

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on April 27, 2005 at 8:00 P.M.

PRESENT:

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

ABSENT: ROBERT S. CYPHER

The Council convened at 7:30 P.M. Councilwoman Larr made a motion, seconded by Councilman Fahey and unanimously carried, to adjourn to executive session at 7:36 P.M. to discuss pending litigation. Councilman Seitz made a motion, seconded by Councilwoman Larr and unanimously carried, to close the executive session at 8:10 P.M. No decisions were made. The regular meeting reconvened at 8:12 P.M.

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 annual meeting between the City Council and the Board of Education would take place in Council Chambers on Saturday, April 30, 2005 at 8:30 A.M., followed by the annual Little League parade commencing at noon.

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

Sis D'Angelo, Wappanocca Avenue, reported that people were digging behind the gas station on the corner of Wappanocca Avenue and Purchase Street and six contaminated tanks were discovered. She questioned how this could go on as a great deal of the area must be contaminated and she wants to make sure her land is safe. She said government needs to protect its citizens and asked that the backs of all the gas stations in the area be examined. City

Manager, Paul Shew said he was aware the area was being cleaned up and that the clean-up is regulated by the Department of Environmental Conservation (DEC) and by the State and the County. Councilman Seitz said the contamination was hidden so the City is not responsible for what was hidden; the City's job is to remediate the problem; and the owner (or estate) is responsible for all expenses. Mayor Otis recommended City Staff take the most aggressive stance possible, as we need to be thorough.

Mack Cunningham, Forest Avenue, asked for clarification of the process of recording meetings of Boards, Commissions and Committees. He asked if they are all required to take minutes and if the minutes should be kept on file at the Clerk's office. The answer is that all should take minutes (unless it is a subcommittee which will report to a commission, etc.) and as a rule they should be kept in the Clerk's office. Mayor Otis said he believed the state law requires all minutes must be available, at least in draft form, within two weeks, and if a member of the public prior to approval requests the minutes, they should be stamped "unapproved" or "draft" and released. The Mayor suggested they all be put on the Internet. Mr. Cunningham said he had tried to obtain minutes for some meetings and was told he had to submit a F.O.I.L. request and pay \$.25 per page. He suggested the process was made too difficult.

4. Report by City Naturalist of the Current Recommendations of the Deer Committee

City Naturalist Chantal Detlefs reported on the progress of the Deer Committee. She introduced Committee members Karen Shanes, David Parsons and David Hood who were present and also thanked Betty Hut, George Liney, Michael Neuman, Carol Craig, Jan Kelsey and Sue Nash, other members who were not present. She reported the Committee had been formed to address the deer problem in Rye and there was a good balance of outlooks among the group as they have researched ways to control deer in a safe and legal way. They have met with Scott Smith, a wildlife expert with the Department of Environmental Conservation (DEC), who feels there is not yet a severe problem in Rye, but recommends Rye move ahead now to be ready to react when there is a real need. Current action would include research, conducting a survey and developing a plan. She said Rye would be the first in Westchester County to address the issue. She said as a naturalist, she is concerned about the deforestation of the forests as the deer destroy everything below the browse zone to the detriment of small animals and plants.

The Committee recommends the following actions:

- Provide more education in terms of a web site, articles in the paper, information about how neighbors can join together to obtain proper documents should they wish to take legal private action to eliminate the deer on their own property (the ramifications of nuisance permits which are closely regulated by the DEC, regular permits, etc.)
- Revisit the City's fence ordinance to consider providing 10' high deer netting.
- Discuss with the County the legislative aspects of hunting in County parks (i.e. the Read Sanctuary where many of the deer live).

- Fund a citywide survey, perhaps as part of the Recreation Dept. brochure) to determine how everyone feels; learn the pros and cons and just how much of a problem we have.
- Have the Police Department report at least annually to the City Naturalist on all deer-related incidents.

Mayor Otis thanked Ms. Detlefs for a good report and everyone for all the hard work that has taken place. He said he thinks the deer have become a serious problem in certain sections of town and, while he understands residents may initiate their own action, he wondered if the City shouldn't take action in certain cases. He said he was worried about freelance hunting, regardless of whether it is legal even if they get rid of the carcass and all safety precautions are taken. He noted some actions have been taken in Greenwich and those steps appeared to have been successful. Councilman Seitz commented in general by suggesting Rye get other communities, like Chappaqua, involved to make any legislative initiatives required more successful. He also said he was pleased this issue was being discussed as an agenda item as this is the kind of quality of life issue the Council should be addressing.

Karen Shanes, a member of the Deer Committee and Rye resident, loves the deer and feels there is no problem other than from people who don't like them because they eat their expensive plants. She asked the Council to envision Bambi frolicking in the woods only to be shot down by a hired hunter. She contended humans cause more traffic problems than the deer. *Darcy Gibson*, *Kirby Lane North* resident, reported the deer behind his house were devouring all trees and plants and were destroying the land. Mayor Otis said Rye must find a reasonable balance and reported most complaints he gets are related to traffic safety and Lyme disease.

5. Consideration to accept alternative bid for slate roof at Locust Avenue Firehouse

Moving from a discussion of hoofs to roofs, Mayor Otis commented on the successful bid process for the Locust Avenue Firehouse and said the specific issue to be discussed was whether or not to spend extra funds to have a slate rather than an asphalt roof. He said the Council had received several letters in favor of the slate roof (including from the Board of Architectural Review and the Rye Historical Society) as well as comments about the maintenance of a slate roof. City Engineer George Mottarella said occasionally the City would have to hire roofers to fix a missing slate, but not frequently or at great expense. Councilman Seitz reported very low maintenance on his own slate roof. Mr. Mottarella said he would not recommend "fake slate" as it tends to warp and lose color and is not time-tested. He reported the prices bid for each kind of roof were good. *Sid Burke*, *Chair of the Rye Landmarks Committee*, thanked the Council for making the investment in the restoration of the firehouse and urged the selection of a slate roof. He pointed out that all other buildings in the Village Green area are brick with slate; that a slate roof, if properly installed, will last twice as long as asphalt so spending \$100,000 extra now will be well worth it. Additionally he said slate is good for the environment and superior aesthetically, and he urged the Council to make the same wise decision as the Library and the YMCA. Councilman Seitz said people in charge of aesthetics all recommend slate; that Rye has a brand and sticking with slate in the Village Green area continues the Rye brand and can be installed while still keeping the project under budget. City Manager Shew, when asked to make a staff recommendation, said the staff had done their job, which was to provide the Council with

enough information to make a decision. Councilman Hennes said he was sympathetic to the character of the Village Green and, if the costs were the same, would choose slate. However, because the roof is high and not that visible; because asphalt is just as suitable; because of the ongoing maintenance needs of slate; because the Construction Consultant and the roofer recommend installation of asphalt; and because it can be replaced by only roofing over it in 40 years he would rather save tax payer money and select slate. Councilwoman Larr said in her heart she liked slate, but is bowing to pressure from citizens who have called her to ask her to save the money. Councilman Fahey said \$100,000 is real money and can be used for other things. The Mayor pointed out the differences between institutional and residential properties when making such decisions and said, particularly in institutional situations, it would be better to buy the better product. He recognized there would not be a majority vote in favor of slate so the bid will stand with the asphalt roof. He urged everyone to remember that the big story is the renovation of the firehouse.

6. Authorization for City Manager to execute Inter-municipal Agreement with Village of Port Chester in connection with the disposal of green waste

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 \$6 (up from \$4 as specified in the last agreement [from June 2003-May 30, 2008] which is superceded by this agreement). City Engineer Mottarella reiterated that it would be more expensive if Rye were to have their own station and the increase will cost the City only about \$9000.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to enter into an Inter-municipal Agreement with the Village of Port Chester regarding the acceptance and disposal of green waste for the term of June 1, 2005 to May 30, 2007.

7. Appointment of one member to the Emergency Medical Services Committee for a term of three years term ending June 30, 2008

Councilwoman Larr made a motion, seconded by Councilman Fahey and unanimously carried, to approve the re-appointment of Susan Brown to the Emergency Medical Services Committee for a three-year term ending June 30, 2008.

8. Consideration of request of Rye Youth Council to hold its Annual Block Party on Saturday June 4, 2005, at the multi-purpose area of Recreation Park

Councilwoman Larr made a motion, seconded by Councilman Hennes and unanimously carried, to grant the request of the Rye Youth Council to hold its Annual Block Party on Saturday, June 4, 2005 at the multi-purpose area of Recreation Park.

9. Miscellaneous communications and reports

In response to a question from the Mayor, City Manager Shew reported the Rye Free Reading Room had responded to the City and he is looking forward to continuing the dialogue.

Councilwoman Larr reported that a long-time resident, Daniel Saulson, has been told he has to have very expensive flood insurance. He has been told the City's flood zone maps may be wrong and wondered if anything can be done.

Councilman Seitz reported on Planning Commission issues. There is a question about how much parking needs to be provided for apartment dwellers that will be residing over business areas. The proposed subdivision plan for 235 Boston Post Road had been successfully altered so the integrity of the Historic Boston Post Road District can be preserved. The original house will not only be maintained, but landmarked, once the Landmarks Committee has had a chance to review the case. Only two extra lots will be created and the curb cuts will both be off Morris Court. Councilman Seitz thanked everyone (the developer, the preservationists, and the Planning Commission) for following a process that helped preserve the historic district.

10. Old Business

In response to a question from Councilman Seitz, Mayor Otis reported we are waiting for language from the Assembly Ways and Means Committee on the proposed Occupancy Tax Law and we should know something next week. He said other interested communities are Rye Brook and Harrison.

11. New Business

There was no new business to be discussed.

12. Draft unapproved minutes of the regular meeting of the City Council held April 13, 2005.

Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to adopt the minutes of the regular meeting of the City Council held April 13, 2005 as amended.

13. Adjournment

There is no further business to discuss, Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to adjourn the meeting at 9:58 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk