

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on April 15, 2009 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
ANDREW C. BALL
MACK CUNNINGHAM
PAULA J. GAMACHE
CATHERINE F. PARKER
GEORGE S. PRATT
JOSEPH A. SACK (arrived at 8:35 p.m.)
Councilmembers

ABSENT: None

The meeting convened at 7:00 p.m. Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried to adjourn into Executive Session at 7:01 p.m. to discuss collective bargaining. No votes were taken. Councilman Cunningham made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn the Executive Session at 8:03 p.m. The regular meeting reconvened at 8:05 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. Rye Recreation All Star Basketball Team

Mayor Otis welcomed members of the Rye Recreation All Star Basketball Team and congratulated them on their recent victory for the third straight year in the Cubs Division of the Westchester County Boys Recreation Basketball Tournament held at the County Center. Team members are Drew Abate, Andrew Livingston, Cory Giordano, Tim Hale, Sam Lubeck, George Kirby, Dominic Guarnieri, Michael Stack, Stephen O'Connell and Ryan Popp, and they were coached by Josh Kirsch and Phil Robinson.

Announcements

Mayor Otis offered congratulations to City Assessor Noreen Whitty, Corporation Counsel Kevin Plunkett and Kristen Wilson and Stefanie Bashar of the Legal Department for

their recent victory in the Appellate Division in the case *Carroll v. the Assessor of the City of Rye*. He said it was a very important case in terms of how assessment of real estate in residential properties is handled in New York State.

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

Sis D'Angelo, 90 Wappanocca Avenue, said she had been asked to speak by people who were concerned about tax money being spent on real estate such as the purchase of 1037 Boston Post Road. She said she believed taxes were paid to provide enrichments for the tax payer. Mayor Otis said the City is analyzing what it will do with the building at 1037 Boston Post Road to determine if it will keep or sell it. She said she had been told that the City was making payments for six months on an apartment for City Manager Shew. Mayor Otis said the City had not provided any such funding. Ms. D'Angelo also said she had heard that people were living in the affordable housing units on Cottage Street who had incomes above the required limits. Mayor Otis pointed out that the program that administers the Cottage Street housing was run by the County of Westchester, not the City of Rye.

Russ Johnson, Director of the Rye Nature Center, came to give the Council an update on activities at the Nature Center.

- The new Sugar Shack was up and functioning and was very popular this Winter.
- There are three Eagle Scout projects presently in the works.
- Chip Lafferty from the Golf Club is keeping the property well maintained.
- Assistant City Manager Pickup and Building Inspector Tamburro have been working with them on plans to fix up the garage as an auxiliary shelter for the Summer camp.
- The Nature Playground is on track and they are looking to have a kick-off ceremony on April 30th at 10:30 a.m.
- The Earth Day Celebration will be held on Sunday, April 26th from 1:00 to 4:00 p.m.

Gerry Seitz, 141 Kirby Lane, came to speak on several topics.

- He congratulated the Council for considering extending the hours of operation of the parking meters and especially congratulated Councilwoman Parker for changing her opinion on the meters. He said he believed the City needed the revenue.
- He believes the section of the agenda for residents to speak on items that are not on the agenda should be moved to the back of the agenda. It might prevent the "Theater of the Absurd" that is presently occurring, with people appearing in costume. This move would make it possible for substantive issues to be discussed before the press leaves.
- He said he did not believe the City Council when they said that the termination of City Manager Shew had nothing to do with the Bob Schubert issue. He said he believed that the Schubert issue was used as an excuse to get rid of Paul Shew because there was conflict between Mr. Shew and Mayor Otis relative to the City Manager form of government, in which the City Manager is the Chief Executive. Mr. Seitz said he believed Mayor Otis has worked very hard as Mayor and accomplished many good things but, in support of his position that there was a conflict, quoted from a memorandum written by former City Manager Julia Novak to the City Council in January 2003 at the

time of her resignation. He said the Schubert issue gave the Mayor the opportunity to get rid of a strong City Manager who was dealing with the City in an appropriate fashion and supporting his people. He said that when he was a Councilman, Mr. Shew's method of operation was to provide the Council with memos and he believes there must be a record of what the Council told Mr. Shew were his failings at the August 2008 meeting. He said he believes that the community does not believe the Council acted in a fashion that is acceptable. Mr. Seitz added that he recognized that the Members of the Council work hard without pay and yet are often attacked by members of the community, and he did so with regret. Mr. Seitz suggested that Mayor Otis not run for reelection in order for the community to move on.

Mayor Otis responded that he did not think it was appropriate for the Council to speak about the Shew matter because the Council was in the middle of a process that will play itself out for the community. He said the City Council did not choose the process that resulted in the transition the City is presently in regarding the City Manager. He said he believed in the City Manager/Council form of government and did not want to change it to another form of government. The Mayor also said that he did not agree with the suggestion to move the residents who want to be heard section of the agenda to the end of the meeting because it is more user-friendly to have it at the beginning. Councilwoman Parker added that she believed she is performing her job with integrity and in the best interests of the community and stands by her vote.

Jordan Glass, 7-11 Legion Drive, Valhalla, NY, came to speak about two issues.

- He said the Healthharbor mascot "Mr. Floatie" has been asked to move at the last two meetings in order to not block the view of those watching the meeting. He believes it is a First Amendment right for Mr. Floatie to be seen by television viewers and asked that seats in the Council Chambers be moved so that people who want to make a statement by being viewed on camera are able to do so.
- He said that the "Jackaide" mascot was being retired as a message of appreciation due to changes in the City Manager's Office.

Councilman Cunningham said that it does not matter where the "mascots" sit in Council Chambers because they are always recorded and shown on "YouTube" within hours of the meeting.

Jim Amico, 350 Midland Avenue, said he was pleased about discussions at the recent Traffic and Transportation Committee meeting about elevating Midland Avenue but is not sure that it won't have a negative effect caused by people who speed. He said he believed the major issue was police enforcement. Councilman Cunningham said there wasn't a quorum at the meeting Mr. Amico referred to and the rest of the Committee must hear and discuss any suggestions made to determine how the entire Midland Avenue corridor would be affected. Mayor Otis added that Brian Dempsey, the Chair of the Traffic and Transportation Committee has been coordinating with the schools on the issue

5. Consideration of a resolution adopting a SEQR Negative Declaration and endorsing a grant request for a joint submission with the village of Rye Brook for Westchester County Flood Mitigation Program funding for a sluice gate at Bowman Avenue spillway

Mayor Otis noted that this item came on the second anniversary of a flood that had caused over \$80 million dollars in damage to both City owned and private property. This agenda item will adopt the SEQR Negative Declaration Resolution in the form that the County has requested for the sluice gate application. The City is in the first group of four communities that will receive money from the County for flood related projects. The Mayor introduced County Legislator Judy Meyers, who serves with him as a member of the County Flood Action Task Force. Legislator Myers thanked all those who had participated in the process, which has been a long haul. She said the next step after the Council passes the SEQR Negative Declaration will be for the bonding legislation to go before the County Board of Legislators for approval, probably in mid-May. She added that Rye has set an example for other communities. Councilman Cunningham asked Ms. Myers how important it was for the City to partner with the Village of Rye Brook in receiving favorable consideration of our application by the County. She agreed, saying that the County considers intermunicipal cooperation very important because it is important to look at watersheds rather than individual communities when looking for solutions for flooding in Westchester County. Councilman Cunningham added that he believed the County Planning Department deserved special recognition for their work in moving the process along. Legislator Myers also noted that the County of Westchester was also the beneficiary of Federal stimulus money for the refitting of the Mamaroneck Wastewater Treatment Plant that will impact communities along the Sound Shore.

Mayor Otis recognized *Holly Kennedy, 105 Mendota Avenue, and Bernie Althoff, 34 Mendota Avenue*, representing the Rye Flood Action Committee, who offered their appreciation for all that had been done in the long process and hope that the process would proceed faster now that “all the ducks are in a row”. They presented each Council Member with a duck. Mayor Otis said that the Army Corps of Engineers has done a study of the entire Blind Brook Watershed and the City is awaiting the study to determine what opportunities there might be in Purchase to retain more water and find additional opportunities for flood mitigation. He said an item discussed at the County Flood Action Task Force meeting was to ask communities to find ways to increase water retention.

Acting City Manager Culross added that the Resolution being adopted was more than a SEQR Determination but also made funding available and agreed to fiscal cooperation with the Village of Rye Brook and the County of Westchester.

Mayor Otis made a motion, seconded by Councilman Pratt, to adopt the following Resolution:

**RESOLUTION ADOPTING A SEQR NEGATIVE DECLARATION AND
ENDORISING A GRANT REQUEST FOR A JOINT SUBMISSION WITH
THE VILLAGE OF RYE BROOK FOR WESTCHESTER COUNTY
FLOOD MITIGATION PROGRAM FUNDING FOR A SLUICE GATE AT
BOWMAN AVENUE SPILLWAY**

WHEREAS, in 2007 Westchester County Executive Andrew Spano established the Westchester County Flood Mitigation Program and formed the Westchester County Flood Action Task Force to address flooding within the County; and

WHEREAS, the Flood Mitigation Program enables Westchester County to partner with municipalities and other government agencies to provide funding for flood control or flood damage reduction projects where there is also a County purpose to be served; and

WHEREAS, the City of Rye wishes to participate in the Westchester County Flood Mitigation Program and has submitted a joint application with the Village of Rye Brook to the County of Westchester for financial assistance to address flooding on Blind Brook within our municipalities; and

WHEREAS, the Rye City Council passed a resolution on December 17, 2008 authorizing the submission of a joint application with the Village of Rye Brook for Westchester County Flood Mitigation Program funding for a sluice gate at the Bowman Avenue Spillway; and

WHEREAS, the Rye City Council will consider the adoption of “Development and Planning Standards” of the Westchester County Flood Action Task Force into applicable municipal regulations, guidelines and policies and acknowledges that they must be adopted in order to receive any payments from the County of Westchester for its flood mitigation project for a sluice gate at the Bowman Avenue Spillway; and

WHEREAS, on March 11, 2009 the Rye City Council declared its intent to be lead agency and circulated the Full Environmental Assessment Form to all involved agencies on March 13, 2009; and

WHEREAS, no involved agency objected to the Rye City Council assuming lead agency status within 30 calendar days of the circulation of its notice of intent; and

NOW, THEREFORE BET IT RESOLVED, that the Rye City Council designates itself as lead agency and based on its review of the Full Environmental Assessment Form (EAF), the criteria listed in Section 617.7(c) of SEQRA and the complete record, the Rye City Council finds that the Bowman Avenue Spillway project will not have a significant adverse environmental impact and hereby adopts a Negative Declaration; and be it further

RESOLVED, the City of Rye commits \$546,840 (including \$225,000 in previously funded engineering and design studies and \$321,840 in additional funds) towards the total sum of \$2,221,100 as the local share of the cost of the flood mitigation project Bowman Spillway Sluice Gate; and be it further

RESOLVED, that the City Council of the City of Rye does hereby commit to working cooperatively with Westchester County and other municipalities in

Westchester County within the watersheds that include land within the City of Rye to reduce flooding and flood damages; and be it further

RESOLVED, that the City Council of the City of Rye authorizes the City Mayor and the City Manager to work with the Village of Rye Brook and the County of Westchester to prepare an Intermunicipal Agreement to accomplish the objectives of the aforementioned project.

ROLL CALL:

AYES: Mayor Otis, Council members Ball, Cunningham, Gamache, Parker
Pratt and Sack
NAYS: None
ABSENT: None

6. Presentation by Rye City Planner Christian K. Miller of the Central Business District Capital Planning and Streetscape Plan

Mayor Otis introduced City Planner Christian Miller who gave a presentation of the recently completed Capital Planning and Streetscape Study for the Central Business District. The year-long effort was completed with the assistance of a consultant as well as the Council-designated assistance from the Central Business District Task Force, chaired by Councilwoman Catherine Parker. Mr. Miller began by referring to the City's last physical plan for the downtown, which was done immediately after World War II, and showed specific improvements for specific areas within the Central Business District, including turning Purchase Street into a pedestrian mall and turning sidewalks into covered walkways. He said nothing that aggressive was proposed in the current study, which is far more balanced in respecting Rye's past while trying to accommodate existing and future needs. The initial genesis of the current plan had four objectives:

1. Coordination of capital projects. The City had a number of capital projects programmed within the Central Business District. \$350,000 was earmarked for traffic signal improvements required by New York State law. Elm Place and Smith Street are the two lowest scoring streets on the City's Pavement Management System in terms of condition.
2. Accommodation of current and future needs. Rye's downtown maintains much of the character that it had 100 years ago but it must be retooled in an efficient and appropriate way to meet new needs.
3. Establish standards in the plan. It must be determined what improvements are necessary for capital projects in the downtown.
4. Identify plan costs. It is important in current economic times to have a good sense of what things cost, not just overall costs but broken down in order to provide the ability to be flexible in implementation.

In January 2008, IQ Landscape Architects were hired by the City. Between January and May an inventory and analysis was performed on existing conditions. In September the Council was provided with an update of initial findings and the Council charged the Central Business Task Force to provide recommendations. The inventory and analysis process included:

- Looking at existing plans, such as designs for traffic signals.
- City staff televising all sewer and drain lines to review subsurface infrastructure.
- Identifying utilities.
- Making a complete inventory of all curbs and sidewalks.
- Having a certified arborist look at the health and condition of all the trees.
- Surveying the parking areas behind the stores as well as lighting and street amenities.

Based on the inventory, a plan was developed showing both opportunities and challenges. The findings were then presented to the Central Business District Task Force for their input. Mr. Miller said he would present a couple of highlights.

1. Intersections and traffic flow. The process started with the idea that traffic signals would be required at all intersections. Traffic signals are necessary at Locust Avenue and Purchase Street as well as at Theodore Fremd Avenue and Purdy Avenue and Purchase Street, where the plan talks about making minor intersection improvements to increase the capacity of the intersection. However, there is a question about the necessity of traffic signals at the intersections of Elm Place and Purchase Street and Smith Street and Purchase Street because the equipment necessary to accommodate modern traffic signals is difficult to accommodate in a small area like Purchase Street. A concept discussed was to change the type of traffic control to reinforce pedestrian safety by utilizing such things as bump outs which make pedestrians more visible or using different materials in the pavement that indicate vehicles should slow down. Temporary measures could be utilized to test the effect in order to determine what would best serve the needs of the community.
2. Trees. The mature trees on Purchase Street provide character to the street but also provide complications. Sidewalk heaving can result in injuries. The consultant suggested the idea of putting soil under the sidewalks that would allow the roots to grow without causing the same level of sidewalk heaving. When the arborist assessed the trees, it was discovered that the “memorial” trees planted in the downtown were stressed because they were not always the best choice. An idea of a “memorial tree” area has been suggested.

The City must then determine what it is looking for in terms of design standards for sidewalks, curbs, street lighting and appropriate trees. The cost for implementing all of the improvements has been identified as \$5 million. This includes projects that must be done as well as projects that might not have been considered previously, but allows the Council to pick and choose what it is they are interested in doing. The Task Force has considered funding strategies such as a Business Improvement District (BID) where businesses contribute to a fund; the creation of a Special Assessment District, which has been done for sewer projects; or a Parking Benefit District, which would use revenue from parking funds. The Task Force felt most comfortable with a smaller, “pay as you go” approach, not only because of the economic aspect, but because of the destruction a larger project would cause to the downtown. Elements of the plan are already being implemented at no cost to the tax payer such as the improvements made as part of the renovation of the Rye Grill & Bar. At its meeting in February, the Central Business District Task Force supported the idea of advancing a component of the plan based on the money

that the Council has earmarked in the 2009 budget from pay station revenue. The approximately \$200,000 in that account could be used for the Locust Avenue and Purchase Street intersection traffic signal replacement project. Cross walk improvements and pedestrian enhancements could also be included in the project. Mr. Miller concluded his presentation by thanking all the participants in the Central Business District Task Force for their help in the process.

Comments and Questions by the Council included:

- Essential infrastructure projects must be a priority due to the current economic situation and this plan could save up to \$300,000 by eliminating the need for two traffic lights.
- What is the calming affect of crosswalks and pavers? (Using different materials such as pressed asphalt in crosswalks is beneficial in terms of traffic calming.)
- How would using “bump outs” at the Locust Avenue/ Purchase Street intersection affect fire vehicles? (The consultant has been conferring with the Fire Department and a “bump out” will only be put in at that location if it works for the Fire Department. Turning movements for fire trucks will be tested. The traffic signal at this intersection would be upgraded to allow the Fire Department to control it.)
- Will Smith Street be changed to one-way? (It was considered by the Traffic and Transportation Committee, but making it one-way could cause traffic problems on Purdy Avenue from cars exiting the car parks.)
- Will there be a problem with ornamental crosswalks when utilities dig up the streets? (Utilities must be considered and have been reached out to. Repaving an area using pressed asphalt is less of a concern because changes can be made as necessary. It requires less maintenance than concrete.)
- The location for the proposed pedestrian improvements was chosen because of the number of safety issues involved in that area of Purchase Street and not because Councilwoman Parker’s store is located there. She had requested the location for the pedestrian improvement work be moved to another block.
- How will removing traffic signals from Elm Place and Smith Street help with safety? (The pedestrian improvements will make it safer.)
- Is the City required to have the upgrades to the traffic signals completed by a certain date? (It was supposed to be done by the 1980’s but now a City is required to have a program in place to show they are working on replacing the signals. The signals being replaced are the last signals that the City must replace to meet the requirements.)
- Are the traffic lights synchronized? (Yes, but not completely in order to keep traffic slower.)
- Does the non-traffic-light system have merit above the cost and equipment requirements? (Yes, there is less delay, and changes in the environment caused by the pedestrian improvements cause a change in the behavior of both the pedestrian and the driver.)
- The Task Force has put in a great deal of work on this project and includes people with a great deal of talent.

Members of the public commenting on the plan included: *John Carolin, 66 Milton Road, Sis D’Angelo, 60 Wappanocca Avenue, Irwin Lefkowitz, 38 Oakwood Avenue and Nick Everett, 19 Palisade Road.* Their comment included:

- Could the information be put on the website? (Yes)
- Will the memorial plaques from trees on Purchase Street be preserved? (If a tree comes down the plaque is not saved. The memorial trees have been identified in the plan, including the names on the plaques. DPW gives them attention.)
- How large an area does the plan cover? (From City Hall up Purchase Street to the I-95 overpass.)
- This plan is too small and does not take into consideration all the problems in the Central Business District. (It is not a Master Plan. The Central Business Task Force had a broader scope. This report is one piece of that project. The City must pick and choose what it can afford to do. The Council has a capital planning list of projects that goes out five years and wanted to do an analysis of what needed to be done before committing tax dollars.)
- The process was initiated by the Planning Commission and has been going on for over four years. The Task Force has done a great deal of planning and looked at hard issues. The community is lucky to have Christian Miller as City Planner.

7. Public hearing to amend local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-20 to provide a new Three-hour parking limit for Car Park No. 3

Mayor Otis opened the public hearing. Councilwoman Parker said the proposed local law offers multiple benefits for two user groups – shoppers or diners who need more than two hours and part-time employees who feed the meters. Mayor Otis asked if there was any comment on the proposed local law. *Jean Sinnott, 131 Purchase Street*, asked why the Council was considering two local laws and asked what was different about Car Park No. 3 from the others and were there special permits for part-time workers for that lot? She was told that Car Park No. 3 was not being set aside only for part-time workers but could be utilized by anyone who wanted to park for three hours. Deputy Corporation Counsel Kristen Wilson said the law would go into effect on July 1, 2009. There being no more public or Council comment, Mayor Otis closed the public hearing.

Councilman Pratt made a motion, seconded by Councilwoman Parker to adopt the following local law:

**LOCAL LAW
CITY OF RYE NO. 2-2009**

A Local Law Amending Chapter 191 “Vehicles and Traffic” Section 191-20 “Parking Time Limited” of the City Code of the City of Rye for the Purpose of Expanding the Hours of Permitted Parking in Car Park #3 to a Three Hour Limit

Be it enacted by the City of Rye, in the County of Westchester, as follows:

Section 1. § 191-20. Parking time limited [Added 5-15-1963 by Ord. No. 4-1963] is hereby amended to read as follows:

- A. Two-hour limit. The parking of vehicles is hereby prohibited in the following Car Park locations for a period longer than two hours between

the hours of 7:00 a.m. and 6:00 p.m., except on Sundays: [**Amended 11-17-1976 by Ord. No. 13-1976**].

Name of Car Park	Location
Car Park No. 1	Except for those cars that have all day/all night, all night or merchant permits
Car Park No. 2	Except for those cars that have all day/all night, all night or merchant permits
Car Park No. 4	Except for those cars that have all day/all night, all night or merchant permits
Car Park No. 5 [Added 11-16-1983 by L.L. NO. 12-1983]	Except for those cars that have all day/all night, all night or merchant permits

- B. Two-hour limit. The parking of vehicles is hereby prohibited in the following Street locations for a period longer than two hours between the hours of 7:00 a.m. and 6:00 p.m., except on Sundays:

Name of Street	Side	Location
Blind Brook Lane	Both	
Central Avenue [added 4-7-1983]	North	From 30 feet west of Boston Post Road to Walnut Street
First Street	East	Parking area between Commuter Parking Area and Purdy Avenue
Highland Road [Added 12-2-1981]	North	From Purchase Street to Club Road
Milton Road [Added 7-20-1994]	West	From Cross Street to Rectory Street
Natoma Street	North	
New Street (except also on Saturday) [Added 12-2-1981]		
Orchard Avenue [Added 5-2-1990]	North	From 300 feet from the intersection of Boston Post Road west to Theodore Fremd Avenue
Purchase Street	Both	From Natoma Street to Ridge Street
Rectory Street [Added 5-18-1994]	South	From Milton Road to Boston Post Road
Theodore Fremd Avenue	North	First 4 parking spaces of the parking area commencing at intersection with Blind Brook
Theodore Fremd Avenue [Added 10-7-1998]	South-east	From its intersection with Central Avenue northeasterly for 155 feet

Wappanocca Avenue Both

- C. Three-hour limit. The parking of vehicles is hereby prohibited in the following Car Park location for a period longer than three hours between the hours of 7:00 a.m. and 6:00 p.m., except on Sundays:

Name of Car Park	Location
Car Park No. 3	Except for those cars that have all day/all night, all night or merchant permits.

Section 2. The following sections are hereby renumbered as follows:

Old Section	New Section
191-20 (B)	191-20 (D)
191-20 (C)	191-20 (E)
191-20 (D)	191-20 (F)

Section 3.

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

Section 4.

This local law shall take effect on July 1, 2009.

ROLL CALL:

AYES: Mayor Otis, Council members Ball, Cunningham, Gamache, Parker
Pratt and Sack

NAYS: None

ABSENT: None

8. Public hearing to amend local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-38, to extend the hours of meter operation from 6:00 p.m. to 9:00 p.m.

Mayor Otis opened the public hearing. Councilwoman Parker said it was good that this public hearing came after the presentation on the Streetscape because money from the parking meters could possibly be used to make improvements in the downtown. She added that she hoped that in better economic times the City could have a Parking Benefit District, but in trying economic times money from meters could be used to reduce the tax burden. Ms. Parker said that restaurants are the businesses open during the 6:00 to 9:00 p.m. period and they draw customers from communities other than just Rye.

Council comment included:

- Is there an inequity for businesses that operate during the day, when meter use is in effect, than to those in operation at night, when meter use is not required? (It is not an issue of inequality but of treating all user groups the same.)
- How much will the enforcement for the additional time cost? Will the additional money be a wash? (What is contemplated at this time, is adjusting the schedules of the enforcement people, not adding additional staff.)
- Commissioner Connors' memorandum regarding the cost of enforcing the additional hours should be redistributed to the Council. (If the Parking Enforcement Officers were not being used as School Crossing Guards it would make adjusting their hours easier.)
- The Council does not want to hurt the downtown businesses but this is an opportunity to get funds from non-Rye residents.
- A decision must be made as to where the additional monies will go.
- How can the Council make this change without proof that it will yield significant revenue and that the revenue will be coming primarily from non-Rye residents?
- The meters were implemented originally for more than just revenue and should be in effect for all hours.
- Spot enforcement could be utilized to encourage compliance.

Members of the public commenting on the proposed local law included: *Sis D'Angelo, 90 Wappanocca Avenue, Irwin and Linda Lefkowitz, 38 Oakwood Avenue, Peter Jovanovich, 647 Milton Road and Jim Amico, 350 Midland Avenue.* Public comment included:

- This item should not have been put on the agenda until the Council knew what it would cost to implement.
- Many members of the Council ran on a platform against the parking meters.
- Parking meters are a bad idea. A City as large as Rye should have a decent parking system.
- What amount of annual revenue is projected by extending the hours of meter operation? (If the lots are full it could be as much as \$60,000, middle amount is \$20,000 to \$30,000.)
- The amounts originally projected for the meters were not accurate.
- The City should determine the number of restaurant seats, get the number of people in them and multiply by three hours to determine what the income would be.
- Parking meters are a big inconvenience but the biggest problem is enforcement.

It was the consensus of the Council that the public hearing should be held open to the next meeting.

9. Public hearing to adopt a local law amending Article 22, "Tax Administration" C22-1 "City Assessor; Powers and Duties" of the City Charter of the City of Rye

Mayor Otis opened the public hearing and asked City Assessor Noreen Whitty to explain the reasoning behind the proposed amendment. Ms. Whitty said that she is recommending the change in order for the City's property valuation date to coincide with the State's valuation date for establishment of equalization rates and residential assessment ratios. Many communities in

Island. Upon receipt of that list, City Code Enforcement officers were asked to review the list and determine which of the alleged violations were covered by City Code, which were covered by the County Health Department and which might be covered by some other group. After consultation with the Corporation Counsel it was determined that the City had authority to go to Hen Island to do an inspection of the exterior of the structures. On April 1, 2009, the Building Inspector, Fire Inspector, City Planner, Assistant City Manager and Boat Basin Supervisor made an inspection of the Island with respect to the areas under City jurisdiction. It was determined that there were some violations and a Notice of Violation was issued to Kuder Island Colony on April 8, 2009. On April 9, 2009 a letter was sent to the Deputy Commissioner of the Division of Environmental Health of the County of Westchester transmitting Mr. Tartaglione's list with a designation of what the City believed were under the County's jurisdiction. There were some items where the jurisdiction has not been determined.

A discussion ensued on the issue among the Council, *Joe Murphy, 57 Franklin Avenue*, representatives of *HealtheHarbor.com* including *Jordan Glass, Esq., 7-11 Legion Drive*, and *Ray Tartaglione* and representatives of Kuder Island Colony (Hen Island) including *Ira Goldenberg, Esq. attorney for the Corporation and Helen Cunningham, Michael Clay Johnson and Jason Anderson, shareholders of Kuder Island Colony*. Comments and questions included:

- Has the County Board of Health responded to the letter regarding the violations? (The Building Inspector notified the County that the letter would be coming but there has been no response received yet.)
- Why was a second inspection made for violations? (It was previously indicated that inspections were made and no violations were found. After the last meeting it was determined that the nature of the previous inspections was limited and dealt only with building applications before the City; therefore, a comprehensive inspection was made.)
- The Corporation Counsel instructed City Manager Shew to provide the Council with wrong information about the existence of violations.
- It is not unusual for the City Manager to consult with the Corporation Counsel.
- The City of Rye has the right to take control of sanitary issues back from the County and should take control of water and sewer issues on Hen Island.
- County Health Inspectors have inspected Hen Island and made a decision. There is a Court decision siding with the County.
- The City and County covered up conditions on Hen Island.
- Kuder Island Colony is in receipt of the violation notices and will work with the City to resolve the issues. Many of the issues in the notice of violation are things routinely dealt with in Spring clean up of the Island.
- Mr. Tartaglione has brought many lawsuits against Kuder Island Colony since being voted off the Board.
- Kuder Island Colony began as a picnic site. It has always been the practice to collect water off the roofs but the residents do not drink that water.
- Life on Hen Island is like taking a step back in time and that is the way the residents like it.
- Photos show by Mr. Tartaglione were taken a couple of years ago and many of the conditions represented have changed since then

11. Update on 980 Forest Avenue

Mayor Otis said that since the last Council meeting he sent a letter to Mr. Schubert outlining some of the issues and asking Mr. Schubert for input on what he wanted to do next. He asked if there was any comment. Members of the Council as well as *Joe Murphy, 57 Franklin Avenue; Sis D'Angelo, 90 Wappanocca Avenue; John Carolin, 66 Milton Road and Jean Sinnott, 131 Purchase Street* commented on the issue. Comments included:

- The Schubert issue should be dealt with earlier in the evening.
- Many other people have important matters coming before the Council and have to wait their turn.
- The City should take former Mayor Carey up on his suggestion to investigate the issue along with former Mayor Grainger in order to resolve the issue.
- The report by the hydrologist determined that water is still flowing to the Schubert pond from the Gates property, making another investigation unnecessary. If Mr. Schubert is not satisfied with the report, he should consent to the dye test.
- The water level rose in many areas of Rye during this week but did not rise in the Schubert pond. The orifices in the pond remain open.
- Letter from the Mayor to Mr. Schubert purports to represent the position of the entire Council but was not circulated for review.
- Hydrology report was not definitive; it should have been done three years ago.
- Letter from Mayor was in response to two letters sent to him by Mr. Schubert and was reviewed by both the Corporation Counsel and Interim City Manager.
- City money was only spent on an investigation after former City Naturalist Chantal Detlefs' allegations were made. Most disagreements among staff are not brought to the attention of the Council.
- Investigation should be done in order for allegations made by Chantal Detlefs to be resolved.
- Money spent on the hydrology report was a sham.
- The Community does not support the Council in the Schubert matter. The City should have shown compassion for Mr. Schubert and helped him out with his issue. He should not have to pay for the suggested remedies to the problem; the City should take care of it.
- Many members of the Community are tired of the Schubert issue taking over the City's agenda. They don't think the City should spend any taxpayer money on an issue that is between two private residents.
- Councilmembers have spent a great deal of time on this issue over the last two and one-half years.
- The City Council should not prolong the Schubert issue any more. The Council was elected to listen to citizen's concerns.
- When citizens speak snidely to members of the Council it demeans everyone.

12. Consideration to set a public hearing to adopt a local law amending Article X, "Swimming Pools" Sections 157-66 through 157-79 of the Rye City Code

Deputy Corporation Counsel Kristen Wilson said that the proposed local law addresses a few inconsistencies in the City's current law and a recent decision by Acting City Court Judge Runes in a matter prosecuted by the Building Department.

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

WHEREAS, the Council wishes to amend Chapter 157, Sanitary Regulations, Article X, Swimming Pools, Sections 157-66 through 157-79, of the Code of the City of Rye; and

WHEREAS, it is now desired to call a public hearing on such proposed amendments to the 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 May 13, 2009 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 proposed local law to amend Chapter 157, Sanitary Regulations, Article X, Swimming Pools, Sections 157-66 through 157-79, of the Code of the City of Rye.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 13th day of May, 2009 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 amend Chapter 157, Sanitary Regulations, Article X, Swimming Pools, Sections 157-66 through 157-79 of the Code of the City of Rye.

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

Dawn F. Nodarse
City Clerk
Dated: April 30, 2009

13. Appointed by Mayor, with Council Approval (1) one person to the Board of Assessment Review term ending September 30, 2011

Mayor Otis made a motion, unanimously approved by the Council, to appoint Debbi Davis Galliard to the Board of Assessment Review for a term expiring on September 30, 2011.

- 13A One appointment to the Board of Architectural Review for a three-year term, by the Mayor with Council approval

Mayor Otis made a motion, unanimously approved by the Council, to appoint Roberta Downing to the Board of Architectural Review for a three-year term expiring on January 1, 2012.

14. Authorization for City Manager to enter into an Agreement with the County of Westchester for 2009-2010 Prisoner Transportation Services
Roll Call

Councilman Cunningham made a motion, seconded by Councilman Pratt, 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, 2009 through December 31, 2010.

ROLL CALL

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Gamache, Parker,
Pratt and Sack

NAYS: None

ABSENT None

15. Authorization for City Manager to enter into an Agreement with the New York State Unified Court System for 2008-2013 to provide for the cleaning of the interior of the City of Rye Courthouse
Roll Call

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

RESOLVED, that the City Manager is hereby authorized to enter into an Agreement with the New York State Unified Court System to provide for the cleaning of the interior of the City of Rye Courthouse for the period April 1, 2008 through March 31, 2013.

ROLL CALL

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Gamache, Parker,
Pratt and Sack

NAYS: None

ABSENT None

16. Scheduling of the Annual Square House meeting for May 13, 2009

Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried, to schedule the ceremonial portion of the regular meeting of the City Council at the Square House for May 13, 2009.

17. Miscellaneous communications and reports

Councilman Cunningham complimented the Fire Department and Ladies Auxiliary for hosting the annual Kirby Easter Egg Hunt at Rye Rec.

Councilman Sack sadly noted the passing of Frank Aiello, saying that “Frank the Barber” was a true gentleman and great barber who will be missed by the community.

Councilman Ball said that on Tuesday, April 21st, Jeremy Farrington, a former Garnet football player, will be appearing on the game show “Who Wants to be a Millionaire?”.

18. Old Business

Councilman Ball referred to flooding concerns of residents on Marlene Court that had been previously brought to the attention of the Council. He said that there had been momentum in the County Engineering Department to address the drainage issues by replacing piping to increase capacity and improve flow out of the neighborhood under the Playland Access Road and into a culvert. The County initiative on this project has stopped and he would like to see if there is anything that can be done to resurrect the County’s interest in the project.

Councilwoman Parker said she did not believe the Council has wrapped up the discussion of the leaf blower ban and wondered if any action should be taken prior to the May 1st effective date. Councilman Ball said he would look forward to having further discussion on the law. Mayor Otis said that the Council might want to review the simultaneous use law for equipment to exempt Spring and Fall clean up time from enforcement.

Councilman Sack asked that the Square House portion of the May 13th Council Meeting be filmed again this year.

19. New Business

Councilman Pratt reminded everyone that the annual Little League Parade would be held on Saturday, April 18th.

20. Draft unapproved minutes of the special meeting of the City Council held March 23, 2009, and the regular meeting of the City Council held March 25, 2009

Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried, to approve the minutes of the special meeting of the City Council held on March 23, 2009 and the regular meeting held on March 25, 2009, as amended.

21. Adjournment

There being no further business to discuss, Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried, to adjourn the meeting at 12.50 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk