

**APPROVED MINUTES** of the Regular Meeting of the City Council of the City of Rye held in City Hall on February 7, 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 7:00 P.M. Councilman Fahey made a motion, seconded by Councilman Cunningham and unanimously carried, to adjourn to executive session at 7:01 P.M. to discuss the acquisition, sale or lease of real property. Councilman Hennes made a motion, seconded by Councilman Ball to close the executive session at 8:08 P.M. No decisions were announced. The regular meeting reconvened at 8:10 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. Residents may be heard who have matters to discuss that do not appear on the agenda

*Richard Berner, 105 Dogwood Lane*, speaking on behalf of other residents on Dogwood Lane (*David Boillot, Greg McLaughlin, Jim Dickson and Chuck Hyman*) said they were interested in being consulted concerning the design and construction of the Upper Dogwood Lane Sewer. He said they were in support of all residents having access to a sewer, but were particularly concerned about plans for blasting and any process which would block access by EMS vehicles. The City Manager said the City is sympathetic to keeping everyone in the loop, much as it has done with the Kirby Lane project, and would be happy to make the plans available and let them know the blasting schedule.

4. Approval of Lease Agreement between City of Rye and Cingular Wireless PCS, LLC

Kristin Wilson, Corporation Counsel Liaison, reported that negotiations were continuing between the City of Rye and Cingular Wireless PCS, LLC and that a condition has been added requiring that Cingular post a bond should the cell tower have to be removed at any time in the future. She requested that the approval, previously granted to the City Manager to approve the final agreement be granted a 30-day extension.

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

**RESOLVED**, that the City Council hereby authorizes that the approval previously granted authorizing the City Manager to approve a lease agreement between the City of Rye and Cingular Wireless PCS, LLC be extended for 30 days.

ROLL CALL

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

NAYS: None

ABSENT: None

4A. Discussion regarding reviewing and establishing revised criteria for determining stop sign requests

Mayor Otis that there are many requests for stop signs and a lot of people have been working on how to evaluate these requests. There are Federal standards and the Traffic and Transportation Committee have been using these as guidelines, but perhaps there should be additional guidelines for how the requests are evaluated and the Council has been asked to give this guidance. The Mayor added that the standards have been set for many reasons, not the least of which is for liability reasons.

*Jay Sears (110 Florence Avenue), Tim O'Brian (107 Florence Avenue) and Kim Potter (3 York Avenue)*, all from the Bradford Avenue area, have been pressing the T&T Committee for more stop signs. Their requests have not been approved by either staff or T&T and they feel this is a situation where the Council needs to provide guidance to the T&T. *Mr. Sears* said they have talked to several Council Members and they are hopeful that the Council will find a way to not only proceed, but proceed on a fast track. They hope this discussion will set a procedure for the other 14-20 requests for stop signs also being considered by T&T. *Kim Potter* said she realizes it is not the responsibility of T&T to set up a playground for children but it is a fact that there are 30 children under 10 in their area and they do play in the street. Therefore the neighbors want to have four-way, rather than the existing 2-way, stop signs. In response to a question from Councilman Hennes, she said a lot of the traffic is because people are cutting through their neighborhood as a short-cut from the Boston Post Road to Park Avenue. *Mr. Sears*

acknowledged that many of the speeders were people living in the neighborhood; that they had been spoken to and had even received a Reverse 911 message telling them “they are the problem”, but this has not helped. Councilman Seitz said once again “the problem is us”, similar to the drivers dropping their children off at school in the morning. Councilman Pratt said the stop signs had his support and challenged anyone to show him statistics proving a stop sign can be dangerous. Councilman Fahey said no one wants a stop sign on every corner, but this request seems merited. Councilman Cunningham reminded everyone the criteria should also include landscaping and was assured the owner of a sight-obstructing bush had been told to trim it.

The Mayor suggested the staff provide more information, including a copy of the Federal standards, to both the Council and the interested neighbors in time for the next Council meeting and that they aim for having a recommendation by March. He urged residents to provide suggestions and, should a workshop be necessary, to attend.

5. Resolution to change date of Capital Projects Council Meeting from August 13, 2007 to August 14, 2007

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

**RESOLVED**, that the date of the Capital Projects Council Meeting be changed from August 13, 2007 to August 14, 2007.

6. Authorization for City Manager to execute Amendment to Stop-DWI Patrol Project Reimbursement Contract with the County of Westchester

City Manager Paul Shew said the STOP-DWI program is an excellent program with the vast majority of the costs reimbursed by the County. He said in an effort to maintain a county-wide record keeping standard, the County is requesting that the pro-forma agreement, last executed in 2006, be extended for four years rather than renewed annually.

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

**RESOLVED**, that the City Manager is hereby authorized to enter into a STOP-DWI Patrol/Datamaster Project Reimbursement Contract with the County of Westchester from January 1, 2007 through December 31, 2010.

ROLL CALL

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

7. Authorization for City Manager to enter into Intermunicipal Agreement with the County of Westchester Department of Transportation for Provision of Bus Shelters

The Council asked if there was only one location specified in the agreement, could the City reject a shelter if it wanted; and if the City had any control over the advertising content. Kristin Wilson, Corporation Counsel's liaison, said only one site (at the railroad station) was in the agreement; that the City would not be able to reject another one, but might be able to substitute the type of shelter; and that we have no say over the advertising. She reported that the County is requesting that the agreement be extended for five years.

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

**RESOLVED**, that the City Manager be authorized to enter into an Intermunicipal Agreement with the County of Westchester Department of Transportation for Provision of a Bus Shelter located at the Rye Train Station for a five (5) year period commencing April 1, 2006 and expiring on March 31, 2011.

ROLL CALL

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

8. Additional appointments to the Temporary Trailway and Traffic Safety Study Group

Mayor Otis reported that the Temporary Trailway and Traffic Safety Study Group had met and decided that subcommittees would be formed to work on individual assignments. He made a motion, unanimously approved to appoint the following additional residents to serve on the committee:

Dina Howland, Rye YMCA  
Nick Loddo and Denver Boston, Traffic and Transportation Committee  
Debbie Reisner and Paula Gamache, Greenhaven  
Susan Swinghamer, The Preserve  
Lois Codispoti, resident and former teacher at the Osborn School  
Joe Murphy and Jim Nash, Conservation Commission/Advisory Committee  
Bobbi Billington and Doug Carey, Rye Recreation Commission

9. Authorization of payment of the balance of the 2005/2006 Rye Neck Union Free School District taxes collected by the City to the School District

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

**RESOLVED** that the City Council hereby authorizes payment of the December 31, 2006 balance of the 2006/2007 Rye Neck Union Free School District taxes collected by the City to the School District in the amount of \$213,951.38 on February 15, 2007.

ROLL CALL

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

NAYS: None

ABSENT: None

9A. Discussion of spending rules proposal submitted by Councilman Seitz

This agenda item was deferred to the next regular meeting of the City Council.

10. Miscellaneous communications and reports

Councilman Fahey suggested that a flyer he had received from Citizens for the Environment concerning the Broadwater issue (the proposed natural gas installation in the middle of Long Island Sound) be posted on the web site. He noted that the Council has passed a resolution opposing this project, but he feels more information would be beneficial.

Councilman Seitz confirmed that the recently received Cable Franchise check is larger than anticipated – not by much, but larger.

Councilman Cunningham complimented the Rye Youth Council honorees (Sally Rogol, Luke Walsh and Doug Tuttle) and thanked them all for their outstanding contributions to the City. He also congratulated City Assessor Noreen Whitty on her re-appointment.

11. Old Business

Councilman Ball inquired about the arrangements for the recent “Law and Order” filming permit. The City Clerk responded that the City receives \$350 per day which is the maximum when filming takes place on private property. The owner makes their own arrangements with the

company while the City makes sure all details (such as insurance) are in order. Filming on City Property results in higher revenue for the City.

Councilman Cunningham wondered when the Central Business District report would be released. Councilman Pratt said it would be during the first quarter of this year.

Councilman Cunningham thanked the City Manager for all the City's efforts to address the Verizon box issues and said he found the response (or lack thereof) from Verizon arrogant and distressing.

12. New Business

There was not new business to be discussed.

13. Draft unapproved minutes of the regular meeting of the City Council held January 17, 2007

The approval of the minutes of the regular meeting of the City Council held January 17, 2007 was deferred to the next Council meeting in order to provide Council members more time to review them.

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 8:55 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk