night to make our computer system better.

Commissioner Connors cited the enthusiastic and energetic involvement of Rye's police force in a Rye Brook shooting incident with pride, saying they helped to bring order and organization to a chaotic situation, dropped their bags after a vacation to rush to the scene, and felt the excitement of being part of an incident at which they learned new things so they can do their own jobs better. He said there is a story about every member of the department and said "whatever the situation I know they will handle it. And they'll probably handle it well." He concluded his remarks by saying, as a cop, it is a privilege to work with the officers and all of us, as residents, should be proud that they're here for us.

He then proceeded to hand out awards for initiative, made simply by date of occurrence, followed by life saving awards and then awards for traffic involvement. He invited the Mayor and City Manager to assist him with the presentation of the following awards:

**P.O. Michael Anderson** for developing information from sources in the community leading to the arrest of the persons responsible for damaging the "schools of excellence" signs at the City's three public schools (1/6/2002).

**Sgt. Scott Craig, Det. Jake Chittenden, P.O. Julio Rossi and Sgt. James Cahill of the Port Chester Police Dept,** for their teamwork and professionalism in leading to the arrest of a predicate burglar and his wife after committing a burglary at a Lowen Court residence (5/29/2002).

**Sgt. Robert Vogel,** for the discovery of a loaded handgun secreted in the bushes by one of a group of persons having a dispute on the Boston Post Road (6/23/2002).

**P.O. Micheal Anfuso and P.O. Michael Kenny** for the arrest of one male and the recovery of a machine gun during a routine traffic violations stop (8/14/2002).

**P.O. Michael Anfuso, P.O. Michael Kenny, Det. Jake Chittenden and Det. Paul Kenny,** for an arrest for Criminal Possession of a Controlled Substance and Criminal Possession of Stolen Property at the Courtyard by Marriott (9/3/2002).

**P.O. Jeffrey Golanec,** for an investigation after stopping a vehicle for traffic violations which led to the seizure of 290 grams (over 10 oz) of cocaine, an A-1 felony (9/8/2002).

**P.O. Michael Anderson and P.O. Michael Kenny,** for an investigation after stopping a vehicle for traffic violation which led to an arrest and the seizure of cocaine secreted in a flashlight (9/26/2002).

**P.O. Gary Olivier and P.O. Michael Kenny,** for safely delivering a healthy newborn baby (10/29/2002).

**Sgt. Robert Vogel and P.O. Anthony Rosace,** for the arrest of a male from Nassau County who caused traffic accidents; broke into a home and exhibited erratic and violent behavior before being removed for psychiatric treatment (12/6/2002).

The Lifesaving awards were presented to:

**P.O. Michael Larkin , Sgt Robert Vogel and P.O. Timothy Chittenden,** for saving the life of a 35-year-old male who arrived at the Rye train station aboard a Metro North train in full cardiac arrest (5/10/02).

**P.O. Michael Larkin and P.O. Michael Anderson,** for saving the life of a resident in cardiac arrest at an address on Garden Drive (1/31/02).

The Commissioner thanked all officers for their performance in traffic and speed enforcement, two of our most important concerns in Rye, and particularly commended **Sgt. Scott Craig**, who, in addition to his duties as a Squad Supervisor, serves as our Traffic Sergeant and

deserves special credit for his efforts in establishing DWI checkpoints and seat belt enforcement initiatives and providing general motivation of his men. The 2002 Traffic awards were presented to:

**P.O. Jeffrey Golanek**, for making 24 DWI arrests (impaired driving being the cause of about 42% of fatal accidents nationwide)

**P.O. Michael Anfuso**, who issued 524 summonses last year for moving violations, all while staffing a post, answering calls, and making arrests.

**P.O. Joseph Cancel**, whose principal mission is speed enforcement, issued 330 summonses for moving violations.

The Commissioner thanked all the officers and their families for coming and said again how proud he was of all of them. Mayor Otis told the officers everyone appreciates all they do – their intelligence, bravery and dedication, and expressed his thanks on behalf of everyone in Rye.

5. Presentation by Rye Fire Department Board of Fire Wardens regarding options for renovations to Locust Avenue Fire Station

Mayor Otis introduced two members of the Board of Fire Wardens of the Rye Fire Department, also providing Rye with excellent public safety. John McDwyer and former Chief George Ballantoni, both members of the Fire Department Building Committee, announced that after careful consideration, the Department had decided not to request a bond referendum for renovations to the Locust Avenue Fire Station this November but would be considering a referendum at a special election in late March or early April, 2004. Mr. McDwyer said the Department knows it needs to do more planning and needs to educate the citizens of Rye about the great need for renovations. He also said the Department was planning to have an open house at the Milton Fire House so the public would be able to see that it is not as big as it looks. Councilman Chu reiterated his concerns about special elections, but Mr. McDwyer said the referendum was not advisable this November especially as the building plans need finalizing because they have been on the back burner due to the external Fire Department Management study now being conducted by the MMA Consulting Group, Inc. Councilman McKean also reminded the Council that the Fire Department had been asked previously to defer their request because of the school referendum. The Council agreed it was important to prepare the voters and to work on all alternatives to come up with the best plan. Mayor Otis also said there was a need to review the City Engineer's report which outlined the estimates by Calgi Construction. The Council agreed to meet with the Fire Department Building Committee and City Engineer George Mottarella soon to review all the numbers.

6. Public hearing on a proposed local law amending Chapter 196, Wireless Telecommunication Facilities, of the Code of the City of Rye

Mayor Otis opened the public hearing on a proposed local law amending Chapter 196, Wireless Telecommunication Facilities, of the Code of the City of Rye. Councilman McKean, who had proposed some changes to the existing law, thanked the staff (particularly the City Planner, the Building Inspector and Casey Liebst, Assistant to the City Manager) for refining the existing code in collaboration with everyone's suggestions and concerns. He said he had some suggestions about Section 106-12 (B) and requested the public hearing be kept open until the wording could be reviewed. The Mayor noted it was positive that the revisions require each applicant will provide good visuals and that each application should be reviewed by the Board of Architectural Review.

The public hearing will be continued at the next regular meeting of the City Council on September 3.

7. Adoption of 2003/2004 tax levy and tax rate for the Rye Neck Union Free School District

Mayor Otis reiterated that the City had received a positive ruling from the State regarding the tax levy for the Rye Neck Union Free School District (RNUFSD), but that the absolute numbers were not yet available. He suggested the Council meet for a brief special meeting to approve the tax rate as soon as the figures are finalized. It was suggested that a letter be sent with the tax bill explaining the segmentation process, but the Interim City Manager said he thought the law required nothing be sent with tax bills.

8. Consideration of establishing a Youth Advisory Committee

Councilman Cypher reviewed his efforts to create a Youth Advisory Committee which would bring young people into the government process. He thanked Casey Liebst, Assistant to the City Manager, for all her help in working out the logistics of how best to set up such a committee. The final proposal limits the number of young people who can participate and creates an autonomous group with lots of flexibility. Councilwoman Cunningham said she would still like to see a teen workshop; the Mayor said such a workshop could happen once the committee is officially established. There was discussion about who should be the City's representative on the committee and it was decided the appointment should be made by the City Manager.

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

**RESOLUTION ESTABLISHING A YOUTH ADVISORY  
COMMITTEE AND DETERMINING ITS MEMBERSHIP, OFFICERS,  
AND DUTIES**

**WHEREAS**, many issues arise in City government and the community as a whole that may be of interest to youth or may affect youth in the community; and

**WHEREAS**, it is beneficial for the community and the youth to develop the citizenship skills of youth in the community by working with local government on such issues; and

**WHEREAS**, the City government can directly benefit from the advice and efforts of youth in the community on the issues that confront the City; now, therefore, be it

**RESOLVED by the City Council of the City of Rye that:**

1. There shall be a Youth Advisory Committee to make recommendations on City Council agenda items or other matters affecting youth in the community and to seek and recommend ways to interest and involve youth in local government.

2. The Youth Advisory Committee shall consist of no more than fifteen members in grades seven through twelve at the time of appointment or re-appointment by the City Council. Members must be residents of the City of Rye but are not required to attend school in the City.

3. Each year, nominations will be accepted for students interested in serving on the Committee. A selection committee made up of one representative of the City designated by the City Manager, the Rye YMCA, and the Rye Youth Council will review the nominations and select students to recommend to the City Council for appointment to the Committee. Efforts will be made to balance the committee regarding schools represented, grade, gender, ethnicity, etc. Members will be officially appointed to the Youth Advisory Committee by the City Council.

4. The term of office for each member shall be one school year, commencing on September 1 and ending on June 30. Members may be re-appointed but shall serve for no more than three consecutive years. The Youth Advisory Committee shall select its own chair and vice-chair.

9. Consideration of a request from the Rye Merchants Association to incorporate the City Seal into their logo

Sally Wright, President of the Rye Merchants Association, asked the Council to consider granting approval to incorporate the City Seal into the association's new logo. She said she understood they were not a City agency, but this was about "branding" and they would very much like to incorporate the whole seal which is surrounded by the words "Rye Merchants Association." Councilwoman Cunningham said she was concerned about setting a precedent and about causing confusion about whether or not the association is a City agency. Both the Interim City Manager and the Corporation Counsel felt these concerns were not warranted, as the City's logo is within the proposed new logo, so it is really not the use of the City logo.

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

**RESOLVED**, that the City Council hereby grant permission to the Rye Merchants Association to incorporate the City of Rye seal in their new seal.

10. Consideration of a request from the Human Rights Commission to purchase a "Roster Plaque" containing the names of Human Rights Award winners, which would be hung in City Hall

Mayor Otis said the Commission on Human Rights is officially requesting that the City purchase a plaque to list the names of Human Rights Award winners. The Clerk confirmed that the Clerk's Budget has been asked to pay for the Human Rights Award individual plaques each year so that spending \$250 once would, in the long run, be more cost effective. Councilman Cypher felt the award should not be made at the Memorial Day Ceremony and Joe Murphy, former head of the American Legion, concurred. Councilman McKean felt another location in City Hall, other than at the top of the stairs by the Corporation Counsel's office might be better.

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

**RESOLVED**, that the City Manager is hereby authorized to approve the purchase of a plaque to contain the names of recipients of the Human Rights Award winners to be hung in City Hall.

11. Consideration of a proposed resolution supporting the creation of a regional stormwater district

Mayor Otis said the Council had received a good memo from the Interim City Manager outlining the pros and cons of the creation of a regional stormwater district and attaching a resolution supporting the proposal for the Council to consider. The Mayor said there were more questions to be asked, but supports a resolution which seeks more information about forming such a district. Councilman Cypher said a new district would have its own regulatory powers and he feels the Council should be very careful about endorsing anything without more information about how it would work and what powers the City would be giving up. Councilman Chu suggested more input from the public, but the Interim City Manager said there really was not enough information available to warrant a public hearing. Mr. Culross said the resolution endorsed the concept only and, as the world changes some things might be better done regionally, so the Council will need to balance what the City gets versus what it would have to give up. He said he does not feel the endorsement to continue looking at the concept commits the City either legally or ethically. Mayor Otis said there will be many expenses mandated by the EPA, so being part of the district could save the City money and he felt it is important for the City to continue to be part of the planning process. The Mayor suggested alternative language which, in essence, gives an endorsement to approve further study of the possible formation of the district rather than approving the actual formation of the district. Councilman Chu proposed redrafting the resolution based on the recommended changes and placing it on the September 3<sup>rd</sup> agenda for reconsideration.

12. Miscellaneous communications and reports

Councilman Chu mentioned a memorandum from the City Naturalist suggesting she would have to give up teaching school programs in order to enact the recommendations in the Enhanced Environmental Protection Resolution recently authorized by the Council. He said he had never intended the directives in the resolution to be revenue negative; that he had discussed the resolution with the City Naturalist and had, not hearing otherwise, assumed the status quo could/would be maintained. Councilman McKean said he felt it was obvious such resolution would affect staff time and revenue and the Council should be careful when authorizing such additional responsibilities. The Mayor said more input and dialogue was necessary and the Interim City Manager suggested he obtain more answers and the subject be discussed again at the Council's September 3 meeting. Joe Murphy, Chairman of the Conservation Committee/Advisory Committee (CC/AC) agreed there was a need for an enlarged conversation and urged that CC/AC not be left out of the discussion. He stressed the need for a City Naturalist.

13. Old Business

There was no old business to be discussed.



14. New Business

There was no new business to be discussed.

15. Draft unapproved minutes of the regular meeting of the City Council held July 16, 2003

Councilman Cypher made a motion, seconded by Councilman McKean and unanimously carried, to adopt the minutes of the regular meeting of the City Council held on July 16, 2003 as amended.

16. Adjournment

There is no further business to discuss, Councilwoman Cunningham made a motion, seconded by Councilman Chu and unanimously carried, to adjourn the meeting at 10:05 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk