

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on January 17, 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 7:05 P.M. Councilman Hennes made a motion, seconded by Councilman Cunningham and unanimously carried, to adjourn to executive session at 7:06 P.M. to discuss the acquisition, sale or lease of real property. It was determined that the City Manager and Corporation Counsel should meet with the perspective purchaser to better understand the options. Councilman Seitz made a motion, seconded by Councilman Hennes and unanimously carried, to close the executive session at 8:19 P.M. The regular meeting reconvened at 8:20 P.M.

1. Pledge of Allegiance

Mayor Otis called the meeting to order and invited the Council to join in the Pledge of Allegiance. Leading the pledge were six members (Simon Edmonds, Daniel Newmark, Ben Hirsch, Jimmy Haigney, Yuta Makita and Andrew Filippi) of Rye's Boy Scout Troop 2 which has been in existence for 86 years.

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

There were no residents who wished to be heard.

4. Public hearing regarding the establishment of the Upper Dogwood Lane Sanitary Sewer Special Assessment District

Acting City Manager Michael Genito said the staff has been working on the establishment of the Upper Dogwood Lane Sanitary Sewer Special Assessment District for a while. The Code requires that two-thirds of those affected be willing to participate; he reported that 100% are in agreement so the next step is to conduct a public hearing. Mayor Otis opened the public hearing. Linda Whitehead, Attorney for the petitioners (Conrad DeSantis and Cynthia Wells, Lucy Brody Klingenstein, Bridget and Mark C. Davis - owners of the five properties involved) presented the petition to extend the sanitary sewer line up Upper Dogwood Lane to include these properties which have not been on the sewer line. There were no comments from the audience and the Council was in favor of the plan so the Mayor closed the public hearing.

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

**WHEREAS**, the Council declared Lead Agency status and issued a Negative Declaration under SEQRA finding that the proposed action will not have a significant adverse impact on the environment; and

**WHEREAS**, 100% of the property owners within the district have provided a petition to the City Council supporting the creation of the special assessment district and the extension of the sanitary sewer line to their properties, now, therefore, be it

**RESOLVED**, that the Council of the City of Rye hereby approves the establishment of the Upper Dogwood Lane Sanitary Sewer Special Assessment District.

ROLL CALL:

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

NAYS: None

ABSENT: None

5. Consideration of resolution Establishing Minimum Training Requirements for Rye City Planning Commission and Board of Appeals Members

City Planner Christian Miller informed the Council that the New York State Legislature has enacted a law establishing minimum training requirements for the Rye City Planning Commission and Board of Appeals members. The requirement is four hours a year which Mr. Miller considers both important and valuable while recognizing all members are volunteers with full lives so staff should work to make sure the training is made as conveniently as the law requires. He said he would be providing some of the training (perhaps a joint session for both boards); that many are required to receive professional training as lawyers, engineers, etc. and this training may be able to count. There are also videos available and courses offered at Pace or

through the Westchester Municipal Planning Federation (WMPF) where he is a board member. Councilman Pratt, a member of the Planning Commission, said he was strongly in support of the requirements and encouraged all members to take advantage of whatever training is available.

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

**Establishing Minimum Training Requirements for  
Rye City Planning Commission and Board of Appeals Members**

**WHEREAS**, in 2006 the New York State Legislature amended general municipal law, general city law, town law and village law requiring training for municipal planning and zoning board members, which law became effective on January 1, 2007; now, therefore, be it

**RESOLVED**, that the Rye City Council establishes the following minimum training requirements for Planning Commission and Board of Appeals members consistent with the requirements of §§ 27-7-a and 81-7-a of general city law:

- Each member shall complete at least four hours of training each year.
- Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years.
- Training may be provided in a variety of formats, including, but not limited to, electronic media, video, distance learning and traditional classroom training.
- Approved training for members may include:
  - Attendance at instruction or training provided by City Staff or invited guest speaker.
  - Attendance at any planning or zoning related training, course, seminar, conference or other similar event sponsored by a recognized planning organization such as the National or local chapter of the American Planning Association, New York State Planning Federation, Westchester Municipal Planning Federation or Pace University Land Use Law Center.
  - Completion of professional continuing education courses or requirements (such as those required for New York State engineers or attorneys), where such courses or requirements are related to planning and zoning matters.

- Completion of tutorials offered by New York Municipal Insurance Reciprocal's online zoning school (see: <http://www.nymir.org/zoning/>). Completion of every two tutorials shall satisfy one hour of training.
- Complete viewing or reading of training material made available by City Staff.
- Any other training approved by the Rye City Council.

And be it further

**RESOLVED**, that members shall submit a signed statement each year indicating that they have complied with the training outlined in this resolution; and be it further

**RESOLVED**, members not completing the required training shall not be eligible for reappointment.

6. Acceptance of improvements to City property adjacent to One Depot Plaza (i.e. Rye Grill and Bar).

Nick Everett, member of the Planning Commission, presented a site plan for improvements on City property adjacent to the recently approved site plan for the Rye Grill and Bar at One Depot Plaza. He said the plan included some amenities for the surrounding area such as sidewalks, trees, curb cuts, the narrowing of First Street) but also included a more long range proposal which would provide additional improvements to the whole area (more handicapped parking, improved pedestrian and vehicle safety). He said the short term improvements would be completed by the owner of the Rye Grill and Bar, but the longer term improvements, which are on City property, would be done later. Mr. Everett was seeking Council permission for these immediate improvements. There were some Council questions, such as the location of the utility poles (they will be relocated), parking for employees (there will be enough spaces between the existing spots, those available at 56 Locust, or they will get merchant permits), refuse (there will be smaller containers with easier access); what will be in the new structure (a small function room and offices).

Councilman Ball made a motion, seconded by Councilman Hennes and unanimously carried, to accept the improvements as described by the Planning Commission in a January 10, 2006 memorandum enhancing the area immediately around One Depot Plaza and recommending additional enhancements to the City parking lot and Station Plaza.

7. Establishment of a Temporary Trailway and Traffic Safety Study Group

Mayor Otis proposed setting up a Temporary Trailway and Traffic Safety Study Group to look at a myriad of issues involving establishing a trailway system in Rye. The group would look at the Recreation Master Plan proposals, current County initiatives, better walking paths to

all the schools and the possibility of re-stripping the Boston Post Road (BPR) to include pedestrian and bicycle lanes. The Council urged involvement of City staff, including Michael Genito (Comptroller), Scott Pickup (Assistant City Manager), George Mottarella (City Engineer), Bill Rodriguez (Recreation Superintendent) and Christian Miller (City Planner). The Mayor said all would be involved as the process evolved, but the City Manager would be the person to assign the focal staff member. The Mayor said he would like the report to be ready by April, primarily because it is important to get ideas about the repaving of the BPR as early as possible. Councilman Seitz pointed out that much of the work might have already been done (citing the Recreation Master Plan as an example) and suggested that a member of the Finance Committee be included. Councilman Cunningham said he was skeptical about the re-stripping of the BPR with bicycle lanes, but would be happy to serve on the committee.

Councilman Pratt said he was lending reluctant support to the idea because he was bothered by other issues which have been ignored – specifically the Verizon boxes which block sidewalks and the Belgian blocks being installed on Stuyvesant Avenue. Additionally, he doesn't need a committee to let him know the BPR needs repaving. The Mayor responded that a lot of effort has been made to try and get Verizon to move the boxes and he hopes this can be a leverage issue when negotiating a franchise agreement. He also responded that there is a moratorium on any more Belgian blocks and the staff will be reporting back on a future course of action. As for the BPR, the purpose of the committee is to come up with a good plan about how (rather than whether) to repave it. (This conversation turned to the need to follow through on unfinished business. See "Old Business.")

Councilman Seitz made a motion, seconded by Councilman Hennes and unanimously carried, to adopt Mayor Otis' proposal to establish a Temporary Trailway and Traffic Safety Study Group to report back to the Council by April, 2007.

Mayor Otis made a motion, unanimously approved to appoint the following residents to serve on the committee and urged residents to come forth with additional suggestions:

Brian Dempsey, Chair of the Traffic and Transportation Committee  
Doug French, Chair of the Recreation Commission  
Steven Meyers, Member of the Finance Committee and Chair of the Recreation Master Plan Committee  
Bob Zahm, Liaison with the Board of Education  
Bill Lawyer, Head of the Greenberg Nature Center  
Gregg Howells, Head of the Rye Y and the Activate America initiative in Rye  
A staff focal person to be determined by the City Manager

8. Five appointments to the Rye Cable Television Committee, three for three-year terms expiring on January 1, 2010 and two for two-year terms expiring on January 1, 2009, by the Council

Mayor Otis made a motion, unanimously approved, to re-appoint Stephen Fairchild and Louis Garcia, and to appoint Paul Berner to the Rye Cable Television Committee for three-year terms expiring January, 1, 2010 and to reappoint Margot Burgheimer and John Carey for two-year terms expiring January 1, 2009.

9. One appointment to the Conservation Commission/Advisory Council for a two-year term expiring on January 1, 2009, by the Mayor with Council approval

Mayor Otis made a motion, unanimously approved to appoint Lewis Nash to the Conservation Commission/Advisory Council for a three-year term expiring January 1, 2009.

10. Three appointments to the Rye Senior Advocacy Committee for three-year terms expiring on January 1, 2010, by the Mayor with Council approval

Mayor Otis made a motion, unanimously approved, to re-appoint Marge Leffler, Kathleen Lonergan (Provisional Member) and Esther Martensen to the Rye Senior Advocacy Committee for three-year terms expiring January, 1, 2010.

11. Three appointments to the Rye Playland Advisory Committee for three-year terms expiring on January 1, 2010, by the Mayor with Council approval

Councilman Seitz questioned the value of the Rye Playland Advisory Committee asking what they do. Mayor Otis reported that they act as a liaison between Playland and the neighbors; that they have been involved with the Playland Master Plan and the plans for the children's museum; and that they meet on an as-needed basis, primarily when Playland is open.

Mayor Otis made a motion, approved by all Councilmen except by Councilman Seitz who abstained, to re-appoint Joan Cresap, Charles Dorn and Brian Daly to the Rye Playland Advisory for three-year terms expiring January, 1, 2010.

12. Authorization for City Manager to execute Agreement with the County of Westchester for 2007-2008 Prisoner Transportation Services.

Acting City Manager Michael Genito said a Prisoner Transportation Agreement must be renewed every two years in order for the City to be reimbursed at current rates. He reported that the rates have been increased so the City will receive more revenue under the new agreement.

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

**RESOLVED**, that the City Manager is hereby authorized to enter into a Prisoner Transportation Agreement with Westchester County for the period of January 1, 2007 through December 31, 2008.

ROLL CALL:

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

12A. Appeal of Denial of Freedom of Information Law request made by Rye Police Association

Acting City Manager Michael Genito reported that the reason for the appeal concerned some unpaid funds which have now been paid so the agenda item requesting the appeal of Denial of Freedom of Information Law request made by the Rye Police Association is no longer necessary.

13. Miscellaneous communications and reports

Councilman Cunningham brought up the following items:

- He interviewed Rye Historical Society Archivist Richard Hourahan for his “Eye on Rye” program and urged people to attend two sessions on how to research your home at the Knapp House on January 20 and January 27, 2007.
- He noted that the request for projects to be funded through Congresswoman Nita Lowey’s office was due on January 24<sup>th</sup> and asked that the list from last year be circulated to the Council
- He read part of a recent report from Commissioner Connors concerning the police assistance at the intersection of Milton Road and Apawamis Avenue during school drop off hours. He said it is distressing to learn that parents are not cooperating and said he would support whatever disciplinary action the Police Commissioner would recommend. Councilman Seitz agreed, saying the lives of these parents who are causing the problem will need to be disrupted (i.e. with fines, having to appear in court) until they pay attention. The Council offered compliments to the police.

14. Old Business

Councilman Pratt continued his comments introduced during the trailway discussion (Agenda Item #7) noting his distress over the lack of progress on issues which seem to have fallen into a “dark void.” He mentioned again the Verizon boxes, questioning whether using them as a bargaining chip during franchise negotiations was the only way to solve the issue (Councilman Ball said this had not been part of the negotiations to date; the Mayor reiterated that it should be). Councilman Pratt also said he was looking forward to having a report on the “Belgian block” issue. Councilman Seitz said he had been trying reintroduce items which have not been completed and would like follow up on issues like loitering, noise, zoning (steep slopes, flag lots), and deer. He said if the Council is not in favor of any of these initiatives they should make the decision to reject them and move on to other matters. Assistant Manager Scott Pickup said a lot of specific demands/meetings have taken place with Verizon but so far to no avail.

Councilman Hennes said it was clear from the monthly Project Update reports that a lot of attention is being paid to the Verizon issue; the Mayor asserted everyone is concerned.

Councilman Seitz requested the Capital Projects presentation scheduled for Monday, August 13<sup>th</sup> be moved to Tuesday, August 14<sup>th</sup>. Staff will check for any conflicts and the request will be decided at the next Council meeting.

15. New Business

There was no new business to be discussed.

16. Draft unapproved minutes of the regular meeting of the City Council held January 3, 2007 and the special meeting held on January 10, 2007

Councilman Fahey made a motion, seconded by Councilman Cunningham and unanimously carried, to adopt the minutes of the regular meeting of the City Council held January 3, 2007 and the special meeting held on January 10, 2007 as submitted.

17. 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