

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on January 3, 2007 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. Mayor Otis made a motion, seconded by Councilman Fahey and unanimously carried, to adjourn to executive session at 7:46 P.M. to discuss pending litigation. Councilman Hennes made a motion, seconded by Councilman Pratt and unanimously carried, to close the executive session at 8:12 P.M. The regular meeting reconvened at 8:15 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.

3. Mayor's Annual Message

“Today marks the beginning of our official work for the new year. It is again my honor and privilege to present the Mayor’s Annual Message and to note the efforts we made together for Rye last year and to consider the opportunities for making even stronger progress in 2007.

“On this occasion we should also pause and give thanks for things we may take for granted. We are fortunate to live in a very special town, blessed by a beautiful setting on the coast, a generous citizenry of knowledgeable volunteers, excellent schools, and outstanding not-for-profits. Our long history is reflected in the many old buildings which have been preserved and by the strong community fabric that remains today.

“Our local government, with dedicated City employees in every department, widely respected managers in every specialty, and a professional management system that is based upon providing quality services is one of the best run municipal governments in the country. We are supported by a wise Corporation Counsel and an outstanding City Manager, both leaders in their fields.

“Today is also an occasion to congratulate all six of my colleagues on the City Council for the progress accomplished over the last year. 2006 was a very productive year. This work was made possible because the City Council focused on substance in their work and respect for differing views in their deliberations. This is an approach Rye residents appreciate.

“In the last year we opened the expanded Damiano Center, preceded with the rehabilitation of the Locust Avenue Fire House which will be completed shortly, and secured state passage of the hotel occupancy tax which will provide non-property tax revenue to the City.

“Early in the year we were asked to address a threat to residents at Highland Hall posed by a potential buyer of the property who was intent upon dealing unfairly with Rye residents in that complex. This Council, acting with careful deliberation and thoughtful review, provided these Rye residents with the protections of state law not previously needed in our community.

“In order to provide long term stability for the Rye Nature Center, we established a temporary committee which developed a plan, endorsed by the City Council, to make such stability a reality. The partnership between the City and the Friends of the Rye Nature Center will continue to grow. The result will be better programs, a firm financial footing, and a better facility to serve our community.

“To protect and enhance the retail health of our central business district, we established the Retail Strategy Task Force which will report to us early in the year. In our budget process we established a fund to support central business district projects, and we gave the go-ahead to the traffic light replacement project which will improve pedestrian safety and traffic flow in our downtown.

“We took the important step, within a limited window of opportunity, of purchasing the old CVS building next to our City Hall campus. The City Council had considered this acquisition when Warren Ross was Mayor. By seizing the opportunity we are now able to consider it as a possible location for a new police court facility. Our review of options will continue this year.

“Another change in 2006 was the transition at Whitby Castle from leasing to an outside vendor to direct management of the catering and restaurant facility by the Rye Golf Club. The City Council and the Golf Club Commission will be carefully monitoring the results in 2007. From our early indications, the outlook seems positive, and it appears

that the financial results and service to the community will surpass the outside vendor model.

“In 2006 we restarted our commitment to maintaining our infrastructure. In 2005 the City commissioned an outside pavement management engineering study to review all of the City’s 52 miles of roads. That study demonstrated that deferring road maintenance, instead of saving us money, multiplies the cost to taxpayers by multiples of eight to ten times the cost of maintaining our roads at good condition.

“In December we gave the go-ahead for a number of major projects that had been deferred and for increased allotment to our annual repaving program. We cannot do every project at once, but now we will be gaining, instead of losing ground, on the list of roads requiring our attention and protecting the taxpayer from the escalating costs of delay.

“Properly, the City Council gave a green light to the needed reconstruction of Theall Road. This road was identified in the pavement management study as the road in the worst condition in the entire City.

“History shows us that the “bargain” for not fixing it has almost tripled the price of this project since 2001, from \$550,000 to \$1.4 million. We should have repaired this road when it was less expensive. The burden of explaining the required cost today should fall on those who opposed repeated attempts to fix it each year when the cost was reasonable.

“But let’s be clear, the “bargain” for another stopgap temporary repair is the same bargain for which we paid dearly when other infrastructure projects such as roads, fire houses, and deteriorating buildings were deferred by previous Councils. I have been around long enough to remember the false promise of those who oppose needed repairs only to complain later that the cost they drove up because of delay is too expensive. The City Council, with full review of alternatives with our City Engineer, is properly stopping the financial bleeding on Theall Road.

“The new year brings important challenges and opportunities. Our efforts will be to continue the work already in progress and address new initiatives that demand our attention. Our success in the past and prospects for the future rely on the use of volunteers, study committees, and planning to achieve results. They also rely on our working together. 2007 will be no different.

“A major priority in the passage of the 2007 budget and in our ongoing work in the new year will be to address in one planning process school traffic safety, pedestrian safety, and trailway and walkway issues that are raised throughout the community.

“We have added a police officer for morning drop-off at the corner of Milton Road and Apawamis Avenue while we revisit the broader issue of traffic flow, drop-off areas, and a more comprehensive review with the school district.

“The Rye YMCA’s Activate America program, which the City and both of our public school districts have participated in for over a year, has provided a new focus to make our community more pedestrian, jogger, and exercise friendly. It provides an excellent opportunity to merge the walking to school safety issues with traffic safety planning and a renewed trailway planning process.

“Trailway funds are available at the county, state, and federal levels and provide us an opportunity to obtain outside funding towards some of our existing infrastructure projects. The initial trailway plan was developed as part of the City’s Recreation Master Plan and can be used to assist in addressing some of the gaps in the walk to schools that now exist. The recently adopted budget also includes matching funds for new sidewalks where a neighborhood wants to participate in closing such a gap in partnership with the City.

“I will propose that we establish a temporary Trailway and Traffic Safety Study Group to analyze the feasibility of trailway and sidewalk improvements to address these needs. This group will include the schools, parent organizations, relevant representation from boards and commissions, and interested residents. Public participation and neighborhood feedback will be part of this process. At the same time we should proceed with grant requests to help fund the plan ultimately agreed to by the Council. Westchester County has already assigned funds to assist trailway links to the pathways along Playland Parkway.

“We have already begun to integrate pedestrian safety considerations in City capital projects such as the new traffic lights in the central business district. This effort to bring together our school safety and traffic safety needs is the most effective and efficient way to address these issues.

“Another issue requiring additional attention is the relationship between water run-off and development. I receive regular calls of concern about the impact of development on run-off in specific neighborhoods. I have also heard the concern expressed from a number of members of our land-use boards, including the Chair of the Planning Commission, that they are not sure they have the tools to adequately address this issue when applications are before them.

“While rainfall in our area has statistically reached historic new levels in recent months, residents express the concern that increased runoff is not accounted for in the land use approval process. The City does have a surface water control law which is designed to address this issue. I will propose that we establish a small working group consisting of a member of each relevant land use board to review this issue, review the practices of other communities, and report back to the City Council as to whether adjustments to our laws or practices are warranted.

“Another study is already underway. A new prospective buyer of the Durland property has approached the City regarding possible alternatives for continued recreational use on part of the property. In December we established a small committee

which will report to us shortly with the results of their analysis of different models that may be feasible to retain Durland as a community resource.

“Three years ago the City adopted changes in law to make small modifications in the house size rules. The goal was to strike a balance between the laudable trend towards upgrading our homes in Rye and the impact of over-sized houses that negatively impact existing homes and neighborhoods. When that law was passed, the City committed to review its impact. I request that City staff provide an analysis of the experience to date and supply that report to the City Council and our land use boards for review.

“As with the Nature Center, the Rye Free Reading Room has been discussing alternatives to bring more financial certainty to that treasured institution. City Manager Paul Shew has been working with the library on exploring alternatives for over a year and half and the Council met with representatives of the library in a budget workshop at the end of 2006. We will continue to work with the library as the new year develops.

“Financially the City of Rye remains in a strong position, as we have for many years. We continue to be one of a handful of municipalities in New York State to hold a Moody’s Aaa bond rating, their highest accreditation. We have maintained that status, in good national economies and bad, since 1990. Our frugal approach to budgeting, staffing, and spending while providing a full compliment of quality municipal services was recognized in a November New York Times survey of taxes for the region. Among Westchester municipalities Rye was ranked as having the lowest level of taxation of any City and the third lowest of any municipality in the County.

“Despite our good standing, we remain vigilant in monitoring changing financial accounting rules for municipalities in the areas of projecting future health and retirement benefit costs, and we are committed to being a lead municipality in responding to changes in these areas. We continue to be well served by an outstanding City Comptroller and Finance Department.

“The City will also continue our aggressive efforts to secure outside funding for projects and initiatives to enable us to do more without additional cost to the local taxpayer. This is an area where we have had great success thanks to the assistance of federal, state, and county officials such as Congresswoman Lowey, outgoing Governor Pataki, and County Executive Spano, as well as the private generosity of our residents who contribute to special projects.

“I am pleased to report that we have successfully defended and settled an effort by a wireless telecommunications company to place cell tower equipment next to a residential neighborhood. The resolution of this dispute will benefit Rye taxpayers as the alternate site is on City property. The larger issue is that we successfully defended our ability to keep this type of unsightly equipment from being placed next door to your home. This very important principle must be maintained if we are going to retain local control of this type of zoning and land use decision. In 2007 we should review our local law to make sure it is clear as to our policy and intentions.

“In 2007 we need to continue to upgrade our emergency response planning capabilities and increase our outreach to residents on emergency planning issues. Since 1998, when Rye was selected as a FEMA Project Impact community, we have been ahead of the curve in municipal planning for disasters. The standards and protocols in this area continue to increase. In the last year key City staff have participated in new training required by the Federal government. We need to continue to enhance these efforts.

“In October Rye hosted the Westchester Municipal Officials Association Meeting which was attended by many Department Heads and Members of the City Council. The speaker that evening was State Senator Michael Balboni from Long Island, a recognized expert on emergency planning issues, who spoke about the importance of local government in emergency planning. Two weeks ago he was appointed to be Governor Spitzer’s top homeland security and law enforcement policy advisor. I believe this represents a positive signal towards continued support for emergency response planning from state government.

“As you can see, we are a busy local government. Time does not permit to go into detail on a host of other issues which are also the focus of Council and staff attention such as the Kirby Lane North sewer project well underway, flooding issues and working to win cooperation from municipal neighbors whose actions impact our flooding, other planning initiatives under discussion, the changing world of cable franchising and ramifications for local government, and addressing a variety of parking, litter, noise, lighting, and traffic issues which affect our neighborhoods. We are a full service local government. The City Council and City staff share your vision for good quality services and a responsive government organization.

“Towards that end, the day to day operation of the City of Rye is always complimented by a long list of special projects, planning efforts, volunteer assistance, and new ideas to make Rye an even better place to live.

“I know I speak for the entire City Council in reporting that we consider it a privilege to be able to work on these projects with the City staff and with all of you on the activities benefiting Rye. We share a commitment to Rye and a legacy of service shared by the generations that came before us, those volunteers who gave us the community we now enjoy. We are committed to living up to the standards they set and the high expectations Rye residents have for us today. The best path to meeting those expectations is to work as a team. Let’s continue the productive course we set last year and let’s do it together.”

The Mayor said there is much work to be done and the Staff and Council will need everyone’s help.

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

There were no residents wishing to be heard.

5. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint Councilman Andrew Ball to the Police Pension Fund for a one-year term expiring January 1, 2008.

6. Two appointments to the Zoning Board of Appeals for three-year terms, by the Mayor, with Council approval

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint Anthony Piscionere and Joseph Sack to the Board of Appeals for three-year terms expiring January 1, 2010.

7. One appointment to the Board of Architectural Review for a three-year term, and one appointment for a two-year term, by the Mayor with Council approval.

Mayor Otis made a motion, unanimously approved by the Council, to appoint David Cutner (currently filling an unexpired term) for a three-year term expiring January 1, 2010, and to reappoint Michael Marchand for a two-year term expiring January 1, 2009.

8. One appointment to the Board of Ethics for a three-year term, by the Mayor with Council approval

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint former Mayor Warren Ross to the Board of Ethics for a three-year term expiring January 1, 2010.

9. Three appointments to the Conservation Commission/Advisory Council for three-year terms, by the Mayor with Council approval

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint Dennis Buckley, Loriel DeCaro and James McGee to the Conservation Commission/Advisory Council for three-year terms expiring January 1, 2010.

10. Two appointments to the Planning Commission for three-year terms, by the Mayor with Council approval

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint Barbara Cummings and Carolyn Cunningham to the Planning Commission for three-year terms expiring January 1, 2010

11. Designation of the Chairman of the Planning Commission, by the Mayor

Mayor Otis re-designated Barbara Cummings as Chairman of the Planning Commission.

12. Four appointments to the Recreation Commission for three-year terms, by the Mayor with Council Approval

Mayor Otis made a motion, unanimously approved by the Council, to reappoint Douglas French, Frank Adimari, Bobbie Billington and Bart DiNardo to the Recreation Commission for three-year terms expiring January 1, 2010.

13. Designation of the Chairman of the Recreation Commission, by the Mayor

Mayor Otis re-designated Douglas French as Chairman of the Recreation Commission.

14. Two appointments to the Traffic and Transportation Committee for three-year terms, by the Mayor with Council approval

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint Brian Dempsey, Denver Boston, and John Gray to the Traffic and Transportation Committee for a three-year term expiring January 1, 2010.

15. Designation of the Chairman of the Traffic and Transportation Committee

Mayor Otis re-designated Brian Dempsey as Chairman of the Traffic and Transportation Committee.

16. Appointment of a Marriage Officer for the City of Rye

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint Susan A. Morison as a marriage Officer for the City of Rye.

17. Designation of the City Council's Audit Committee by the Mayor

The Mayor designated Mayor Otis, Councilman Hennes and Councilman Cunningham to the City Council's Audit Committee.

18. Designation of the following City Council Liaisons by the Mayor:

Mayor Otis designated City Council Liaisons for 2007 as follows, maintaining the same liaisons except for the Rye Free Reading Room. The Mayor will replace Councilman Pratt.:

Ambulance Corps – Councilman Hennes  
Board of Appeals – Councilman Seitz  
Board of Architectural Review – Councilman Ball  
Boat Basin Commission – Councilman Hennes  
Commission on Human Rights – Councilman Seitz  
Conservation Commission/Advisory Council – Mayor Otis  
Finance Committee – Councilman Pratt/Councilman Hennes  
Landmarks Advisory Committee – Councilman Ball  
Recreation Commission – Councilman Cunningham  
Rye Beautification Advisory Commission – Councilman Cunningham  
Rye Cable Television Committee – Councilman Ball  
Rye City School Board – Councilman Pratt/Councilman Cunningham  
Rye Free Reading Room – Mayor Otis  
Rye Golf Club Commission – Councilman Fahey  
Rye Merchants Association – Mayor Otis  
Rye Playland Advisory Committee – Councilman Cunningham  
Rye Senior Advocacy Committee – Mayor Otis  
Traffic and Transportation Committee – Councilman Fahey  
Youth Advisory Committee – Councilman Cunningham

19. Designation of the days and time of regular meetings of the City Council

Councilman Hennes made a motion, seconded by Councilman Cunningham and unanimously carried to adopt the following schedule for 2007 regular meetings of the City Council:

January 3	May 9	September 5
January 17	May 30	
February 7	June 14	October 3
February 28		October 17
March 14	July 18	November 7
March 28		November 14
April 11	August 13 (Cap Projects)	November 28
April 25	August 15	December 12

20. Designation of official City newspaper

Councilman Fahey made a motion, seconded by Councilman Pratt and unanimously carried to designate *The Journal News* as the official City newspaper.

21. Designation of the amounts of faithful performance bonds

Councilman Fahey made a motion, seconded by Councilman Hennes and unanimously carried, to recommend the following amounts of faithful performance bonds, as recommended by the auditors:

A.	City Comptroller	\$ 1,000,000
B.	City Clerk	\$ 500,000
C.	City Marshal	\$ 100,000

22. Resolution to approve Corporation Counsel retainer Agreement for 2007

This agenda item was deferred to a later meeting.

23. Consideration of proposed revision of the rules and Regulations of the City of Rye Police Department, new General Order #116.09, "Procedure for Determining Claims Pursuant to General Municipal Law §207-c"

This agenda item was deferred to a later meeting.

24. Resolution to accept award of Child Passenger Safety Program Grant

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

**WHEREAS**, the City of Rye has been awarded a New York State grant in the amount of \$5000 for participation in the statewide 2006/2007 "Child Passenger Safety" program; now, therefore, be it

**RESOLVED**, that the City of Rye accepts the aforementioned grant.

ROLL CALL:

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

NAYS: None

ABSENT: None

25. Miscellaneous communications and reports

Mayor Otis reported that the Federal Communications Commission (FCC) has recently taken action concerning the role of municipalities in adopting franchise agreements with cable

companies and municipalities have been urged to write letters defending the value of the income stream from these franchise agreements. He requested staff to draft a letter for Council review.

Councilman Ball reported that a former Rye resident, Scott Fitzgerald, had recently played an essential role in quieting a disturbed, unruly passenger aboard a Jet Blue flight thereby preventing danger to the plane and its passengers.

Councilman Cunningham congratulated the Finance Committee for its outstanding report to the public outlining, in layman's terms the City's revenues and expenditures and providing a clear picture of the 2007 budget.

26     Old Business

Councilman Seitz said there were items which should be considered unfinished business from prior meetings and he urged that a list of the items to be addressed be outlined at the next Council meeting with a proposed timetable so they can be either resolved or put to rest. Included on the list would be ideas for new sources of revenue which Councilman Seitz believes are necessary to accomplish the needed capital projects totaling almost \$30 million. This would include the transfer tax proposal. The Mayor reiterated that the boiler plate approach, rather than a proposal specific to Rye, would have more success, but he agreed that anything to reduce the dependency on the property tax would be good to consider. Councilman Hennes said he was opposed to any new tax and would vote against any transfer tax proposal. The Council should also continue to evaluate future capital projects, such as a plan for a new police facility, additional playing fields and the Boston Post Road (how to repave; whether the State should or would help with the cost of repaving, how much is left in the Undesignated Fund Balance to help with the project). Additionally, Councilman Seitz urged review of ordinances which have been proposed, but not completed (the Noise Ordinance, Loitering). Finally, he urged an analysis by staff of the impact of the new "big house" Zoning Ordinance adopted two years ago.

Councilman Ball urged replacing the tattered flag on top of Whitby Castle. [Note: it is replaced monthly, but subject to extreme wind. Additionally, the pole is primarily a lightening rod, but having a flag looks more complete.]

Councilman Cunningham asked about progress by the Durland Study Committee and suggested the Council should see a copy of the plans. Mayor Otis said the committee has been meeting and a written report is expected in the near future. He said a workshop might be necessary, but it would be valuable to see the report first.

27     New Business

There was no new business to be discussed.

28. Draft unapproved minutes of the regular meeting of the City Council held December 13 2006 and special meeting held on December 19, 2006

Councilman Seitz made a motion, seconded by Councilman Hennes and unanimously carried, to adopt the minutes of the regular meeting of the City Council held December 13, 2006 and the minutes of the special meeting held on December 19, 2006 as submitted.

27. 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 9:05 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk