

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on October 18, 2006 at 8:00 P.M.

PRESENT:

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

ABSENT: None

The Council convened at 7:15 P.M. Mayor Otis made a motion, seconded by Councilman Hennes and unanimously carried, to adjourn to executive session at 7:16 P.M. to discuss the specifics of a real estate transaction, pending litigation and attorney/client matters. Councilman Ball made a motion, seconded by Councilman Pratt and unanimously carried, to close the executive session at 7:55 P.M. 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.

Mayor Otis announced that Agenda Item #9 (Report on possible resolution of Cingular litigation and referral to appropriate City Boards and Commissions) and a report on an Executive Session real estate decision would be discussed at the beginning of the meeting by Kevin Plunkett, Corporation Counsel.

Request for resolution related to Cingular litigation (Agenda Item 9). Mr. Plunkett reported that the City had been facing a lawsuit from the Cingular Corporation for over a year regarding the location of a cell tower; that both sides have been searching for an alternative location and the case has now come before Judge Brieant who is strongly urging both parties to find a location and report back to him by November 17th. Mr. Plunkett said there is a proposal to locate the tower on a piece of city-owned property near the Metro-North Railroad Station which

could be possible. He requested that the Council refer the matter to appropriate Boards and Commissions (Planning Commission, Board of Architectural Review, Zoning Board of Appeals) to see if the proposal has merit. The Council concurred and authorized the following resolution:

RESOLVED, that a proposal to locate a Cingular Cell Tower on a piece of City-owned property near the Metro-North Railroad Station be referred to the Planning Commission, the Board of Architectural Review and the Zoning Board of Appeals for comment; and be it further

RESOLVED, that said Boards and Commissions report back to the City Council at their regular meeting to be held on November 8, 2006.

Request for authorization to enter into a contract with Cloz, Inc. Mr. Plunkett reported that the City and the City Council had been negotiating with a group interested in renting the former CVS Building at 1037 Boston Post Road (1037 BPR). He said both sides had been working with Greg Murphy, who works in Mr. Plunkett's office and during the Executive Committee Meeting the Council agreed to enter into a contract with Cloz, Inc. to rent 1037 BPR. City Manager Paul Shew said 1037 BPR had been purchased with the intention of leasing it until a suitable use could be determined; that negotiations had been lively and he thanked all involved in the negotiations.

Mr. Murphy described the general terms of the contract as follows: the City will enter into a 5 year, non-renewable lease with Cloz, Inc, a retail clothier specializing in sports and camp uniforms. The rent will be \$250,000 per year with slight increases each year. Cloz will renovate the interior of the building, obtaining a rent credit of up to \$100,000, payable over two years (two thirds in the first year and the balance the following year).

Councilman Hennes said he felt this was a good arrangement for the City. Mayor Otis said the arrangement will recoup the monthly expenses the City incurred when they agreed to purchase 1037 BPR and the Council will now take the next step which is to complete an analysis of the long term needs and plans for a police station and to determine whether 1037 BPR or the present police station would be the best solution. He said the building not chosen would most likely be sold, thereby helping to pay for the new facility. Councilman Pratt pointed out that by owning 1037 BPR the City now has control of what happens to it next.

Mayor Otis made motion, seconded by Councilman Hennes, to adopt the following resolution:

RESOLVED, that the City Council hereby authorizes the City Manager to enter into a contract with Cloz, Inc. to lease 1037 Boston Post Road pending approval by the Corporation Counsel of a final draft of the contract.

ROLL CALL:

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

Announcements

Mayor Otis congratulated the Rye High School football team on their exciting win over Harrison and thanked everyone for making the day orderly and safe for the huge crowd attending the game.

The Mayor called attention to a walk to benefit Celiac Disease which has been organized by 14 year-old Rye student, Colin Leslie. The Mayor reported over 350 people have already signed up for the walk which will take place Sunday, October 22, 2006 departing from Rye High School at 10 A.M. He said it is a good cause and good to support the effort of this young man.

The Mayor announced that the Retail Strategy Task Force, which is studying the downtown area, will meet at the Rye Free Reading Room on Monday, October 23 at 7:00 P.M. This is an on-going process and the more input from citizens the better will be the results.

The Mayor announced other upcoming community events including the Rye Rotary program to benefit the Rye-Rye Brook-Port Chester Ambulance Corps; The Federated Conservationists are honoring former City Councilmember Carolyn Cunningham; the Jay Heritage Society is having a fund raiser as is the Rye Free Reading Room; and lastly, the Mayor noted that the annual window-painting event would be held Sunday, October 22.

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

Henry King, 76 Coolidge Avenue, asked for a progress report on the Beaver Swamp Brook situation. City Manager Paul Shew said the City had received the “as-builts” from Malcolm Pirnie. There are some topographical issues to be resolved so the City has requested a professional review by a firm in Chicago. Mr. King asked who at the Department of Environmental Conservation declared any part of the Beaver Swamp Brook area was not wetlands and reported that the playing fields in Harrison, which are the issue, are already sinking, bolstering Rye’s feeling that they shouldn’t be there. *Mary Jurs, 20 Hunt Place*, reiterated her complaint that her land is getting wetter and wetter and she lost two trees during the last hurricane (Ernesto).

Lucy Flynn, President of the Middle School Parents’ Organization, spoke about the need for a policeman at the intersection of Apawamis and Milton Road where there is dramatic chaos during arrival and departure time. She noted that one study had noted 259 violations just in one day and that efforts to educate parents and children alike have been futile, so a police officer is necessary to create order and provide safety on the “campus.” She noted that a Middle School employee tries to keep order on Parsons Street, but this person really has no authority. She has been to the Traffic and Transportation Committee which will be sending a recommendation to the Council, continuing a process which, confirmed by Councilman Pratt, has been going on for a long time. Mayor Otis thanked her, saying she has gotten the attention of the Council; that they

take this matter seriously; and the matter will become part of the budget process. Councilman Seitz suggested they try and locate the best spot for a “drop off” and suggested publishing a list of drivers who violate the rules to perhaps make them drive more safely. Councilman Cunningham, who also serves on the school’s Public Safety Committee, promised the dialog will continue.

4. School Crossing Guard recognition 34 years of service

City Manager Paul Shew presented the key to the City in absentia to Annette Scappatura who is retiring after 34 years of perfect attendance as a crossing guard. He thanked her for her many years of service, noting that it is a difficult position to fill as it is a part-time position with no benefits which basically breaks up the day. He noted that Ms. Scappatura will be hard to replace and urged anyone who might be interested in becoming a crossing guard to call the City of Rye.

5. Business Model Presentation on operations at Whitby Castle

City Manager Paul Shew reported that last year the Council had decided to end the City’s relationship with Restaurant Associates (RA) at Whitby Castle in favor of having the Castle run by the Rye Golf Club (RGC). As that time, a progress report was promised this Fall on how successfully the Castle had been reconnected to the club membership and how operations were moving toward sustainability. The report will require no action by the Council at this time. He then welcomed members of the RGC Commission and Scott Yandrasevich, Manager of the RGC, who presented the progress report.

Mr. Yandrasevich presented a written report and business plan for having the Rye Golf Club (RGC) operate Whitby Castle, saying member dues have been used to subsidize Whitby operations, but this should change. He said the specific objectives set last Spring (open the snack-bar, have dining facilities operational by Memorial Day, renovate the banquet facilities, obtain the liquor license, reconnect membership with the Castle, enable RA to accommodate their existing contracts) had all been met. The goal is to provide a venue for club members and residents of Rye. His proposal is not without risk but he feels it is important to capitalize on the opportunity to reclaim the Castle and make it successful. He pointed out that when an outside vendor runs the Castle they too must make a profit so there is less left over for the RGC. In addition, RA was not sensitive to member needs and failed to even cover the debt service for the bond. Now the Castle is using Club staff and food service and more and more people are coming to the Castle, even though there are no plans to really market the Castle until RA has its last event (October 28th). He asked the Council to review the plan, forward questions to him and engage in a full discussion during the budget process. In response to a question from Councilman Cunningham, he said the Commission has had vigorous discussions about the Castle and they are in total support of the plan as presented. Councilman Seitz said the progress looks very positive. Councilman Pratt concurred saying he would like to see some actual figures so he can review the plan as a true business. The Mayor agreed saying the Council will need to crunch numbers in order to see how operations would affect RGC dues and the club’s ability to pay down the debt on the Castle.

6. Opportunity for preliminary public comment on parking pay stations and their status for 2007

Mayor Otis said the subject of parking pay stations would be part of the budget process but asked for any preliminary public comments. *Joan Cresap, 1 Green Acres Drive*, delivered a scathing indictment of the meters saying the installation had failed as an experiment, that every merchant hates the meters as do all Rye residents who are the majority of the people who have to use them; that the City has never needed revenue from parking before so why now, especially as the meters are not bringing in the anticipated amounts? She said she sees no increase in available parking spaces and suggested the City cut expenses rather than keep the meters. Councilman Seitz suggested that the meters had increased turnover, increased revenue for the City and provided valuable data on how to manage parking in Rye. He said his data indicated at least 60% of the people using the meters did not live in Rye. Councilman Hennes suggested this figure might be as high as 90%. Other than *Joe Murphy, 57 Franklin Avenue*, who objects to the fact that he can't use time left over from another customer, there were no other comments from the public.

7. Continued discussion of short-term parking proposal

The Council continued its discussion on whether or not it was a good idea to limit parking in eight spaces on Elm Place between Haviland Lane and Purchase Street to half an hour to accommodate the "grab and go" establishments such as the Rye Smoke Shop. *Jim Finneran, 50 Intervale Place and a Rye merchant*, continued to object saying regardless of time (half an hour or fifteen minutes) it is a bad idea, making only a very few merchants happy. He said most people come and go and the merchants are unhappy enough without imposing new rules. Councilman Seitz said his proposal was simply to find a way to make maximum use of the spaces we have, but if it was not going to have a positive effect, the proposal should be tabled (or archived).

8. Continued discussion of proposal to restrict those with Merchant Parking Permits from parking in the rows closest to the stores

The Council, based on its discussion during Agenda Item #7 (short-term) parking, agreed that it would be positive to restrict those with Merchant Parking Permits from parking in the rows closest to the stores.

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

WHEREAS, the Council wishes to restrict those with Merchant Parking Permits from parking in the rows closest to the stores; and

WHEREAS, it is now desired to call a public hearing to discuss a proposed new law; 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 November 8, 2006 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 proposed local law.

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

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on a proposal to restrict those with
Merchant Parking Permits from parking in the rows closest to the stores**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 8th of November, 2006 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposal to restrict those with Merchant Parking Permits from parking in the rows closest to the stores.

Copies of said proposal may be obtained from the office of the City Clerk.

Susan A. Morison
City Clerk

Dated: October 30, 2006

9. Report on possible resolution of Cingular litigation and referral to appropriate City Boards and Commissions

This agenda item was covered at the start of the meeting. See page 1 of these minutes.

10. One appointment to the Board of Assessment Review for a five-year term expiring September 30, 2011

This agenda item was deferred to a later date.

11. Miscellaneous communications and reports

Councilman Fahey, while handing his parking renewal application to the City Clerk, reminded everyone involved to complete their renewal forms and deliver them to the Clerk's office by November 9th at 5:00 P.M.

12. Old Business

There was no new business to be discussed.

13. New Business

There was no new business to be discussed.

14. Draft unapproved minutes of the regular meeting of the City Council held October 4, 2006

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 October 4, 2006 as adopted.

15. 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 10:02 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk