

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on March 1, 2006 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
ANDREW C. BALL
MACK CUNNINGHAM
MATTHEW FAHEY
DUNCAN HENNES
GEORGE S. PRATT
HOWARD G. SEITZ
Councilmen

ABSENT: None

The Council convened at 7:45 P.M. Councilman Fahey made a motion, seconded by Councilman Ball and unanimously carried, to adjourn to executive session at 7:46 P.M. to discuss real estate negotiations. Councilman Hennes made a motion, seconded by Councilman Pratt and unanimously carried, to close the executive session at 7:59 P.M. No decisions were made. The regular meeting reconvened at 8:00 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 at a special Council Meeting held Saturday, February 25, 2006 the Council had passed a resolution adopting the Emergency Tenants Protection Act (ETPA) for the Highland Hall apartment complex. He said the Council had agreed not to file the resolution until Thursday, March 2, 2006 in order to give the purchaser of the buildings (Rye Acquisition Partners [RAP]) time to fulfill some of the promises they made to the tenants during the Saturday meeting. He said no papers had been submitted so the City will file the resolution adopting ETPA with the State on March 2nd. Therefore, agenda item 4A (“Consideration of any submissions by Rye Acquisition Partners (RAP) of memorandum of understanding alternative to ETPA if submitted”) will not be discussed again. Councilman Seitz pointed out that RAP’s attorneys had recommended against signing a memorandum of understanding and, although he

hopes he is incorrect, he still thinks ETPA is not the best course and will not solve all the problems. He said the illegal apartments will have to be vacated anyway and that RAP may have come out well. He said if RAP does not go forward with the purchase, there will be no upgrades to the building and there will be less revenue. If RAP does purchase the building they will wait until they have the necessary 51% approval for conversion and they will proceed with an eviction plan. The Mayor thanked Mr. Seitz for his comments. Councilman Fahey said he was impressed by the dialogue, but heard the anger and exhaustion and he was glad it was done. Doug Carey said he had two words to say: "thank you."

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

There were no residents who wished to be heard.

4. Presentation by Rye Senior Advocacy Committee

Marion Shea, Chairman of the Rye Senior Advocacy Committee reported that the first three years of the Committee had been a great success. She reported that three members have been inducted into the Westchester County Hall of Fame and that for the first time a resident had taken the opportunity to come to the Committee Meeting to discuss an issue. She clarified the Taxi Voucher Program saying it had been established in collaboration with the Interfaith Housing Projects and that the \$3 vouchers available to Seniors have been very helpful. Joe Murphy, administrative liaison to the Committee, reported it was a terrific Committee with three members holding Masters in Social Work; that they would miss Arthur Stampleman who had been so instrumental in putting together the directory; and that they had been involved in helping some of the Highland Hall residents get relocated. He suggested that, down the line, the City might want to consider having a paid Senior Advocate. Mayor Otis thanked everyone on the Committee for all their good work.

4A. Consideration of any submissions by Rye Acquisition Partners (RAP) of memorandum of understanding alternative to ETPA if submitted

See "Announcements" above.

5. Continuation of public hearing to incorporate permanent City Committees in the City Code

Mayor Otis announced the continuation of the public hearing to incorporated permanent City Committees in the City Code. Councilman Fahey asked what was gained by this, especially codifying the Rye Playland Committee. He was assured that Committee meets when they need to; that they have been involved in the County's Master Plan process; reviewed parking issues; and maintained an important dialogue with the Playland Director and our County Legislator. Councilman Hennes said it would be a good idea to have them make a presentation, but it is also a good idea to have the committees codified. The issue of whether or not the committees should

choose their own chair or whether the chair should be designated by the Mayor was discussed again with some feeling it is better for all Committees to nominate their own Chair and others agreeing the Chairs should be designated.

The Mayor closed the public hearing. It was agreed that there would be a separate vote for the codification of each committee.

Councilman Pratt made a motion, seconded by Councilman Seitz, to adopt the following local law:

**LOCAL LAW NO. 4-2006
CITY OF RYE**

**A Local Law to add the following sections to the
Rye City Code to be added as Chapter 10.**

Be it enacted by the City Council of the City of Rye as follows:

**Chapter 10
CITY OF RYE COMMITTEES**

ARTICLE I

Rye Playland Advisory Committee

Section 1 Rye Playland Advisory Committee [historic note – initially established by City Council resolution February 6, 2002].

§10-1. Legislative Intent

- A. The City of Rye and Playland Amusement Park (“Playland”) have had a long relationship.
- B. Activities, policies and practices at Playland have a significant impact on the City of Rye.
- C. The City’s ability to identify, coordinate, and communicate Rye’s concerns regarding Playland were greatly enhanced by the establishment of the Playland Neighborhood Advisory Council in 1990 and its successor, the Rye Playland Advisory Committee, which was disbanded in 1997.
- D. The City Council seeks to reestablish this advisory committee and it is in the best interests of the City to establish a permanent citizens’ advisory committee on Playland issues.

§10-2 Committee; Appointment

There shall be a permanent City of Rye Playland Advisory Committee for the City of Rye to consist of nine members, all residents of Rye, to serve for three-year terms; that the initial appointments shall be staggered with three one-year terms, three two-year terms, and three three-year terms; and that the members of the City of Rye Playland Advisory Committee shall be appointed by the Mayor, with the approval of the City Council and that one member shall be designated by the Mayor as Chairman.

§10-3 Powers and Duties

- A. To advise the City Council on issues relating to the operation and management of Playland as they affect the City of Rye.
- B. To identify and review neighborhood issues that arise relating to Playland.
- C. To maintain communication with the Playland management and the Westchester County Parks Board in order to stay current with policies at Playland.
- D. To monitor and anticipate new issues that may arise affecting the quality of life in Rye as they relate to changes in practices, changes in activities, or new uses of Playland.
- E. To keep the City Council apprised of issues and activities of concern to Rye.

ARTICLE II

Rye Senior Advocacy Committee

Section 2 City of Rye Senior Advocacy Committee [historic note – initially established by City Council resolution March 20, 2002]

§10-4 Legislative Intent

The mission of the City of Rye Senior Advocacy Committee is to enhance the quality of life of Rye's senior residents by offering information, guidance, and assistance for services on an as needed basis.

§10-5. Committee; Appointment

There shall be a City of Rye Senior Advocacy Committee in place of the position of Senior Advocate, to consist of seven members, all residents

of Rye or individuals who worked for service institutions serving Rye, to serve for three-year terms; that the initial appointments shall be staggered with two one year terms, two two-year terms, and three three-year terms; and that the members of the Rye Senior Advocacy Committee shall be appointed by the Mayor, with the approval of the City Council and that one member shall be designated by the Mayor as Chairman.

§10-6 Powers and Duties

The committee will achieve its mission by:

- A. Building its knowledge base and personal contacts with service providers and experts who focus on senior citizen needs in HEALTH and MEDICAL SERVICES, INSURANCE, HOUSING, TRANSPORTATION, LEGAL and GERIATRIC SERVICES.
- B. Establishing a RESOURCE CENTER with reference information located principally in the Rye Free Reading Room with satellite locations in the Damiano Center and on the City's Web site.
- C. Establishing a system for PERSONAL CONTACTS with the Committee or its staff.
- D. Assisting seniors to gain ACCESS to the appropriate services.
- E. Developing a list of VOLUNTEERS who are willing and able to provide personal assistance as appropriate.

**ARTICLE III
Youth Advisory Committee**

Section 3 Youth Advisory Committee [historic note - initially established by City Council resolution August 13, 2003]

§10-7 Legislative Intent

- A. 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.
- B. 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.
- C. The City government can directly benefit from the advice and efforts of youth in the community on the issues that confront the City.

§10-8. Committee; Appointment

There shall be The Youth Advisory Committee to consist of no more than twenty-five members in grades seven through twelve at the time of appointment or reappointment by the City Council. Members must be residents of the City of Rye but are not required to attend school in the City. 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. The term of office for each member shall be one school year, commencing on September 1 and ending on June 30. Members may be reappointed but shall serve for no more than three consecutive years. The Youth Advisory Committee shall select its own chair and vice-chair.

§10-9 Powers and Duties

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.

Section 4. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

ROLL CALL for adoption of Article I - Rye Playland Advisory Committee

AYES: Mayor Otis, Councilmen Ball, Cunningham, Hennes, and Pratt

NAYS: Councilmen Fahey and Seitz

ABSENT: None

The vote to adopt Article I carried 5 to 2.

ROLL CALL for adoption of Article II – Rye Senior Advocacy Committee

AYES: Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes,
Pratt and Seitz

NAYS: None

ABSENT: None

The vote to adopt Article II carried 7 to 0.

ROLL CALL for adoption of Article III – Rye Youth Advisory Council

AYES: Mayor Otis, Councilmen Fahey, Hennes and Seitz

NAYS: Councilmen Cunningham and Pratt

ABSTAIN: Councilman Ball

ABSENT: None

The vote to adopt Article III carried 4 to 2 with one abstention.

6. Discussion and direction to staff on bonding of capital projects

Acting City Manager Michael Genito said the Council had heard presentations for the following capital projects proposed for 2006 (Theall Road, \$1.2 million; Boston Post Road resurfacing, \$450,000; Peck Avenue Intersection improvement, \$200,000; Public Safety Building improvements, \$520,000; and Fire Ladder Truck, \$630,000) and requested direction to the Staff of what projects should be addressed. He reminded the Council that it could authorize up to \$1 million per year for public safety projects. The Theall Road project would require a referendum vote, and the remaining projects could be authorized by the Council subject to permissive referendum. He noted that the \$630,000 for the fire truck and up to \$370,000 for the Public Safety Building could be authorized under the public safety exemption. Councilman Hennes said he was in favor of voting to purchase the new fire truck and while he understood improvements to the Police facility were for public safety, he was uncomfortable authorizing funds for these improvements under the public safety umbrella. He also asked the staff again to look at alternatives for Theall Road (for example, are there other ways to create access to the Osborn?). He said the need to resurface the Boston Post Road (from the Golf Course to the Mamaroneck border) eludes him, but he agrees the City should precede with the Peck Avenue Intersection improvements. Councilman Pratt said the Finance Committee's role could be to clarify what portion of the Police improvements should come under public safety; that he also was in favor of the ladder truck; and also had questions about Theall Road (which should also be addressed by the Finance Committee). Councilman Seitz acknowledged that the City has a 5-year Capital Improvement Plan but urged everyone to think even further ahead so there will be funds available when opportunities arise. Mr. Genito advised the council that the \$520,000 for the police facility could be authorized by the City Council subject to permissive referendum. He said he would proceed with the bonding paperwork for the fire truck.

7. Acceptance of Petition for Upper Dogwood Lane Special Assessment District

Acting City Manager Michael Genito said the City Code allows for property owners to petition the City to undertake a local improvement if more than two-thirds of the property owners sign the petition and, like the residents of Kirby Lane North, the residents of Upper Dogwood Lane have requested the establishment of a special district for the purpose of providing sanitary sewers. While it is not necessary to set a public hearing this evening, it is necessary for the council to authorize the staff to proceed. After a brief discussion it was resolved as follows:

RESOLVED: that the City Council of the City of Rye hereby authorizes the Staff to proceed with necessary steps to prepare the Upper Dogwood Lane Special Assessment District request for a public hearing.

8. Authorization to fill vacant position in Assessor's Office

Acting City Manager Genito reported that the busy time for the Assessor's office is coming up and the Assessor has requested that the Assistant Assessor's position be filled. He said the salary ramifications would be neutral. Councilman Seitz, who had served on the Board of Assessment Review, corroborated the importance of having a third person in the Assessor's Department.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to fill the vacant position in the Assessor's Office.

9. Five appointments to the Finance Committee, two for terms expiring on January 1, 2008; two for terms expiring on January 1, 2009 and one for a term expiring on January 1, 2007

Because some conflict of interest issues had been raised about his nominees for the Finance Committee at the prior Council meeting, the Mayor proposed some guidelines (which have been agreed to by the nominees who are also reporters). The guidelines state:

“Members of the Finance Committee who also serve as newspaper reporters will not write articles on Committee meetings, discussions, deliberations, or actions or positions attributed to other Committee members or write articles that could impede Committee discussions or dynamics.

“Articles not written about the committee or its work but about that City's finances, city's quarterly or annual reported fiscal results, on financial trends, budget presentations and discussions at Council meetings, on any major news affecting the City's finances will identify membership on the Finance Committee.

“All members of the Finance Committee are allowed to write opinion pieces or letters to the editor as individuals. In recent years a number of Committee members have written such opinion pieces or letters.”

Councilman Pratt said there was no effort to mute the press as they are always welcome at any meeting, but it is important to encourage good dynamics on the Committee and the guidelines should help. Councilman Seitz read a letter from Finance Committee member Michael Caponiti urging that the Committee not be expanded and recommending against having members of the press on the Committee. The letter stated that the Committee works well and is bipartisan and expansion will bog down meaningful discussions. Councilman Hennes agreed the guidelines were a reasonable compromise, but he still had trepidations about the expansion and the inclusion of the press nominees, urging them to make every effort to be unbiased. Councilman Fahey is not in favor of expansion; Councilman Cunningham sees expansion as a good thing; and Councilman Ball said the Mayor can always remove anyone should conflict of interest become an issue.

The Mayor proposed the following nominees to the Finance Committee, each of which was individually considered.

Jonathan Peters was nominated for a one-year term, expiring January 1, 2007 (unanimous approval); Steven Meyers was nominated for a two-year term expiring January 1, 2008 (Councilman Seitz voting nay); Paula Gamache was nominated for a two-year term expiring January 1, 2008 (Councilmen Seitz and Fahey voting nay); Arthur Stampleman was nominated for a three-year term expiring January 1, 2009 (Councilmen Seitz and Fahey voting nay); and Steven Joyce was nominated for a three year term expiring January 1, 2009 (unanimous approval).

10. Miscellaneous communications and reports

Councilman Fahey reported on a complaint from a Soundview Avenue resident about the lack of a fence on the golf course, requesting that one be replaced by the Rye Golf Club. The Council asked the City Manager to confer with the Manager of the Golf Club to see if the request is appropriate.

Councilman Pratt reported that the Planning Commission has hired a consultant to work on the issues related to the Central Business District. He said the Planning Commission's CBD Committee might want to coordinate with the Mayor's task force established to look at the CBD as well.

11. Old Business

Councilman Cunningham inquired about the status of 2006 elections. It appears at the moment that the State will not purchase new voting machines in time for 2006 elections so the mechanics of running any 2006 elections will be as there were in the past.

12. New Business

There was no new business to discuss.

13. Draft unapproved minutes of regular meeting of the City Council held on February 15, 2006

Councilman Hennes made a motion, seconded by Councilman Fahey, to adopt the minutes of the regular meeting of the City Council held on February 15, 2006 as amended.

Councilman Hennes made a motion, seconded by Councilman Ball to adjourn to Executive session at 9:45 to discuss the acquisition of real property. No decisions were made. Councilman Pratt made a motion, seconded by Councilman Cunningham to close the Executive session at 9:54 P.M.

14. Adjournment

There being no further business to discuss, Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to adjourn the meeting at 9:55 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk