

**APPROVED MINUTES** of the Regular Meeting of the City Council of the City of Rye held in City Hall on April 5, 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

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.

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

*Richard Runes, Kirby Lane North*, on behalf of all the residents of Kirby Lane North, addressed the Council to ask if the City could revisit the storm sewer project planned for their area. He said they are unhappy to learn that the anticipated repairs only go to a certain point that will stop before reaching a capstone drain, built between 1890 and 1910, which is partially collapsed. The matter was referred to the City Manager.

4. Public Hearing to amend Section 191-20-C of the Rye City Code, Parking time limited, to create a Fifteen-Minute Parking Only zone on the west side of Elm Place beginning at the exit from Car Park #2 to Purchase Street and north on the west side of Purchase Street approximately 100 feet for a maximum of nine spaces

The Mayor opened the public hearing. Councilman Seitz said his proposal to limit parking at four spots on Elm Place to 20 minutes (a revision of the previous proposal) was an effort to address at least one portion of the parking issues in the Central Business District (CBD). He said the Rye Merchants Association (RMA) has not taken a position as they have differing

views and Commissioner Connors has been helpful in preparing a memo outlining some of the potential difficulties. *Jim Finneran, owner of the Pub at Elm Place*, said he and others were against the proposal and presented a petition opposing the proposal signed by 40 merchants. He said they are basically an unhappy group and while they want to promote turnover they do not think this is the correct way. When asked what he would suggest, Mr. Finneran suggested building a parking structure or moving the merchants away from the stores. Councilman Pratt said the Council needed to play a more active role in finding a solution and said he would work on preparing a proposal to relocate the merchant parking spaces.

The Mayor closed the public hearing. In general the Council felt this proposal should not be enacted into law. Councilman Seitz said he was just happy that people were now talking seriously about finding solutions.

5. Public Hearing to amend Section 191-19 of the Rye City Code, No parking any time, to include the south side of Rye Beach Avenue from Forest Avenue to Old Rye Beach Avenue

The Mayor opened the public hearing to discuss amending Section 191-19 of the Rye City Code to include “no parking any time” on the south side of Rye Beach Avenue from Forest Avenue to Old Rye Beach Avenue. He said he agreed that when there was parking on both sides of the street it was hard to get through. *Mary Morrissey, 41 Redfield Street*, asked where the cars belonging to the dog walkers, the workers who lunch, etc. would go. The Mayor suggested the County needs to reinstate its “no parking” signs. *John Fray, 45 Redfield Street*, said the dog walkers are a big problem as they not only park illegally but they let their dogs run without leashes and do not abide by the “pooper scooper” regulations. Mayor Otis reported that Brian Dempsey, head of the Traffic and Transportation Committee has recommended adoption of this new regulation. The Mayor closed the public hearing.

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

**RESOLVED**, that that Section 191-19 Traffic and Transportation, “No parking any time” of the Code of the City of Rye be amended to include the South side of Rye Beach Avenue from Forest Avenue to Old Rye Beach Avenue.

6. Adoption of NIMS (National Incident Management System) Resolution

Mayor Otis reported the adoption of the National Incident Management System (NIMS) resolution is part of a Homeland Security Presidential Directive (HSPD)-5 which will be mandatory for all communities by FY 2007. He said municipalities must be compliant to continue to be eligible for federal and state homeland security grant funding and the adoption must be formally adopted by the City Council as its official all-hazards incident response system. City Manager Shew said by taking this action Rye will be at the front end of the future requirement.

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

National Incident Management System (NIMS)

**WHEREAS**, in Homeland Security Presidential Directive (HSPD)-5, the President of the United States directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

**WHEREAS**, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

**WHEREAS**, it is necessary that all federal, state, local and tribal emergency management agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

**WHEREAS**, to facilitate the most efficient and effective incident management it is critical that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

**WHEREAS**, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the state's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

**WHEREAS**, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the state, including all public safety and emergency response organizations training programs; and

**WHEREAS**, the National Commission of Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System; now, therefore be it

**RESOLVED**, that the National Incident Management System be utilized for all incident management in the City of Rye; and be it further

**RESOLVED**, that this action will take effect immediately.

**GIVEN** under my hand and the Seal of the City of Rye, this fifth day of April in the year of our Lord two thousand and six.

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Steven Otis, Mayor

6A. One appointment to the Board of Architectural Review for a term ending January 1, 2008, by the Mayor with Council approval

The Mayor made a motion, unanimously approved by the Council, to appoint Peter Jovanovich to the Board of Architectural Review for a two-year term expiring on January 1, 2008.

A discussion ensued concerning whether the rule that no architects doing business in Rye should be on the Board. Councilmen Seitz and Pratt (who referenced the amount of building and, therefore, the need for more professional input) feel the rule should be changed; the Ethics Committee, when they last reported, were split on the subject. The Mayor suggested referring the matter back to the Ethics Committee. Councilman Hennes, while agreeing more discussion was desirable, urged the available spot on the Board of Architectural Review be filled as soon as possible.

7. Establishment of Temporary Retail Strategy Task Force

Mayor Otis said he was ready to establish a Temporary Retail Strategy Task Force as he had promised in January and presented a resolution authorizing such a committee to develop a strategic business plan for the revitalization of the Central Business District (CBD). He said his goal is to harness the expertise of people who work in real estate and retail by appointing them to this group. He assured the Council he had discussed this concept with Barbara Cummings, Chair of the Planning Commission which has already established its own committee and hired a consultant and he feels there is no overlap of discussion. He sees this as a business plan requiring totally different skills from the planning/zoning skills of the Planning Commission, which should concentrate only on traffic and zoning. He sees the consultant interacting with both groups. Councilman Cunningham says revitalizing the CBD is an issue they all know needs to be addressed and agreed they should move ahead and said he would like to see the RFP that had been developed to hire the consultant. Councilman Ball agreed the need to study the CBD is clear, noting that the issue is only about whether there is a need to have a second committee. Councilman Pratt says he is not in favor of duplication and wants both groups, as well as the Council, to play a role in the CBD study. He wants to make sure the City uses all the best skills and that the consultant is properly charged.

Councilman Seitz opposed the establishment of a second committee because the study is the purview of the Planning Committee which has the authority under both State and City law to address such issues. He said there is an excellent professional group already in place and the consultant has already been charged with looking at many of the same issues the Mayor is

proposing should be examined by this task force. Councilman Hennes said the objectives are important and good, but he doesn't want to see any confusion which will slow down the end result. He said the question is one of timing and he hates to see two groups going in two different directions, even though it was his understanding the Planning Commission Group was set to look at the same issues as the task force. He said before voting he would like more information; he would like everyone to hear from the Planning Commission about their goals; he would like to see the RFP and see how the goals have changed since he listened to the Planning Commission discuss their plans several months ago. Councilman Fahey agreed. Everyone agreed the merchants and everyone should be included, but there was no consensus on the need for a duplicative (or not) additional committee.

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

**RESOLVED**, that the Council delay its decision to adopt a Temporary Retail Task Force until there can be additional information obtained from the Planning Commission to clarify the issues.

**ROLL CALL:**

**AYES:** Councilmen Fahey, Hennes and Seitz  
**NAYS:** Mayor Otis, Councilman Ball, Cunningham and Pratt  
**ABSENT:** None

The resolution failed to pass by a vote of 3-4.

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

**WHEREAS**, our central business district has long served as a magnet for residents to meet, shop, and reinforce our bonds of community; and

**WHEREAS**, the diverse community of retailers found in Rye has historically sustained our central business district by providing a practical and multi-purpose shopping destination for our residents and visitors; and

**WHEREAS**, the economic vitality of our retailers has been jeopardized by market pressures causing retail diversity to suffer; and

**WHEREAS**, one of our most difficult and important challenges will be to address the various threats to the business health of our central business district in order to maintain Rye's downtown as a place where people come to gather, shop, and fulfill some of their needs for goods and services and maintain our central business district as an important part of our community fabric; now, therefore, be it

**RESOLVED**, that the City shall establish a temporary Retail Strategy Task Force to develop recommendations and a business plan in order to improve the retail diversity needed to sustain our downtown, and that the Task Force shall:

- 1) consist of individuals with professional experience in retail, business district policy, marketing, suburban commercial real estate and economic revitalization
- 2) quarterback a strategy to maintain and improve the business climate in our downtown
- 3) establish a work plan and schedule with a goal to report back to the City Council within approximately six to eight months
- 4) focus their work on developing a business, economic, and retail strategy to improve the business health of our downtown
- 5) refer any recommended changes to zoning back to the Planning Commission for consideration and analysis
- 6) be appointed by the Mayor, with the approval of the City Council and that one member shall be designated by the Mayor as Chairman.

**ROLL CALL:**

**AYES:** Mayor Otis, Councilmen Ball, Cunningham and Pratt  
**NAYS:** Councilmen Fahey, Hennes and Seitz  
**ABSENT:** None

The resolution passed by a vote of 4-3.

**7A. Initial appointments to the Temporary Retail Strategy Task Force**

The Mayor nominated the following people to serve on the new Task Force: Bill Ruiz, Bob Marrow, Catherine Parker, Eamonn Long, Debbie Barnwell, Doug McKean and Councilman Pratt. The Council approved the nominations except for Councilman Seitz who feels the appointment of Councilman Pratt, who also serves on the Planning Commission, is a conflict of interest.

**7B. Designation of Chair of the Temporary Retail Strategy Task Force**

Mayor Otis designated Councilman Pratt as Chairman of the Temporary Retail Strategy Task Force.

**8. Adoption of 2006 County property tax rates**

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

**RESOLVED**, that the tax rates for the amounts of Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse

Disposal District charges for the fiscal year beginning January 1, 2006, shall be as follows:

<u>Westchester County</u>	
Levy	\$17,869,026
Taxable Assessed Value	136,996,995
Taxable Rate per \$1,000 Assessed Value	130.434
<u>Blind Brook Sewer District</u>	
Levy	\$2,767,359
Taxable Assessed Value	140,615,395
Taxable Rate per \$1,000 Assessed Value	19.680
<u>Mamaroneck Valley Sewer District</u>	
Levy	\$399,827
Taxable Assessed Value	20,117,890
Taxable Rate per \$1,000 Assessed Value	19.874
<u>Refuse Disposal District No. 1</u>	
Levy	\$2,136,881
Taxable Assessed Value	140,210,435
Taxable Rate per \$1,000 Assessed Value	15.240

And be it further

**RESOLVED**, that the Council does hereby certify to the City Comptroller the above stated levies and tax rates for Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District No. 1 charges, and the City Comptroller is hereby directed to apportion and extend against each taxable property listed upon the assessment roll of the City of Rye for 2006 at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums computed and determined, and, it is further

**RESOLVED** that the tax warrant of Westchester County be signed by the Mayor and directed to the City Comptroller to collect the amount of said taxes with interest as provided by law and any special assessment heretofore authorized and approved.

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Steven Otis, Mayor

ROLLS CALL

AYES: Mayor Otis, Councilmen Ball, Cunningham, Fahey,  
Hennes and Seitz  
NAYS: Councilman Pratt  
ABSENT: None

9. Bid Award for Street Materials

Because there appeared to be a discrepancy on the bid tabulation presented to the Council, this matter was deferred to the next meeting in order to obtain clarification on the bids.

10. Bid award for Trailer Mounted Sewer Rodding Machine

The City Engineer recommends that the lowest bid submitted by Bahr Sales (they submitted a second lower bid after receiving a discount from the manufacturer) be accepted. The bid tab for this item is as follows:

**BID #3-06  
ONE (1) TRAILER MOUNTED SEWER RODDER**

<b>BIDDER</b>	<b>AMOUNT BID</b>
Bahr Sales & Service	\$ 28,559.00
	\$ 31,500.00
Sreco Flexible	\$ 31,386.00

Councilman Pratt made a motion, seconded by Councilman Cunningham, to adopt the following resolution:

**RESOLVED**, that Bid #3-06, Trailer Mounted Sewer Rodding Machine, in the amount of \$28,559 be awarded to Bahr Sales, Inc., being the lowest bidder meeting specifications.

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** None

12. Miscellaneous communications and reports

Councilman Fahey reported that he had been invited to attend the District 1 Group Meeting (residents of the Greenhaven area) so that they can be kept up to date on Council issues. He said they hope to have a different council member at each quarterly meeting. Mayor Otis volunteered to attend the next one.



Councilman Pratt reported with great pleasure that there is a proposal on the table to renovate the empty gas station at the corner of Purchase Street and Wappanocca Avenue so the planning process for rehabilitation has begun.

Councilman Cunningham reminded everyone that the Grand Opening of the new Damiano Center will take place on Saturday, April 8, 2006. Tours begin at 11 A.M.; the ribbon cutting will be at noon. The public is invited.

13. Old Business

Councilman Seitz inquired about the status of the Real Estate Transfer Tax suggestion saying he had learned there is nothing in the law to prevent it. He said the next steps would be to develop the correct language, file the Home Rule papers, get it passed by the legislature and then put it to a referendum vote. He would continue to propose that the funds be used to repair Rye's infrastructure and reduce an existing infrastructure debt. It was decided to refer the matter once again to the Finance Committee. The Mayor reiterated this is very hard legislation to get passed in Albany and urged no deviation from boilerplate language be used.

14. New Business

There was no new business to be discussed.

15. Draft unapproved minutes of the regular meeting of the City Council held March 22, 2006 and special meeting held on March 29, 2006

Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried to approve the minutes of the regular meeting of the City Council held March 22, 2006.

Councilman Hennes made a motion, seconded by Councilman Fahey and carried by a vote of 6-1, with Councilman Seitz abstaining, to approve the minutes of the special meeting of the City Council held on March 29, 2006.

16. 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 10:25 P. M.

Respectfully submitted,

Susan A. Morison  
City Clerk

