

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on February 2, 2005 at 8:00 P.M.

PRESENT:

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

Announcement

Mayor Otis announced with sadness that Chief William E. Hagele, who joined the Rye Police in October 1948, became Chief in January 1978, and retired December 31, 1980, had passed away. He said Chief Hagele was a stellar volunteer and member of our community; served in World War II; received many awards including the Purple Heart and the Bronze Star; was an honorary member of the Fire Department; a member of the Veterans of Foreign Wars and of Resurrection Church. He said he was an inspiration and encouraging force for everyone and asked for a moment of silence in his memory.

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

*Henry King*, 76 Coolidge Road, said he had serious reservations about the work being done on Beaver Brook Swamp. He said there is lots of new landfill on the Harrison side including a new field and parking lot and he gets no answers to his questions from Harrison or Albany. He said he was told it is not wetlands, but he knows that it is, and he is worried about his house. He wondered who in the City of Rye was paying attention or had any knowledge about what is going on as he is concerned about drainage in the whole area, including at the

newly created pond which he sees as having the potential of becoming an attractive nuisance. *Larry Del Bello*, 109 Coolidge Avenue, concurred with Mr. King and asked who will be accountable if the flood remediation plans don't work.

Mayor Otis said Rye had been opposed to Harrison's initial plans and had been instrumental in seeing they were revised by the Department of Environmental Conservation (DEC). The DEC is well aware that the area is wetlands and is also working to remove more brown-fields as well as restore wetlands. He said the new pond is part of the plan for flood control that everyone hopes will be successful. He assured everyone that if it gets worse Rye will ask Harrison for additional remediation. He asked the City Manager to have City Engineer George Mottarella look into the matter and report back to the Council and Mr. King.

4. Thirteen appointments to the Youth Advisory Committee for one-year terms ending June 30, 2005. Swearing in of appointees

Mayor Otis said it was time to make thirteen appointments to the Youth Advisory Committee for one-year terms ending June 30, 2005 and issued the oath of office to the following members of this year's committee: Taylor Piscionere (Chair); Alexandra Piscionere (Co-Chair); Julia Tartaglia (Secretary); Shelly Sood (Co-Secretary); Russell Crawford; Shea Donovan; Rhea Finn; Sam Linder; Isabel Richardson; Jodi Rosenzweig; Adrienne Schaffler; Jessica Turner; and Keith VanKuller.

Councilman Cypher, who had suggested having such a committee, congratulated the group on their interest and intelligence and for running efficient and civil meetings. He said the meetings are open to the public and all are welcome to come and listen, as there is much to be learned from our youth. He thanked Chantal Detlefs, staff liaison to the group, and said he was looking forward to hearing their report.

5. Presentation of Youth Advisory Committee Annual Report

Alexandra Piscionere, Co-Chair of the Youth Advisory Committee, thanked the Mayor and the Council for their support and interest and turned the podium over to her sister, Taylor, Chair of the Committee, who presented the 2004-5 annual report for the Youth Advisory Committee. She said they had spoken in support of a teen center at Damiano; had worked with the Rye Beautification Committee to organize a town clean-up day; had set up sub-committees to begin brainstorming and working out ways to benefit the youth of Rye in areas including places to hang out, diverse activities for teens, and the D.A.R.E. programs at the Middle and High Schools. They have also met with the Mayor to discuss topics including loitering and parking meters. Future plans include additional review of the proposed loitering law, forming a list of recommendations to propose to the City Council that would benefit teens, and continuing to work on the creation of a teen center.

6. Presentation of a plaque by Commission on Human Rights

Fred Penichet, member of the Commission on Human Rights, representing Chairman Pat McGunagle, presented a plaque to the City of Rye listing all the recipients of the Human Rights Award. He said all had enriched the Rye Community and he hoped the City would post the plaque prominently so that all can see the names of those who have helped to make Rye a better place. He said much was owed to Mr. McGunagle for his leadership, and read the names of the recipients to date:

Nancy Steed	1981 and 1997
Joseph B. Bishop	1982
Nolan Thorpe	1983
Kate Loree	1984
Ralph Damiano	1984
Ann Pastor	1986
Donald Phillip Dennis	1988 and 1998
Gannett Suburban Editorial Board	1991
Patrick Bradley	1992
Helping Hands	1993
Lucy Pederson	1994
Douglas Casey	1999 and 2000
Lydia Jenner	2001
Ann Spaeth	2002
Isobel Perry	2003
Rev. Dr. Richard E. Murdoch	2004
Donald Nordlicht	2004

Mayor Otis accepted the plaque on behalf of the City and thanked the Commission for all their good work.

7. Consideration of setting a public hearing for the establishment of the Kirby Lane North Sanitary Sewer Special Assessment District

**WHEREAS**, the City Council has declared its intent to be Lead Agency pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and would like to establish a Kirby Lane North Sanitary Sewer Special Assessment District; and

**WHEREAS**, it is now desired to call a public hearing to consider such a district, now, therefore, be it

**RESOLVED**, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City, on February 16, 2005 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such application.

Section 2. Such notice of public hearing shall be in substantially the following form:

**CITY OF RYE**  
**Notice of Public Hearing on the establishment of a Kirby Lane North**  
**Sanitary Sewer Special Assessment District**

PLEASE TAKE NOTICE that, pursuant to Chapter 128 of the Rye City Code, the Rye City Council has scheduled a public hearing for Wednesday evening 8:00 P.M., February 16, 2005 in the Council Room of the Rye City Hall to consider the creation of a Sanitary Sewer Special Assessment District. The district would provide for the installation of new sewer lines to serve approximately 30 properties located on Kirby Lane North and a portion of Grace Church Street. All information pertaining to this matter is available at the City Planner's Office in Rye City Hall. Contact Christian K. Miller, (967-7167) if you require assistance in reviewing this matter. Any person interested or affected will be given an opportunity to be heard.

February 7, 2005

Rye City Planner

8. Authorization to submit an application to Westchester County to obtain a Legacy Grant for development of a community Skateboard Park

City Manager Paul Shew said the plans for a community skateboard park at recreation park have been long in coming. A challenge grant had been established in 2003 to offer incentives for private participation (witness the success of the Centennial matching grants used during 2004 by many organizations). Now there is an opportunity to apply for a \$100,000 Legacy Grant from Westchester County to develop the park. If granted, the City will acknowledge and accept that an Inter Municipal Agreement (IMA) will govern the agreement required, and the conditions set forth, by the grant. He turned the floor over to Councilman Cypher who said \$8000 had already been raised privately, with anticipation of more to come and he felt, after careful reading, the Legacy Grant from the County would be good for Rye (the park is Rye's so if skateboarding goes out of fashion the space can be used for other things; we can charge more to non-residents to offset expenses). He said the language of the grant is pretty standard, calling for a 15-year agreement (which the County is willing to reduce to 10 years); Rye would control the hours and security and could create its own Rye Skate Group with its own hours. Rye can set aside specific times for younger users and families as well. He said whether Rye accepts County money or not, non-residents cannot be restricted from using the skateboard park. Re liability: all users will need protective equipment and will need to sign a legally binding hold-harmless release. The park should have no impact on our insurance rates. He said the more money one has for the project, the better and more challenging the equipment can be. He pointed out if the Council approves going ahead with the application, they would have another opportunity to review the plan when they review the completed IMA.

Bill Rodriguez, Superintendent of Recreation, concurred, saying there are costs incorporated in the Recreation budget already for the temporary skateboard park and once it is permanent there will be less personnel required to continually move the equipment. He confirmed that the new equipment would be better quality and quieter (less effect on tennis players); that the 10,000 square foot space would be fenced, gated and locked and there should be no safety issue. He said the charges could be either daily or seasonal and that the hours would likely expand from the current two days, but with sensitivity to the tennis players. The lighting and acceptable surface is already in place and there would always be a supervisor on duty who would be in charge of making sure the proper security precautions are on file. The regular park staff would maintain the site. He estimates the timeline after receiving a resolution authorizing them to go ahead with the grant application could be three months to completion.

Three avid skateboarders (*Max Di Edwards, Spencer Padgett and Christopher Harmon*) told the Council a park was definitely better and safer than the sidewalk; that they would stay home rather than go to other communities such as Greenwich or Suffern, NJ; and they were looking forward to doing additional fundraising for the project. *Susan Talgo*, in charge of the fundraising along with *Beth Brinkman*, said there was great interest in the project. Mayor Otis thanked them for their efforts and congratulated the boys on their skateboarding expertise.

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

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the City Manager to submit an application to Westchester County to obtain a Legacy Grant for development of a community Skateboard Park.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes,  
Seitz and Larr

NAYS: None

ABSENT: None

9. Resolution to amend protocol as method of operation for City Council meetings

Councilman Seitz reported on the recommendations made by a subcommittee on governance consisting of himself, Councilwoman Larr and Councilman Fahey, established in the summer of 2004 to look into how Council meetings are run. He presented a proposal to amend the orientation handbook for Council Members, addressing three issues: 1) opening procedures (basically incorporating existing procedures); 2) guidelines on Council participation (suggesting limits on the time each Council Member should be able to talk on a given topic; an order of discussion and urging brevity); and 3) maintaining a certain level of decorum.

Mayor Otis pointed out that the meeting had not been properly noticed to the public (three members of the Council met in a private home). He also said he was opposed to the proposal as he feels it is part of a larger effort to cut off dialogue, both among Council Members and from the public. He said the Council runs under Roberts Rules of Order, but not in a courtroom style and State law requires public access to decision making, so he is both concerned and disturbed by the proposal limiting the time of discussion as it will hurt the community. The committee members said their intent was not to shut anyone out, but to give more structure to Council discussion and limit personal expounding. Councilman Cypher suggested the Council meet in a workshop to further discuss the procedures they would like to follow and pass only the first and third parts of the resolution. Various members of the audience (*Joe Murphy*, 57 Franklin Avenue; *Steve Myers*, Rodger Sherman Place; and *Arthur Stampleman*, 720 Milton Road) spoke in favor of the Mayor's position, emphasizing that government could not be run like a corporate board room. After further discussion, Councilman Seitz proposed amended wording to the guidelines, eliminating the proposed aggregate time limit.

Councilman Seitz made a motion, seconded by Councilman Hennes, to adopt the following resolution, as revised:

**RESOLVED**, that the orientation handbook which states that, generally speaking, the Council operates under Robert's Rules of Order and also lists the ground rules or norms that govern iterations as developed by the Council in October 2000 be modified to include the following language:

**Opening Procedures:**

“The Clerk shall announce that forms are available for the public to speak on matters not appearing on the agenda and shall note that presentations are limited to 3-5 minutes unless the individual shall, prior to his presentation, request additional time and the Council shall have agreed to it.”

**Guidelines on Council participation:**

“The Council shall use its best efforts to discuss each agenda item in an efficient manner. Council members should attempt to limit their comments to an aggregate of not more than five minutes to encourage all Council members to speak to each item.

Council members who have spoken on an agenda item should refrain from further comment until all other Council members shall have had an opportunity to speak to the issue.

Members of the Council and the public should seek to confine their remarks to the merits of the presiding question without repetitious contributions and without digression.”

**Maintain a sense of levity – our service should be fun as well as work.**

“To accomplish the foregoing, all meetings should be conducted with due decorum and discussions should adhere to the matters specified on the Agenda.

The duty of the chairman is to preside over the conduct of the meeting and ensure that it does not degenerate into unseemly exchanges between Council members or Council members and the Public.”

ROLL CALL:

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

10. Resolution to amend 2005 City Council Meeting Schedule

Councilman Seitz requested that the August City Council Meeting and the special meeting to present the Capital Improvement Program (CIP) be moved to the second rather than the third week of the month, as he will be away. City Manager Shew said he would have to check with staff to see if this change could be made without adversely affecting the standard procedures to prepare the CIP. The matter was deferred to the next Council meeting.

11. Resolution to accept award of Child Safety Seat Grant

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

**WHEREAS**, the City of Rye has been awarded a New York State grant in the amount of \$5,700 for participation in the statewide “Child Passenger Safety” program; and

**WHEREAS**, the adopted budget for fiscal 2005 did not anticipate the receipt of this grant nor the costs associated with participating in the statewide Child Passenger Safety program; now, therefore, be it

**RESOLVED**, that the City of Rye accepts the aforementioned grant; and be it further

**RESOLVED** that the 2005 General Fund Police Patrol budget be amended, increasing Estimated Revenues – State Aid and Appropriations, each in the amount of \$5,700.

ROLL CALL:

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

12. Resolution to amend 2005 budget for a “Buckle Up New York” grant

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

**WHEREAS**, the City of Rye has been awarded a New York State grant in the amount of \$8,000 for participation in the statewide “Buckle Up New York” program; and

**WHEREAS**, by resolution dated December 15, 2004 the City Council accepted the award of the aforementioned grant; and

**WHEREAS**, the adopted budget for fiscal 2005 did not anticipate the receipt of this grant nor the costs associated with participating in the statewide Buckle Up New York program; now, therefore, be it

**RESOLVED**, that the 2005 General Fund Police Patrol budget be amended, increasing Estimated Revenues – State Aid and Appropriations, each in the amount of \$8,000.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes,  
Seitz and Larr

NAYS: None

ABSENT: None

13. Approval of the election of a new member to the Rye Fire Department

Councilman Hennes thanked everyone who volunteers for the Fire Department and made a motion, seconded by Councilwoman Larr and unanimously carried, to adopt the following resolution:

**RESOLVED**, that the Council of the City of Rye hereby approves the election of Jason Ostrowski to the Poningoe Engine and Hose Company at their January 10, 2005 meeting.



14. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department General Orders #109.08 “Arrests for Driving While Intoxicated”; #109.09 “Chemical Testing/Driving While Intoxicated” and #109.10 “Sobriety Checkpoint Procedures”

City Manager Shew said the Police Commissioner had proposed revisions for three sections of the Rules and Regulations of the City of Rye Police Department General Orders. He said the revisions had been reviewed by the Rye Police Association and a letter had been received from the president supporting the changes, indicating they have advocated them for some time, and had hoped for earlier amendment of these rules. The changes reflect current state of technology and experience in the field.

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

**RESOLVED**, that the Council of the City of Rye hereby approves the proposed amendments of the Rules and Regulations of the City of Rye Police Department General Orders #109.08, “Arrests for Driving While Intoxicated”; #109.09, “Chemical Testing/Driving While Intoxicated”; and the implementation of General Order #109.10, “Sobriety Checkpoint Procedures.”

15. Miscellaneous communications and reports

Councilman Cypher reported that the Fire Department has started in-house computer training using a state of the art interactive computer program. It is the Essentials Firefighter One module that consists of 25 different courses, following the current FSTA manual and teaches to a specific NFPA standard.

Councilman Fahey said he was pleased to receive the 2004 figures from Rye Town Park and was looking forward to seeing the budget that the Mayor said he would share as soon as he received it. Councilman Seitz suggested the Rye City members on the Rye Town Park Commission be asked not to vote on the budget, as the City’s share is too much to pay. City Manager Shew said the Corporation Counsel would have to review that suggestion.

16. Old Business

Councilman Hennes thanked City Manager Shew for his vigilance concerning the Verizon boxes. He also congratulated DPW on their good job removing the snow.

Councilman Seitz suggested a separate agenda item for the City Manager to report on all outstanding issues mentioned in the City’s internal Project Update report issued monthly and distributed to the Council. After discussion it was decided that it would be more appropriate for the City Manager to make any comments necessary under “Old Business.”

17. New Business

Councilwoman Larr congratulated City Planner Christian Miller on his comprehensive report on the Neighborhood Business District study.

The City Clerk reminded everyone that a Special Election would take place on Tuesday, February 15, 2005 to elect someone to fill George Latimer's seat on the Westchester County Board of Legislators. Mr. Latimer is now representing Rye in Albany. Councilman Chu will be running against Judith Myers from Mamaroneck. All polling districts, in their regular locations, will be open from 6 am – 9 pm. The League of Women Voters will be hosting a debate on February 8<sup>th</sup> so voters can meet both candidates.

The Beautification Committee will be meeting at the Rye Free Reading Room on Tuesday, February 8 to hear suggestions. The public is encouraged to attend.

18. Draft unapproved minutes of the regular meeting of the City Council held January 19, 2005

Councilwoman Larr made a motion, seconded by Mayor Otis and unanimously carried, to adopt the minutes of the regular meeting of the City Council held January 19, 2005 as amended.

19. Adjournment

There being no further business to discuss, Councilman Hennes made a motion, seconded by Councilman Cypher and unanimously carried, to adjourn the meeting at 10:44 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk