

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on December 2, 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
Councilmembers

ABSENT: None

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

Anthony Spencer 11 Brevoort Lane, spoke about the leaf blower law. He said that the period from May to October when the use of leaf blowers was banned was working, but during the time when use of leaf blowers is permitted, the ban on more than one blower being used on a single property was not being adhered to or enforced by the City. He said it was inappropriate to make residents vigilantes and suggested the Council conduct another review of the law next year.

Bob Zahm 7 Ridgewood Drive, said there appears to have been a step up in traffic enforcement in town and a more visible presence and asked if there had been direction given to change enforcement. He said he had requested that the City publish on the website data regarding citations issued and asked when that would be done. City Manager Culross said that the Police Commissioner has indicated that the information that had been given to the Council was prepared for the Traffic and Transportation Committee (T&T) and it not complete. Mr. Zahm added that he was surprised to see that there was an attempt to remove the crosswalk markings at the Playland Parkway Access Road intersection and asked if the Council was informed prior to the action. He contended that people had been crossing at this location as long

as the bridge over the Playland Parkway has been there and added that he would continue trying to get the County to work with the City on the situation.

Council comment included:

- The Council does not get into operational issues.
- The City Manager had brought to the Council's attention that the normal procedures for installing a crosswalk were not followed when that crosswalk was put in.
- It had been noted at the last meeting that it was dangerous to have a crosswalk at that location and the City Manager had taken a step to rectify the dangerous situation.
- The long-term solution is a County capital project to redesign the overpass.
- Crossing at this location will not go away; is there a responsible way to do something that doesn't expose the City to undue liability.
- The City has reacted to suggestions put forth by Mr. Zahm by putting additional money into Safe Routes to Schools projects for next year and suggesting the hiring of an additional Parking Enforcement Officer.

Assistant City Manager Pickup said that staff has learned from County Legislator Judy Myer's Office that there are currently two projects that impact the area near the Playland Access Road. The project that connects the Rye and Harrison train stations with a bike path will impact the bridge design and the second project is the bridge redesign capital project. These projects would be coordinated by the County.

Jim Amico 350 Midland Avenue, asked when the North Street/Theodore Fremd Avenue project would be completed? City Manager Culross said it was a County project. Mr. Amico also asked what the timeframe was for a resident to repair a sidewalk once a violation was issued. Mr. Culross said there is not a particular timeframe. Mr. Amico said he had attended the last T&T meeting and presented a petition signed by neighbors in the Ellis Court to Goldwin Street area requesting a No Parking Zone and provided the Council with a copy. Assistant City Manager Pickup said that there would be a recommendation from T&T on the December 16th City Council meeting agenda to set a public hearing on this issue. He quoted from a study on the City website regarding Midland Avenue and again requested that the section of the study offering the opinion of T&T and the County Traffic Engineer relative to his son's accident be removed. Councilman Ball said that it was an opinion, not a finding of the study, and the accident had been a driving force in doing the study. Since Mr. Amico was requesting that language be removed from a T&T report, it was suggested that he make his request to that Committee.

Police Commissioner William Connors made a presentation on the recent rash of burglaries in town. He said that historically burglary has a low clearance rate but the three major burglary patterns in Rye in the last two years have all been closed by arrest. Currently there have been four burglaries in a concentrated area of Hix Park and two in Glen Oaks, but it is difficult to say if they are related. They have targeted jewelry and cash. The Department is increasing patrols, using the plate reader car in that area, looking at other resources from the County and

State and working with other investigative agencies. He suggested that residents should lock their doors, set alarms, keep lights on, communicate with their neighbors and keep watch on each others houses, lock their cars, and call in anything suspicious.

4. Public hearing on the proposed 2010 Budget

Mayor Otis opened the public hearing by offering thanks to City Manager Frank Culross, City Comptroller Jean Gribbins, Deputy Comptroller Joe Fazzino and City Department Heads for preparing a tight budget that proposes a 1.56% increase and proposes spending that is less than 2008. Councilwoman Parker said she did not agree with using the Undesignated Fund Balance for operating expenses in order to lower the tax rate even though it might be tempting to do so. She quoted from the minutes of the December 12, 2007 City Council meeting, noting that members of a prior City Council shared a similar position. The Mayor opened the meeting to comment from the public.

The only member of the public commenting was *Sally Wright* who appeared on behalf of the Chamber of Commerce and said she was concerned that the pay station money was going away from the Central Business District (CBD) and hoped the Council would consider giving some of the funds back to the CBD. She said it is important to keep the CBD functioning well; that the City Planner has developed a wonderful plan that is going nowhere from lack of funding and will probably be delayed further due to the budget process. Mayor Otis said that based on workshop discussions language will be adopted at the next meeting that will keep track of money raised from the pay stations; keep track of CBD projects that are funded with that money, and report the money spent in the budget document and the Capital Improvement Plan (CIP), so people can monitor that spending in the CBD keeps up with the funds that come from the pay stations. He also noted that \$15,000 to finish the design work for the redoing of the Theodore Fremd Avenue/Purchase Street/Purdy Avenue intersection will also be included in the budget. Councilman Cunningham said that the Locust Avenue crosswalk bump-out project, which is funded for 2010, will be user friendly to the CBD and was funded from pay station money. Ms. Wright also asked about the proposed Roundabout for the Purchase Street/Wappanocca Avenue/North Street intersection. City Manager Culross said it is in the budget, but the funding will be from the County.

Mayor Otis summarized the proposed changes to the 2010 budget as follows:

- \$50,000 dedicated to Safe Routes to Schools project;
- Hiring of an additional Parking Enforcement Officer (PEO);
- Language delineating the amount of pay stations revenue and tracking how it is utilized in the CBD;
- \$15,000 to complete the design of the Theodore Fremd Avenue/Purchase Street/Purdy Avenue intersection.

Councilman Ball clarified that the language regarding the use of pay station revenue should refer to net proceeds, as there is a cost to the operation of the pay stations.

Mayor Otis closed the public hearing and said that the Council will vote on the Resolutions to adopt the budget at the December 16th meeting.

5. Resolution authorizing the acceptance of the Federal Economic Recovery Stimulus funds and providing authorization for the Mayor and City Counsel to enter into an agreement with the New York State Department of Transportation (NYSDOT) for the Pedestrian Safety improvement projects

City Manager Culross said that the Resolution was required to accept the \$695,000 in stimulus funds which will be spent on the following projects: (1) \$195,000 for Library Lane signal and pedestrian phase signals and ADA compliant curb cuts; (2) \$85,000 for Playland Parkway and Forest Avenue pedestrian improvements; (3) \$85,000 for Midland Avenue and Palisades Road intersection improvements; (4) \$160,000 for a new sidewalk from Johnson Place to the Mamaroneck line; and (5) \$170,000 for Oakland Beach Avenue sidewalk improvements. He said that this Resolution authorized execution of the contract with the State. Assistant City Manager Pickup said there are many bidding and compliance requirements but no restrictions on the use of the improvements. Engineering costs will be about 10% of the amount received. The projects must go out to bid by January 7th. Mr. Culross added that the system had been designed for failure and staff had made an extraordinary effort.

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

**ECONOMIC RECOVERY PROJECTS
MUNICIPAL/SPONSOR RESOLUTION**

WHEREAS, the **Pedestrian Safety Improvements and ADA Ramps** identified as **PIN 8760.84**, an Economic Recovery Project in the **City of Rye**, (hereinafter “the Project”), **in Westchester County** (hereinafter “the Municipality/Sponsor”), is eligible for funding Under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds.

NOW, THEREFORE, the Municipality/Sponsor’s Council duly convened does hereby:

RESOLVE, that the Municipality/Sponsor’s Council hereby approves the Project; and it is hereby further,

RESOLVED, that the Municipality/Sponsor agrees to advance the Project through the Municipality/Sponsor’s resources and agrees that the Municipality/Sponsor’s Council hereby authorizes the Municipal/Sponsor to pay in the first instance the full federal and full non-federal costs of any and all phases(s) or portions thereof.

RESOLVED, that the Municipality/Sponsor’s Board makes a 100% commitment of the non-federal share (if any) of the costs of **Construction/ Construction Inspection** phases(s) of work for the Project or portions thereof, with the federal share of such costs to be applied directly by the

New York State Department of Transportation (“NYSDOT”) pursuant to the State/Local Agreement; and it is hereby further,

RESOLVED, that the sum of **\$695,000** is hereby appropriated from the City’s General Fund and made available to cover the cost of participation to complete the Project including all phase(s) or portions thereof.

RESOLVED, that upon the completion of the construction of the Project, or a fully usable portion thereof, the Municipality/Sponsor agrees to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and it is hereby further,

RESOLVED, that in the event the full federal and non-federal share of the Project exceeds the amount appropriated above, the Municipality/Sponsor’s Council shall convene as soon as possible to appropriate said excess amount immediately; and it is hereby further,

RESOLVED, that the **Mayor** is hereby authorized to execute all necessary Agreements or certifications on behalf of the Municipality/Sponsor, (subject to the Municipality/Sponsor Attorney’s approval as to form and content), with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality/Sponsor’s first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further,

RESOLVED, that in addition to the Mayor, the following municipal titles: City Manager, City Engineer, and City Comptroller are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further,

RESOLVED, that this Resolution shall take effect immediately.

ROLL CALL:

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

NAYES: None

ABSENT: None

6. Resolution authorizing the financing for the Rye Town Park Capital Improvement Project

City Manager Culross said staff is suggesting that instead of issuing new bonds for the City’s \$414,000 share of the capital improvement to the Rye Town Park Administration Building, authorization be given to utilize funds from the 2002 Recreation Bond that were designated for recreation buildings. The City’s bond counsel has said that by adopting a

Resolution, \$414,000 can be redirected to pay for the roof at Rye Town Park and the City would not have to issue additional funding at this point and would also allow the City to utilize funding that must be spent. Councilman Cunningham said the original intent of the bonding approved by the taxpayers had been to pay for the renovations to the Damiano Center but the project was changed by action of a Council majority and the original project was not funded, which resulted in the funds not being spent in a timely manner. The voters who approved the original bonding are not getting what they wanted, which was to fund a recreation project in the City of Rye, and this Council must now vote to fund a recreation project that is not in the City of Rye in order for the funds to be spent.

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

WHEREAS, the City issued \$2,900,000 principal amount general obligations to finance the cost of additions to and the reconstruction of various City-owned buildings for park and recreational purposes pursuant to a \$4,400,000 aggregate principal amount serial bond resolution adopted by the City Council on April 10, 2002; and

WHEREAS, after completion of such park and recreational building addition and reconstruction project, \$890,000 of the \$2,900,000 proceeds of obligations issued by the City for such object or purpose remain unspent; and

WHEREAS, the City Council has been advised by the Commissioners of Parks that the City's obligation to fund its portion of a capital project established in Chapter 848 of the Laws of 1953, together with the Town of Rye, is \$414,000 and said Commissioners have delivered to the City Council a certificate as to the City's funding obligation pursuant to section 2 of said Chapter 848; and

WHEREAS, the City Council expects that the Town of Rye will contribute, appropriate and fund its portion of said capital project as certified by said Commissioners; and

WHEREAS, the City Council has determined that efficient financial administration of the City's obligation pursuant to said Chapter 848 will be achieved by applying said unspent proceeds to fund the cost of said obligation rather than incur new indebtedness

NOW, THEREFORE, be it resolved by the City Council of the City of Rye, New York, anything in the Charter of the City to the contrary notwithstanding, as follows:

1. **RESOLVED**, that pursuant to section 165.00(a) of the Local Finance Law and section 11 of the General Municipal Law, a portion of the proceeds originally in the amount of \$2,900,000 constituting a part of obligations of the City issued pursuant to a \$4,400,000 aggregate principal amount serial bond resolution adopted by the City Council on April 10, 2002, now unspent and not needed for the object or purpose (the construction and reconstruction of City-owned buildings for park and recreational purposes), hereby shall be (i) deposited in a single special account of the City in a bank or trust company located and authorized to do business in New York, (ii) not at any time commingled with other funds of the City, and (iii) expended and applied only to the cost of an object or purpose similar to and of the same period

of probable usefulness as the object or purpose for which the such part of said obligations were issued, all in lieu of applying said unspent proceeds to annual debt service on said obligations. In connection with the issuance of said obligations, the City Council hereby ratifies, approves and confirms the powers delegated to the City Comptroller, as chief fiscal officer of the City, contained in said bond resolution.

2. **FURTHER RESOLVED**, that prior to the expenditure of said unspent proceeds, the City Council shall conduct applicable environmental compliance proceedings under the NYS Environmental Quality Review Act with respect to the environmental and climate change impact of said similar object or purpose.

3. This resolution shall take effect immediately.

ROLL CALL:

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

NAYES: Councilmembers Cunningham and Sack

ABSENT: None

The Resolution was adopted by a vote of 5 to 2.

During the Old Business section of the meeting, Mayor-elect Doug French said that he had implored the Council to go ahead with the Damiano Center project when he spoke at the January 4, 2004 Special Workshop and February 4, 2004 Council meeting.

7. Authorization for the City Manager to enter into a contract with Aero Hardware & Parts Co, Inc. to extend the terms on the final payment of \$5 million due on 1037 Boston Post Road.

City Manager Culross said that the amendment to the contract of sale requires the City to do nothing but gives the City an opportunity to do something. In March 2006 the City purchased 1037 Boston Post Road for \$6.2 million payable over 48 monthly payments of \$25,000 each with a \$5 million balloon payment due May 1, 2010. This amendment gives the City the option to extend the due date for the \$5 million balloon payment for up to 24 months by making monthly interest payments at a rate of 5.75% or \$23,958.33. The balloon payment is subject to adjustment based on changes to the capital gains tax rates after May 1, 2010.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to enter into a contract with Aero Hardware & Parts Co., Inc. to extend the terms on the final payment of \$5 million due on the purchase of 1037 Boston Post Road.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Gamache, Parker,
Pratt and Sack
NAYES: None
ABSENT: None

8. Discussion of amending the Chapter 90 Fences and Walls to allow for deer fencing

Mayor Otis said that some individuals in the City have put up, or are contemplating putting up, deer fencing to protect vegetation on their property. The City's fence law does not provide any accommodation for deer fencing. Deputy Corporation Counsel Kristen Wilson has surveyed other deer fencing regulations in other communities. He said it is a broad policy question that is probably more appropriate for the new Council.

Council comments included:

- People are putting up 6 foot fences, which are not high enough to keep deer out.
- A broader discussion is required, which should include County participation regarding deer culling.
- The deer problem will not go away. There should be a stay against making people take down existing fences until the new Council can focus on the entire issue.
- Deer fences could take deer away from their food source and cause them to change their patterns.
- Deer fences may not be the solution to the problem. The City should look at a larger deer management plan.
- The City should check with other municipalities regarding the results of increased use of deer fencing.
- Get feedback from the Rye Nature Center regarding the results of the deer fencing they put up.

9. Discussion of notice provisions for land use applications

Mayor Otis said that at the last meeting a resident informed the Council about a situation where he and some of his neighbors don't feel they received notification of an application before the Board of Architectural Review (BAR). The Council received a memo from Deputy Corporation Counsel Wilson which summarized the original issue and looked at possible remedies. Ms. Wilson passed out a draft local law which deals with two areas: (1) notice, and (2) the appeal process. The notice provisions are similar to those of the Planning Commission for subdivision applications and requires posting a notice on the property. Notices must be sent to properties within 500 feet of the perimeter of the subject property. It is suggested that notices to cooperatives and apartment buildings be sent to the property owner to be posted in five common areas and requires that the applicant provide a certificate of mailing for the abutters to prove that the notice was sent. The appeals process was changed to any person aggrieved rather than the current restriction, which only allows applicants to appeal to the Zoning Board of Appeals.

Council comment and questions included:

- Are we trying to overcorrect something and looking beyond the scope of the original problem? Maybe the only change needed is to mandate that notice be sent by certified mail, return receipt, to prove that it was received.
- The three basic issues in Ms. Wilson's memo are: (1) instituting a more definite way of determining that neighbors are notified; (2) codifying BAR rules; and (3) who currently has standing to appeal to the Board of Appeals. The issue of standing to appeal should probably be considered by the incoming Council.
- Abutters in all land use matters should receive notice by certified mail.
- A certificate of mailing would not be a burden and a sign on the property is a good idea.
- The need for expanding the standing to appeal would not be necessary if the notification process was improved.
- Proof that the letter was received (return receipt) is better than proof that it was mailed (certificate of mailing).
- There is no foolproof method of ensuring that people get notice. Requiring certified mail will make it more likely. The ultimate decision on an application is made by the Boards not the neighbors, even though their comments are taken into consideration.

Councilman-elect Peter Jovanovich, who currently serves on the BAR, said that many applications that come before the Board are for minimal changes, so the Council may want to consider a threshold for noticing requirements.

Mayor Otis said the consensus of the Council was to direct the Corporation Counsel to draft two local laws, one codifying the process for the BAR, and the second, requiring a return receipt mailing process for abutters to all applications before the Zoning Board of Appeals, Planning Commission and BAR. Copies of the draft local laws should be sent to all Boards as well as the Building Inspector for comments.

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

WHEREAS, the Council wishes to amend Chapter 53, Architectural Review, of the Code of the City of Rye by amending Section 53-3, Meetings and Procedures of Board, regarding noticing requirements for applications; and

WHEREAS, the Council wishes to rescind Chapter 68-8(G), Building and Demolition Permits, 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 December 16, 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 53, “Architectural Review” of the Code of the City of Rye by amending §53-3 “Meetings and Procedures of Board” regarding noticing requirements for applications and to rescind Chapter 68-8(G) “Building and Demolition Permits”.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 16th day of December, 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 53, “Architectural Review” of the Code of the City of Rye by amending §53-3 “Meetings and Procedures of Board” regarding noticing requirements for applications and to rescind Chapter 68-8(G) “Building and Demolition Permits”.

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

Dawn F. Nodarse
City Clerk
Dated: December 10, 2009

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

WHEREAS, the Council wishes to amend the Code of the City of Rye Chapters and Sections: 170-6(F), Subdivision of Land, Procedures for Tentative approval of Preliminary Layout; 170-7(C), Procedures for Approval of Subdivision Plat; 197-7, Zoning, Site Development Plan; 197-10, Zoning, Uses Permitted Subject to additional Standards; 197-81(F), Zoning Appellate Jurisdiction of Board; 195-5(C), Wetlands and Watercourses, Public Hearings and Public Notification by Applicant; 196-15, Wireless Communications Facilities, Public Hearings Required, regarding noticing requirements; 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 December 16, 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 the Code of the City of Rye Chapters and Sections: §170-6(F) “Subdivision of Land, Procedures for Tentative approval of Preliminary Layout”; §170-7(C) “Procedures for Approval of Subdivision Plat”; §197-7 “Zoning, Site Development Plan”; §197-10 “Zoning, Uses Permitted Subject to additional Standards”; §197-81(F) “Zoning Appellate Jurisdiction of Board”; §195-5(C) “Wetlands and Watercourses, Public Hearings and Public Notification by Applicant”; §196-15 “Wireless Communications Facilities, Public Hearings Required”, regarding noticing requirements.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 16th day of December, 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 the Code of the City of Rye Chapters and Sections: §170-6(F) “Subdivision of Land, Procedures for Tentative Approval of Preliminary Layout”; §170-7(C) “Procedures for Approval of Subdivision Plat”; §197-7 “Zoning, Site Development Plan”; §197-10 “Zoning, Uses Permitted Subject to additional Standards”; §197-81(F) “Zoning Appellate Jurisdiction of Board”; §195-5(C) “Wetlands and Watercourses, Public Hearings and Public Notification by Applicant”; §196-15 “Wireless Communications Facilities, Public Hearings Required”, regarding noticing requirements.

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

Dawn F. Nodarse
City Clerk
Dated: December 10, 2009

9A. Consideration of setting a public hearing to designate the three parking spaces on the north side of Elm Place closest to Theodore Fremd Avenue as fifteen minute parking spaces

Councilman Cunningham said his proposal addresses the concern of one particular business, a dry cleaner, located in the perimeter of town, which makes it different from previous requests by businesses in the core of the town. The business is currently being impacted short-term by work being done at the former location of Mike's Bike Shop and will be impacted again when work begins on the Theodore Fremd Avenue wall project. Mr. Cunningham added that customers, who park to go to other businesses in the area and park for more than 15 minutes, affect this business; therefore, he is recommending instituting a permanent 15 minute parking restriction at the end of Elm Place. Assistant City Manager Pickup said some arrangements were made when the Elm Place wall was repaired temporary arrangements were made for parking for business that were impacted. The upcoming Theodore Fremd Avenue wall project will cause further issues. The T&T looked at the situation and made a recommendation about a temporary relocation of parking pending the upcoming projects in order to determine what the permanent solution might be.

Council comment included:

- This proposal fits the pattern where 15 minute parking has been authorized in other outlying areas.
- There could be more long-term impact on this business by another business opening at the former bike shop location.
- Could staff provide the minutes from the last time a discussion of 15 minute parking came before the Council to determine if this location should be treated differently.

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

WHEREAS, the Council wishes to amend Chapter 191, Vehicles and Traffic, of the Code of the City of Rye by amending Article III, Parking Regulations, to Restrict Three (3) Parking Spaces on the North Side of Elm Place closest to Theodore Fremd Avenue to fifteen (15) Minute Parking; 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 December 16, 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 191 “Vehicles and Traffic” of the City Code of the City of Rye, by amending Article III “Parking Regulations” to Restrict Three (3) Parking Spaces on the North Side of Elm Place closest to Theodore Fremd Avenue to Fifteen (15) Minute Parking.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 16th day of December, 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 191 “Vehicles and Traffic” of the City Code of the City of Rye, by amending Article III “Parking Regulations” to Restrict Three (3) Parking Spaces on the North Side of Elm Place closest to Theodore Fremd Avenue to Fifteen (15) Minute Parking.

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

Dawn F. Nodarse
City Clerk
Dated: December 10, 2009

10. Miscellaneous communications and reports

Mayor Otis said he had received an email from a Holly Kennedy regarding a project in North Castle for a new parking garage that might have some flood impact due to water runoff into Blind Brook. The Mayor said he spoke with representatives of the Town of North Castle who indicated a public scoping session had been held this week, which allows for written comments to be presented. They suggested the City send a letter asking that the Town include an analysis of the water runoff issues and water retention issues in their scoping process. Councilman Pratt added that part of the problem is that Westchester County Airport’s water drainage was redirected away from Rye Lake to the Blind Brook Basin.

11. Old Business

Councilman Cunningham distributed a packet that included a map outlining alternate routes for parents in the Rye Gardens area to walk their children to school and bypass the area from Sonn Drive to Oakland Beach Avenue but allowing them to cross at the proper location. His said his observations of the maximum number of people coming to the Sonn Drive intersection in the morning was 35, with 17 crossing at the location and the balance walking to the proper location at Oakland Beach Avenue to cross. He said that prior to committing

approximately \$30,000 in funds for a road diet to solve a neighborhood issue, a more balanced discussion must be held. Mr. Cunningham also provided a list of 90 children who attend Midland School that he said would have to walk along the section of Forest Avenue without sidewalks, if they chose to walk to school. He said this corridor was the number one issue Midland School people listed in the Temporary Traffic Safety and Trails Committee report; the Sonn Drive area was not listed. Future Councils must balance the needs of the community. Mr. Cunningham asked a question regarding the proposed safe routes projects put into the budget for 2010 and suggested staff look at how any traffic light sequence changes would affect traffic flow coming from Oakland Beach Avenue. Assistant City Manager Pickup said a public meeting would be held prior to instituting a new road diet in the area. Councilman Cunningham asked if there was any update regarding a senior issue at Rye Golf Club brought up at a prior meeting. Councilman Sack, the Council liaison to the Golf Commission said he did not have anything to report but hoped the issue could be worked out with the Golf Commission without Council intervention. Councilman Cunningham also asked for a three-year maintenance record on the sewer vacuum truck.

12. New Business

There was no new business to be discussed.

13. Draft unapproved minutes of the Budget Workshop held November 12, 2009, the Budget Workshop held on November 16, 2009 and the Regular Meeting/Budget Workshop of the City Council held on November 18, 2009

Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried to approve the minutes of the Budget Workshop held on November 12, 2009, the Budget Workshop held on November 16, 2009 and the Regular Meeting/Budget Workshop of the City Council held on November 18, 2009, as amended.

14. Adjournment

There being no further business to discuss, Mayor Otis made a motion, seconded by Councilman Pratt and unanimously carried, to adjourn the meeting at 10:25 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk