

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on January 21, 2004 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
FRANKLIN J. CHU
ROBERT S. CYPHER
MATTHEW FAHEY
ROSAMOND LARR
HOWARD G. SEITZ
Councilmen

ABSENT:

DUNCAN HENNES

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 announced that the Rye Fire Department would be hosting an open house at the Milton Fire House on Saturday, January 31, 2004 from 11 A.M. – 3 P.M. and that the Rye Nature Center would be holding the annual Old Fashioned Winter's Afternoon festivities during the same time. He urged everyone to come out and enjoy the day.

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

Betty Teoman, Director of the Rye Free Reading Room (RFRR), reported new hours are in effect and the library is now open at 9:30 Mon.-Sat.; from Noon on Sundays; and on Monday, Tuesday and Thursday evenings. She thanked the City for making this possible and also expressed her gratitude for the help given by the City, and especially the Mayor, to the RFRR the past weekend when the pipes froze, they were flooded out of the children's room, and were allowed to host a large children's program in Council Chambers. The Mayor said it was a great program and he was glad to help.

4. Presentation on the work of the Rye Beautification Advisory Committee by the Chair of the Committee

Anne Finnegan, Chair of the Rye Beautification Advisory Committee, thanked the Council for letting her present an overview of the committee and a progress report to date. She said the committee, which was established in June, 2003 has met four times; has divided into four sub-committees and is very excited about their progress in meeting their mission “to continually improve the environment and aesthetics of our residential and business neighborhoods, thereby enhancing the quality of life for all Rye residents.” She reported that the four sub-committees are: *Special Projects* (such as the Police Booth Triangle, developing and mailing a Green Spaces Questionnaire to local organizations, City furnishings and elementary school plantings); *Gateways to Rye* (including the train station, City entry signs, and gateway issues); *Standards and Codes* (such as garbage/litter control, developing a residential information fact sheet and working to reinstitute the City newsletter); and *Public Relations* (website planning, a column in the Rye Record, an annual plan for RCTV, and resource gathering from other communities). Using the Police Booth Triangle by Citibank as an example, she presented a sheet showing the objectives and the specifics of the plan and said she had met with the City to see if it was interested in funding the project. She said, if not, perhaps there could be outside funding.

Councilwoman Larr questioned the breadth of the mission statement, suggesting the original concept was to bring many groups together and that idea should be reflected in the statement. Councilman Cypher said people had mentioned receiving the questionnaire and were taken aback to be given the impression that a City Committee appeared to be soliciting for funds and that to do so they would have to incorporate as a (501)(c)(3) entity. The Mayor said that other committees have solicited funds in the past (the blue recycling boxes for example) and individual contributions to City projects are not discouraged. Councilwoman Larr said the intent of the committee was not to create projects that would cost the City money. Councilman Fahey suggested the committee map out a procedure about how they will work with the City staff and the Council in the future. Mrs. Finnegan said she would work with her committee to provide a better procedure; that she understands her responsibility is to work with the City Council; and appreciates their interest and support.

5. Approval of application of Paul and Lynn Ingrassia for partial refund of real property taxes for 270 Grace Church Street

The City Manager said the house on 270 Grace Church Street had been demolished and taxes should have been adjusted to reflect that fact, prior to assessing the property for the new structure. He said the City Assessor recommended a refund and requested her recommendation be approved.

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

RESOLVED, that the City Manager authorize a refund of \$1,449.70 in City taxes as recommended by the City Assessor to Paul and Lynn Ingrassia, owners of 270 Grace Church Street.

Agenda Item #16 was heard at this time as an accommodation to the many residents in the audience from Ridgewood Drive who had come to the meeting to hear this discussion.

16. Discussion and Direction to the City Manager regarding County Pocket Parcels along I-95

City Manager Shew said he had received a call from Salvatore J. Carrera, Director of Economic Development/Real Estate with the County, requesting that Rye make a decision as to whether or not they would like to acquire several parcels of County-owned property along the I-95 corridor. Mr. Shew said Gabelli Funds, Inc. on Theodore Fremd Avenue was interested in one of the properties, but that three other pockets were being offered, one of which was abutting Ridgewood Drive and Locust Avenue. The other pieces are located on the other side of Locust and on the corner of Clinton and Central Avenues. Mr. Shew said if the City was interested in acquiring the properties (at no charge as long as it is kept forever in an undeveloped state) he would recommend the City conduct a Phase I Environmental Assessment Study of each property (at about \$2000 each) to make sure it is environmentally acceptable. Councilwoman Larr said she was reluctant to spend the \$6000 for the Phase I studies and perhaps private citizens impacted could pay for it; Councilman Seitz said he was in favor of accepting the parcels as a protective buffer for the City, but questioned the need for the Phase I studies, especially if the land was not to be developed; Councilman Cypher advised having the study as a protective measure for the City.

Robert Callagy, a Ridgewood Drive resident for over 30 years, said the parcel has always acted as a buffer and he urged the City to accept the offer. He said out of the 70 similar parcels throughout the County, 54 had already been accepted and he wanted to keep the open space. Morris Mondschein, also of Ridgewood Drive, saw little chance of liability to the City especially as the parcels could not be developed and said there was no evidence of major dumping by the Thruway construction crews over the years.

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

RESOLVED, that the City Manager be authorized to go forward with the Phase I study on the Ridgewood Ave. County-owned parcel, and on the other two if there is neighborhood interest, and that he procure the best price possible for the studies.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Larr and Seitz
NAYS: None
ABSENT: Councilman Hennes

The Council returned to the regular agenda.

6. Discussion of draft legislation increasing the City of Rye representation on the Rye Town Park Commission by two members

Mayor Otis said he had drafted a proposal to increase the City of Rye membership on the Rye Town Park Commission because Rye is represented on the six-person commission by only two people, but is responsible for almost 50% of the operating costs above revenues and for 50% of the capital costs. Adding two additional members from the City of Rye would give Rye more even and appropriate representation. He proposed making a minor change to the state law so that the law could be amended quickly. He agreed that the full law was archaic, still referring to Rye as a Village, but to rewrite the entire law would slow up the process of change. He said the first step was to suggest the idea to the Rye Town Park Commission to see if they were willing to accept the change, because without their approval the process cannot go forward.

Councilman Chu made a motion, seconded by Councilman Fahey and unanimously carried, to authorize the Mayor to approach the Rye Town Park Commission with the proposal to increase the Commission by adding two Rye members.

7. Discussion of requests for Federal Funding for City of Rye projects

Mayor Otis said each year Congresswoman Lowey requests that Rye submit a list of projects for which Federal Funding might be obtained. He said in FY 2002-03 projects secured for Rye were Beaver Swamp Brook (\$300k); Sewer System Improvements (\$450k); Wetland Restoration at Rye Nursery (\$50k); and Funding for the Edith Read Sanctuary (\$50k). Awards for 2003 will be announced soon but it is time to request funds for 2004. Should awards be made for items on the list the City does not wish to pursue, an award can be turned down. The Council suggested the City Manager raise the amount requested for Theall Road; keep the request for a parking garage (even though there is no consensus it is wanted); see if it is appropriate to ask for traffic light money; and see if there are large capital projects which should be added to the list. Councilwoman Larr was assured that money for a scenic trailway could be used to develop sidewalks. Additions to the list should be called into the City Manager.

8. Resolution supporting continuation of the annual Rye versus Harrison football game

At the request of the Board of Education, the Council agreed to support a resolution urging the continuation of the annual Rye-Harrison Football game, placed in jeopardy because Harrison is no longer in Rye's division.

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

WHEREAS, the City of Rye City Council recognizes the value to the respective school communities and the communities at large, of maintaining the annual traditional rivalry football game between the Rye Garnets and the Harrison Huskies, and

WHEREAS, a 71 year tradition is in jeopardy due to a system that gives no effect to history and rivalries, and

WHEREAS, annually 5,000 to 10,000 supporters of Rye and Harrison football convene in every possible type of weather to witness an annual renewal of a fall rite covering generations of residents, fans, alumni, students and players, and

WHEREAS, the Rye/Harrison football game has been judged by the Gannett Westchester Newspapers as “Westchester’s Most Storied and # 1 Football Rivalry”, and

WHEREAS, the annual football game is a social focal point in each community for traditional parades, pep rallies, bonfires, high school class reunions and overall school and community spirit and focus, and

WHEREAS, this request may require special dispensation and a possible exception from Section One, therefore, be it

RESOLVED, that the City of Rye City Council supports maintaining this annual football game in the 2004 regular-season schedule and beyond, requests that the game be included in the 2004 regular-season schedule without penalty to either team’s potential for participation in sectional, regional and state competitions and asks that the customary regular-season game be played prior to and not on or over the Thanksgiving holiday including the weekend following Thanksgiving Day; all without penalty to either team in the spirit of traditional cooperation among the Rye City School District, the Harrison Central School District, the City of Rye and the Town of Harrison, and be it further

RESOLVED, that the City of Rye City Council urges all officials involved to pursue scheduling the annual regular-season Rye/Harrison football game in 2004 and beyond - all for the benefit of the two schools and communities that have supported this traditional rivalry football game for close to 75 years.

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

Councilwoman Larr made a motion, seconded by Councilman Cypher and unanimously carried, to approve the appointment by the Mayor of Councilman Chu to the Police Pension Fund for a one-year term expiring January 1, 2005.

10. Two appointments to the Board of Appeals for three-year terms, by the Mayor with Council approval

This agenda item was deferred to the February 4, 2004 meeting.

11. Three appointments to the Conservation Commission/Advisory Council for three-year terms; one to fill the term expiring January 1, 2005 and one to fill the term expiring January 1, 2006, by the Mayor with Council approval

Councilwoman Larr made a motion, seconded by Councilman Chu and unanimously carried, to approve the re-appointments by the Mayor of the following members to the Conservation Commission/Advisory Council: Dennis Buckley, Loriel Junggren and James McGee for three-year terms expiring January 1, 2007; and the appointment of Paul Knudsvig to fill a one-year term expiring January 1, 2005; and the appointment of Stephen Meyers to a two-year term expiring January 1, 2006.

12. Four appointments to the Recreation Commission for three-year terms and one to fill the term expiring January 1, 2005, by the Mayor with Council approval

Councilman Seitz made a motion, seconded by Councilman Cypher and unanimously carried to approve the reappointment of Bobbie Billington, Bart DiNardo and Doug French and the appointment of Frank Adimari to the Recreation Commission for three-year terms expiring January 1, 2007; and the appointment of Scott Florio for a one-year term expiring January 1, 2005.

13. Five appointments to the Rye Beautification Advisory Committee for three-year terms, by the Mayor with Council approval

Mayor Otis announced his intention to reappoint Chris Cohan, Iris Fisher and Robin Jovanovich and to appoint Douglas McKean to the Rye Beautification Advisory Committee for three-year terms expiring January 1, 2007. The Council voted 5-1 not to approve the appointments. Mayor Otis said the Council was rejecting the appointments because of Mr. McKean. He said he was heartsick about this and there should be some empathy extended; that Mr. McKean had worked hard as the Council Liaison; wants to continue and should be afforded the opportunity to serve. Anne Finnegan, Chair of the Committee asked the Council to explain the problem. She said if the problem was Mr. McKean she would like to go on record to say that

he has been hard-working, supportive, a pleasure to work with and needed on the committee. She also asked if the other three people could be appointed now, even if Mr. McKean was not. With the advice of the Corporation Counsel, it was decided that the previous un-official vote could be rescinded.

Councilman Cypher made a motion, seconded by Councilman Seitz and unanimously carried, to rescind the previous vote so that the three uncontested nominees (Cohen, Fisher and Jovanovich) could remain on the committee as holdovers. The Mayor said he was hopeful a resolution could be made by the next meeting, even though Councilwoman Larr re-iterated her position that the committee is too big, too hard to coordinate and should shrink by attrition.

14. Designation of the following City Council Liaisons by the Mayor

Ambulance Corps – Councilwoman Larr
Board of Appeals – Councilman Seitz
Board of Architectural Review – Councilwoman Larr
Boat Basin Commission – Councilman Hennes
Commission on Human Rights – Councilwoman Larr
Conservation Commission/Advisory Council – Mayor Otis
Finance Committee – Councilman Chu
Landmarks Advisory Committee – Councilwoman Larr
Recreation Commission – Councilman Cypher
Rye Beautification Advisory Commission – Councilman Hennes
Rye Cable Television Committee – Councilman Chu
Rye-CARES Coordinator – no liaison necessary
Rye City School Board – Mayor Otis, Councilman Cypher
Rye Free Reading Room – Councilman Chu
Rye Golf Club Commission – Councilman Fahey
Rye Merchants Association – Mayor Otis
Rye Playland Advisory Committee – Mayor Otis, Councilman Cypher
Traffic and Transportation Committee – Councilman Fahey
Youth Advisory Committee – Councilman Cypher
Rye Senior Advocacy Committee – Mayor Otis

15. Designation of official City newspaper

This agenda item was postponed to the February 4, 2004 meeting.

16. Discussion and Direction to the City Manager regarding County Pocket Parcels along I-95

This agenda item was discussed earlier in the meeting between agenda items #5 and 6.

17. Discussion of inter-municipal traffic safety issues related to Commerce Bank proposal and draft letter by Mayor

The Council discussed the significant issues related to the proposal by Commerce Bank to build a structure on the Boston Post Road near Brevoort Lane. While the majority of the property is in the Village of Mamaroneck, a small parcel is in Rye and the residents of Greenhaven will be adversely affected by the traffic safety, the lighting and the security. Councilman Chu said so far Rye has voiced its objections with a good balance between advocacy and diplomacy but wondered what the Council could do. The situation is similar to the Home Depot situation where a small piece of that property was in Rye, but in the Home Depot case, Rye had veto power over any decision to widen the road; in this situation that is not the case. The City of Rye can make the applicant aware of the concerns, but the applicant is determined to proceed and appears to be intransigent. The neighbors have distributed 1000 flyers voicing their concerns, as follows:

Dear Neighbor,

Did you know?

Crab Shanty has lost their lease and that Commerce Bank will be leasing the property?

That this means that the restaurant and tennis courts will be torn down and a commercial structure similar to the Commerce Bank on Mamaroneck Avenue (near Pedigree Ski shop) in White Plains will be built there?

Commerce Bank will be open 24 hours/7 days a week?

Commerce Bank had the highest ratio of robberies to branches (20 out of 25) in 2003 as per the NY Daily News?

The new building will have four drive-thru tellers with an entrance and exit on Greenhaven Road?

There will also be an entrance and exit via Brevoort Lane onto the Boston Post Road opposite Hornidge Road?

Lighting on 18 foot poles will be needed and on all night long?

Traffic in and out of Hornidge Road during school hours may be affected?

The safety of our children walking to and from school may be affected?

If you have any concerns about this plan and about how it will affect traffic, safety, and the environment...

YOU MUST ATTEND the Mamaroneck Village Board Meeting on Monday, January 26th at 7:00 pm in the Village Hall courtroom!

Voice your concerns in a public forum, with the Mayor and Village Board as your audience. These meetings are televised!

Now is the time to speak up!

If you are unable to attend, contact Mayor Trifiletti or any Village Board member

Time is running out!

Anthony Spencer, Brevoort Lane, leader of the opposition, told the Council everyone was very concerned, especially about the planned entrance and egress onto a paper street that is very

much a part of the Greenhaven neighborhood. He hoped the Council listens to the neighbors and gets involved. These sentiments were echoed by *Bob Powers*, 15 Brevoort Lane and *Patrick Dooley*, 7 Brevoort Lane. The Mayor said he had drafted the following letter to be sent to Philip Trifiletti, Mayor of the Village of Mamaroneck expressing the concerns of the City Council and Rye citizens:

I am writing on behalf of the Rye City Council to inquire about some of the details related to the Commerce Bank proposal being considered for the Crab Shanty lot at the Village of Mamaroneck/City of Rye border. We have a number of traffic safety concerns that we hope can be addressed before any final approval of the project. We think resolution of these issues provides an excellent opportunity for inter-municipal cooperation. The traffic safety concerns we have are of importance to residents of both the Village and the City.

There have been concerns raised about the traffic quantity flow patterns for the site. Given the direct proximity to the Rye Neck High School, already an area of high traffic safety concern, the proposed plan appears to increase risk to student pedestrians and vehicles traveling to the school. It is vitally important that traffic safety issues be thoroughly addressed in any final plan.

Has the Commerce Bank applicant prepared and submitted to the Village a full traffic safety study that details expected traffic counts, counts at different times of day and days of week, and options for traffic flows within and off the site?

A bank use will provide markedly different traffic patterns than the current Crab Shanty use. Currently, the most intense use at the Crab Shanty is in the evenings, most reliably on Friday and Saturday nights. The current use does not overlap with school opening and closing high use periods.

We request a copy of any traffic study that has been completed for review by our traffic experts. The City of Rye has an active Traffic and Transportation Committee, and professional staff, prepared to offer helpful advice regarding traffic issues at the site. If no traffic safety study has been completed, we request that one be conducted before approvals are granted.

We also request that the Village submit plans for driveway access to Greenhaven Road and then to the Boston Post Road to the New York State Department of Transportation for their advice and review. They have jurisdiction over this intersection and the roads that enter it. The expected counts and stacking projections for this exit should be reviewed.

We have concerns about the use of Brevoort Lane in the plan. Brevoort is a narrow "private" road and is unlikely to pass muster for traffic volumes from this project. This part of the plan must be fully analyzed. Alternatives may include use of Brevoort for emergency access only. A prohibition against right turns from the driveway to Brevoort may be warranted. Sight distances from Brevoort onto the Boston Post Road should be analyzed. The use of Brevoort will have implications

for the Boston Post Road stacking issue we currently have at school opening and closing times.

A more detailed site plan is required to show the alignment of bank site curb cuts to existing school and gas station entrances. A traffic study must integrate the school and commercial traffic flow in the area with any new proposed traffic flow for a bank.

The number of bank drive-through lanes should be reviewed for how they will affect traffic flow on and off the site. Would fewer lanes reduce some of the traffic impact?

We would also ask that the Village require adequate plantings, fencing, and screening to buffer the headlight, noise, and site impacts of the proposed facility. We also ask that lighting on the site be designed to avoid "bleeding" bright light off the site. This is often an issue at bank locations where very bright lights are used. The site sits in a residential neighborhood and efforts to buffer the impact of any changed use should be important considerations.

It does not appear that the applicant's site plan submission includes existing and proposed grading and drainage plans. This information is important in determining whether there may be adverse impacts to area residents and whether the nature of the improvements proposed within the City of Rye require approvals or permits by our City Code.

As you know, proposals for changes in use always raise concerns. In this case traffic is the primary issue we have been hearing about. Other concerns include drainage flowing off of the site, minimizing the impact of the project to the neighborhood generally, and concern about the loss of a neighborhood recreation resource with the elimination of the tennis use behind the Crab Shanty. Given the concerns raised on all of these issues, I know you understand the importance of having the best possible planning and design for any new use.

Thank you in advance for providing additional information regarding this proposal. Could you please provide a copy of this letter to the Village Planning Board and other Village Board that may be reviewing this proposal so that they are aware of these issues. The traffic safety concerns we raise are of importance to students, parents, and residents of the Village and the City. We are prepared to contribute our traffic safety expertise towards review and resolution of these issues in cooperation with the Village.

Sincerely,

Steven Otis, Mayor
City of Rye

18. Acceptance of donation to the Rye Police Department from the Rye Hospital Center in the amount of Seven Hundred Fifty (\$750.00) Dollars

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

WHEREAS, the Rye Hospital Center desires to donate Seven Hundred Fifty (\$750) dollars to the Rye Police Department; and

WHEREAS, the fiscal 2004 General fund budget did not anticipate these donations; now, therefore be it

RESOLVED, that the City Council of the City of Rye accepts the aforementioned donations; and be it further

RESOLVED, that the City Comptroller is authorized to amend the fiscal 2004 General Fund budget as follows:

Increase Deferred Revenues – Police donations \$750.00

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Larr and Seitz
NAYS: None
ABSENT: Councilman Hennes

19. Authorization to pay the balance of Union Free School District taxes as of December 31, 2003

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

RESOLVED, that in accordance with Section 22.9 of the City Charter, the Mayor and City Council authorize the City Comptroller to pay the Treasurer of the Rye Neck Union Free School District \$49,436.63, the amount due at December 31, 2003.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Larr and Seitz
NAYS: None
ABSENT: Councilman Hennes

20. Miscellaneous communications and reports

Mayor Otis reported on a phone call from Salvatore Carrera (see agenda item #16) concerning a County parcel of land on Theodore Fremd Avenue which the City has been considering as a possible site for affordable housing, but for the fact that petroleum continually seeps onto the property. Mr. Carrera said the County has a possibility of selling this parcel to Metro North, but the Mayor said the Interfaith Housing Group continues to want the parcel saved should the environmental problems be solved. Councilwoman Larr asked if the land could be used for a park? The City Manager was asked to review the situation and advise the Council.

21. Old Business

Councilman Cypher said he, Councilman Chu and the Mayor had met with the Little League representatives and agreed that children can play wherever they have been playing for this year, but that once the League makes a decision next year it will be binding. He said they advocated grandfathering the situation, but it may not happen. He warned that no matter what the outcome someone will not be happy.

22. New Business

There was no new business to be discussed.

23. Draft unapproved minutes of the regular meeting of the City Council held January 7, 2004 and the special meeting held on January 14, 2004

Councilwoman Larr made a motion, seconded by Councilman Seitz and unanimously carried, to adopt the minutes of the regular meeting of the City Council held January 7, 2004 as amended.

Councilman Cypher made a motion, seconded by Councilwoman Larr and unanimously carried, to adopt the minutes of the special meeting of the City council held January 14, 2004.

24. Adjournment

There is no further business to discuss, Councilman Seitz made a motion, seconded by Councilwoman Larr unanimously carried, to adjourn the meeting at 10:50 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk