

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on March 10, 2004 at 8:00 P.M.

PRESENT:

FRANKLIN J. CHU
ROBERT S. CYPHER (arrived at 8:10)
MATTHEW FAHEY
DUNCAN HENNES
ROSAMOND LARR, Deputy Mayor
HOWARD G. SEITZ
Councilmen

ABSENT:

STEVEN OTIS, Mayor (due to illness)

An executive session was held prior to the regular City Council meeting commencing at 7:15 to discuss a Personnel matter. Mayor Otis and Councilman Cypher were absent but a quorum was present to conduct official business. The meeting adjourned at 8:02 P.M.

In the absence of Mayor Otis, Deputy Mayor Larr chaired the meeting.

1. Pledge of Allegiance

Deputy Mayor Larr called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Deputy Mayor Larr asked the City Clerk to call the roll; a quorum was present to conduct official city business.

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

Deputy Mayor Larr announced that if anyone were in the audience to discuss the Damiano Center issue a meeting planning next steps, chaired by Doug French, chair of the Recreation Commission, was taking place at the Damiano Center at the same time as the Council Meeting. She urged people to go to that meeting to express their views.

Joe Murphy, 57 Franklin Avenue, informed the Council that he had been designated as Rye's Senior Advocate by the Rye Seniors Association and said he would be returning to the Council frequently until there are new plans for Damiano. Deputy Mayor Larr urged him to join the Recreation Commission's planning group.

Pat McCarthy, 60 Summit Avenue, spoke about the increased costs at the Rye Golf Club, reporting that the cost for an Individual Daily Golf membership had increased by 30%. He said at 12 times a year it came out to \$142 per round and, while the course is good, it is not that good. He has chosen not to re-join, but feels sure his spot will be taken by a non-resident who will pay even more. He is concerned that the Golf Club is losing its way as a true City asset. Councilman Chu suggested Mr. McCarthy take this up with the Rye Golf Commission.

John Sherwin, 95 Evergreen Avenue, said he had no doubt everyone on the Council was interested in improving Rye, but he was concerned about the state of democracy in Rye after the last meeting. He said he had heard no mention of Damiano during the election, so there could be no mandate to stop it and in his opinion people who didn't vote for the center gave tacit approval. He said he voted against the bond, but the people spoke and he finds it shocking that this Council does not feel bound by the vote. While the method used may be legal, he doesn't feel it was done on moral or practical grounds. He questioned what justification could have been used and asked if additional savings might have been found as the project progressed. He suggested bidders would view this as a breach of faith and asked why they would ever bid again. He concluded by saying he can understand why people don't vote and urged the Council to reconsider and overturn their own vote.

George Cady, President of the Rye Youth Council (RYC), told the Council it was clear they alone had the power to make decisions so he wished to address the Council on the subject of Damiano rather than go to the Recreation Commission meeting. He spoke about the needs of teens in Rye saying that the Youth Council hears they have "no place to go" and "there is nothing to do in Rye." He reviewed that the RYC had partnered with the City to renovate the MacDonald Building to make it into a teen space, but instead it had become a multi-purpose space. He said the RYC supported the plans for the expansion of Damiano even though there was no specific teen space, but now was the time to reassert that need, reminding the Council that Damiano was originally built for Rye's youth, to be open 6 days a week, but, as we have seen, this too has become more multi-purpose in use. He pointed out that of course there are things to do in Rye (the schools have games, the RYC has Friday night outings), but the Recreation Department offers only 1 out of 47 programs aimed specifically at teenagers. He felt the City had, over the past 50 years, short-changed Rye's teenagers. Councilman Cypher concurred.

Mr. Cady submitted a plan that included a dedicated teen room in addition to a senior room and a multipurpose room. He estimates the cost of such a space could be about \$200,000 and made the offer to the City that the RYC would 1) furnish the room appropriately, and 2) if needed, would try to raise 50% of the cost (or \$100,000).

Councilman Hennes said he felt the suggestion was a good use of space and it was good that people were going back to the drawing board; that the Council had spoken with Doug French and it was their job to give some guidelines about how much money they felt they could allocate to a recreation project and work to develop a good plan.

4. Proclamation honoring former Planning Commission Chairman Michael Klemens

Deputy Mayor Larr presented the following proclamation to former Planning Commission Chairman Michael Klemens in appreciation for all his years of service to the City. Mr. Klemens declared himself overwhelmed and thanked everyone for the opportunity to serve.

WHEREAS, Michael Klemens, has served the people of the City of Rye, New York for seventeen consecutive years, first on the Conservation Commission/Advisory Committee; then, since 1992, on the Planning Commission and, for the last seven years, as Chairman of the Planning Commission; and

WHEREAS, Dr. Klemens has made many lasting contributions to the City of Rye including enhancing the role of the Conservation Commission, promoting long-term planning initiatives for the City, co-authoring Rye's local wetlands law, serving as Vice-Chair of the fields/Wetlands special Committee, and promoting inter-municipal cooperation, and

WHEREAS, Dr. Klemens, a long-time resident of Rye, has initiated Rye City Planning Commission policies and procedures which have facilitated serving the public, and has led the Commission and the community through many significant projects, gaining community consensus out of conflicting priorities; and

WHEREAS, he has brought nationally recognized environmental expertise to the Rye City Planning Commission; and

WHEREAS, Dr. Klemens has long been a leader in his field in demonstrating that municipal development can be economically and effectively integrated with sound environmental policy; and

WHEREAS, the residents of the City of Rye appreciate Dr. Klemens' focus on, and dedication to, the preservation of our natural resources and enhancement of our quality of life; and

NOW, THEREFORE, BE IT RESOLVED, that the Rye City Council pauses in its deliberations to commend Michael Klemens for his many years of service to the City of Rye, congratulate him on his lasting contributions to the Rye Planning Commission, and wish him many happy and well deserved years of retirement from the Planning Commission; and

BE IT FURTHER RESOLVED, that this resolution be presented to Michael Klemens as an expression of the City of Rye's appreciation on behalf of the entire City for his contributions to the City of Rye.

Signed and sealed this 10th day of March, 2004.

Steven Otis, Mayor

5. Approval of Rye Merchants Association request for use of City Car Park #5 (corner of Purdy Avenue and School Street) for a Farmers Market

City Manager Shew reported the Rye Merchants Association and Community Markets had come up with an agreement for the Council's review and approval requesting the use of City Car Park #5 every Sunday from 7:00 a.m. to 3:30 p.m. from mid-June to the end of October or early November. Bob Byrne, representing the Rye Merchants Association, was on hand to answer questions, as was Miriam Haas, director of Community Markets. They confirmed there would be no cost to the City and the farmers take care of their own trash so there is very little. In answer to Councilman Cypher's concerns about odors and vermin, etc. during hot weather, he was assured that the sanitation devices are of high quality, used only on Sunday and cleaned once a week.

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

RESOLVED, that the Request for use of City Car Park #5 for a Farmer's Market be approved and that the City Manager be authorized to enter into an agreement as provided with the Rye Merchants Association.

6. Presentation by City Engineer on status of proposed Kirby Lane sewer project. (informational only)

City Manager Shew stated that the Kirby Lane sewer project has progressed from a small project (begun in 1999 when the residents of Kirby Lane North (KLN) and Grace Church Street (GCS) requested being hooked up to the City's sewer) to a large project (when residents of Kirby Lane (KL) suggested being included). The City has done a lot of work on the project and it is time to report on the present status and to receive additional direction and input.

City Engineer, George Mottarella began his presentation by saying no staff is advocating this project; rather they have been responding to petitions from the residents of the area and he is in a quandary as to where to go next. He reviewed the time-table of the project as follows:

11/99 - Petition from KLN and GCS requesting a sanitary sewer for their neighborhood.

12/99 - Council directs staff to determine feasibility and cost

6/01 - Neighborhood meeting held

10/01 - Requests for proposals for design work

11/01 - Design awarded to Chas. H. Sells, Inc. for \$36,000

12/01 - Survey and design work begins

8/02 - Preliminary design complete. Neighborhood meeting, also attended by KL now requesting inclusion

9/02 - Expanded design project (additional \$13,000)

- 6/03 - Special Benefit Assessment District Law passed by Council
- 10/03- Preliminary design of whole area complete. Neighborhood meeting. Some residents not in favor due to cost and construction complications
- 2/04 - Petition from 11 Kirby Lane residents asking not to do project.

Mr. Mottarella said the total cost would be \$2,900,000 and would require two permanent central pumping stations to be maintained by the City. He said by law a sewer district has to be for 100% of the residents within the district, regardless of how they feel and if a septic system fails, and you are within 100 feet of a sewer, you have to connect to it. Some houses are big enough to exist with the septic system, but many are not in good shape. He confirmed that most of Rye is on the sewer although there are small pockets where the septic systems are still in use – the largest pocket being the section being discussed. Of the Kirby Lane No/Grace Church District 24 are in favor and 4 (on Grace Church) are not; on the Kirby Lane portion of the 29 homes, 7 are opposed.

KLN is 100% in favor of the project, which will also hook them up to the water system. This portion of the project would only require one pumping station. However, there are four houses on GCS in opposition. If we don't do Kirby Lane, every time an individual wants to connect to a sewer they could come to the Council for a Separate License Agreement.

Mike Roth, 9 Kirby Lane, spoke on behalf of those opposed to the project saying the cost of about \$75,000 per household is too great and the inconvenience of the blasting would be huge. He said the first petition from Kirby Lane was signed by several residents who did not have the benefit of knowing the cost and the procedure and now 8 or the 13 who signed in favor are opposed. He suggested proceeding with KLN and leaving KL alone. *Mark Ginsburg*, Kirby Lane, was also opposed. Councilman Cypher proposed a door-to-door survey which *Erwin Bandervoort*, Kirby Lane, supported as long as the true costs are made clear. Councilman Seitz clarified that the Council has the right to establish the district without full consent, but practically, it would be good to have a super majority. Councilman Hennes suggested developing legislature to establish setting up a super majority. Mr. Mottarella said there is rarely 100% approval of a sewer district, but that once established there must be 100% participation and he can proceed no further until the sewer district is established.

7. Authorization for City Manager to enter into an intermunicipal agreement with the Village of Port Chester regarding the acceptance and disposal of green waste for the term of June 1, 2003 to May 30, 2008

City Manager Shew reported the Village of Port Chester participates in the Westchester County Organic Waste Management Program and operates an organic waste transfer site where the City of Rye deposits its green waste for a extra tipping fee of \$4 (up from \$2). There was discussion about whether or not the City could save anything by going to White Plains (it takes more time and manpower and Rye has no space to be a host).

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

RESOLVED, that the City Manager is hereby authorized to enter into an intermunicipal agreement with the Village of Port Chester regarding the acceptance and disposal of green waste for the term of June 1, 2003 to May 30, 2008.

8. ~~Resolution authorizing bonding for 2004 Capital Improvement Project (Item Withdrawn)~~
9. Acceptance of donation for child safety seat inspection program from Michael J. and Megan M. Hildebrandt in the amount of Fifty (\$50.00) Dollars

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

WHEREAS, the City of Rye is in receipt of a donation in the amount of \$50 from Michael J. and Megan M. Hildebrandt, specifically for expenditures related to the City's child safety seat inspection program; and

WHEREAS, the General Fund 2004 adopted budget did not provide for the receipt of such revenues or the related expenditures; now, therefore be it

RESOLVED, that the fiscal 2004 General Fund budget be amended as follows:

Increase Police Patrol Estimated Revenues – Donations \$50
Increase Police Patrol Appropriations – Patrol Equipment \$50

ROLL CALL

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

10. Acceptance of asset forfeiture funds in the amount of One Thousand Four Hundred Thirty-Five (\$1,435.00) Dollars from the Westchester County District Attorney's Office to be deposited into Police Department asset forfeiture account

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

WHEREAS, the Westchester County District Attorney's Office has remitted to the City of Rye a check in the amount of \$1,435 representing the proceeds of sale of assets used in crimes, and

WHEREAS, New York State law requires that such funds be dedicated to police purposes, and

WHEREAS, the 2004 budget did not anticipate the receipt or use of such funds, now, therefore, be it

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

Increase Revenues – Police Investigations Asset forfeitures \$1,435
Increase Appropriations – Police Investigations Public Safety
Supplies - \$1,435

ROLL CALL

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

11. Approval of proposal of J & J Pool and Concrete Service, LLC for marbledusting of pools at Rye Golf Club

Scott Yandrasevich, Manager of the Rye Golf Club, explained that on two occasions the marbledusting of pools at the Rye Golf Club has been put out to bid, but no bids were received either time. He said marbledusting is recommended every decade as essential pool maintenance, but that it had not been done for 14 years and the pools were overdue. He said he had located two companies willing to do the job and asked that the Council award the project to the company with the lower proposal.

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

RESOLVED, that the proposal from J & J Pool and Concrete Service, LLC for marbledusting of pools at Rye Golf Club in the amount of \$75,420.00 is hereby approved.

ROLL CALL

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

12. Resolution requiring any Board, Commission, Committee or other organization making a report or proposal to the Council to submit its report or outline of the proposal in writing seven (7) days prior to the Council meeting

The Council reviewed a resolution requiring any Board, Commission, Committee or other organization making a report or proposal to the Council to submit its report or outline of the proposal in writing seven (7) days prior to the Council meeting. The Council approved the wording of the resolution. The Council asked the City Manager to circulate the text of the proposed resolution to all interested parties and obtain input prior to the March 31, 2004 Council meeting.

13. ~~Resolution allocating speaker time at Council Meetings.~~ (Item Withdrawn)

14. ~~Resolution modifying the rules of procedure at City Council Meetings.~~ (Item Withdrawn)

15. Miscellaneous communications and reports

Councilman Chu reported that the Finance Committee had its own web site with a substantial amount of detailed and sophisticated information about the City's financial issues.

Councilman Seitz reported that Jack Robbins from the County's Parks Department had appeared before the Planning Commission to discuss the issue at the Edith Read Sanctuary involving the creation of a road off Manursing Way. He said Mr. Robbins was apologetic, but explained the County believes this would only affect 15 cars a day who were having difficulty getting into the sanctuary through the Playland parking lot. He said this would be a problem for Rye and the Council should keep an eye on the situation.

16. Old Business

Councilman Cypher reported that the Youth Advisory Committee's by-laws are excellent and the Committee is functioning well.

Councilman Seitz reported Corporation Counsel Plunkett had done an excellent job of identifying legal issues related to imposing an occupancy tax. Councilman Chu suggested the next steps would be an evaluation by staff on the pros and cons of the proposed tax.

Councilman Hennes asked about the parking meter proposal and suggested moving toward a specific proposal so that the Council could move ahead. Council asked the City Manager to set up a workshop to discuss the various options.

17. New Business

Councilman Fahey, referring to deer control, confirmed that the type of fencing to keep deer out would have to be green webbing if it were to be 8' high.

18. Draft unapproved minutes of special City Council meeting held on February 2, 2004 and the regular meeting held on February 4, 2004 and the joint meetings of the City Council and Recreation Commission held on February 19 and 23, 2004 and the regular meeting of the City Council held on February 25, 2004

Councilman Fahey made a motion, seconded by Councilman Hennes and unanimously carried, to adopt the minutes of the special City Council meeting held on February 2, 2004 as amended.

Councilman Cypher made a motion, seconded by Councilman Hennes and unanimously carried, to adopt the minutes of the City Council meeting held on February 4, 2004, as amended.

Councilman Cypher made a motion, seconded by Councilman Hennes and unanimously carried, to adopt the minutes of the joint meetings of the City Council and the Recreation Commission held on February 19 and 23, 2004.

Councilman Hennes made a motion, seconded by Councilman Chu and unanimously carried, to adopt the minutes of the special City council meeting held on February 25, 2004 as amended.

19. Adjournment

There is no further business to discuss, Councilman Hennes 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