

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on January 20, 2010 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor  
RICHARD FILIPPI  
PAULA J. GAMACHE  
PETER JOVANOVIH  
SUZANNA KEITH  
CATHERINE F. PARKER  
JOSEPH A. SACK  
Councilmembers

ABSENT: None

The meeting convened at 7:02 p.m. Councilwoman Gamache made a motion, seconded by Councilwoman Keith and unanimously carried, to adjourn into Executive Session to discuss litigation. Councilwoman Gamache made a motion, seconded by Councilwoman Keith to adjourn the Executive Session at 8:02 p.m. The regular meeting convened at 8:15 p.m.

1. Moment of silence

Mayor French asked everyone to stand for a moment of silence for the late George Croughan.

2. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance.

3. Roll Call

Mayor French asked the City Clerk to call the roll; a quorum was present to conduct official city business.

Announcements

Mayor French began the meeting with the following announcements:

- The League of Women Voters is holding a session at the Rye Free Reading Room on January 21<sup>st</sup> at 8:00 p.m. on the topic of shared services. City Manager Frank Culross will be a participant.
- The Parking Subcommittee from Rye will present their findings at the February 11<sup>th</sup> Rye Town Park Commission meeting.

- There will be a joint meeting between the School Board and City Council on February 9<sup>th</sup>, prior to the School Board meeting to discuss pedestrian safety. There will be a planning meeting on January 29<sup>th</sup> for this meeting with the Mayor, Councilwoman Keith, School Board President Josh Nathan, Dr. Shine, City Manager Culross, Assistant City Manager Pickup and Bob Zahm.

Councilman Filippi made the following announcements:

- The Better Business Bureau is concerned that people will be using the Census as an opportunity for scams. He advised everyone to ask for identification from anyone saying they are with the Census and never give out financial information or social security numbers. He added that the Census Bureau does not use emails for obtaining their information.
- The Environmental Advocates of New York are advising that there is a move by the State to allow drilling for natural gas on watershed lands around the reservoirs. He advised those who feel strongly about this issue to contact Governor Patterson, Senator Oppenheimer or Assemblyman Latimer with their concerns.

4. Draft unapproved minutes of the regular meeting of the City Council held January 6, 2010

Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on January 6, 2010, as amended.

5. Westchester County Government Update by Westchester County Legislator Judy Myers

County Legislator, Judy Myers, offered an update on what is happening at the County level relating to the City of Rye. She noted that a meeting had been held with representatives of the County, City and School Board relating to the capital project to rehabilitate the bridge over Playland Parkway at Old Post Road and North Street. She said the County will try to communicate with everyone on what is happening. Rye's concerns about the bridge and sidewalk over the bridge were discussed. She noted that it is the County's contention that the area over the bridge is a space for plowing snow and not a real sidewalk, but an increased walkway will be included in the redesign of the bridge. This project is part of a project to link the Rye and Harrison train stations. She said it is hoped that the bonding authorization for the project will come to the Board of Legislators for approval in the current quarter with the project ultimately going out to bid in about a year.

Ms. Myers said that things in the County are in flux due to the new administration getting settled. The overall mantra will be "how can more be done with less" and the challenge will be how to consolidate, share and streamline services, and still keep government as the safety net it needs to be. Ms. Myers said that two-thirds of the County operating budget was State-mandated. The mandate requires that the services be provided, not how well they are delivered, which is where cuts may be made. She added that she had voted against the County budget and believed

that there were more areas where cuts could be made, especially in the areas of overtime for public safety, corrections and probation.

Ms. Myers responded to questions from Councilman Filippi regarding deer culling, coyotes and speeding up the payment to municipalities of mortgage and sales tax receipts.

- An experimental deer cull was conducted in two County parks from November 7 to December 31. A report will be forthcoming. The overall objective is for deer culling to be conducted in less populated areas of the County.
- A Cornell Cooperative study is being conducted in the County relative to coyotes that will be completed by the Spring.
- Mortgage tax is collected and sent out to municipalities twice a year but must be received from the municipalities before it is divided and sent back to the municipalities so it is unlikely that it can be done faster.

Mayor French said he believed the joint goals of the City and County were: 1) regional flood mitigation; 2) pedestrian safety; 3) implementation of affordable housing; 4) 287 planning; and 5) Playland.

Ms. Myers advised the City to sign and return the Intermunicipal Agreement relating to funding for the sluice gate project in order for the money to be processed. She said she was also following up on the money for the Bird Homestead. She said she would be an advocate for the City in any discussions about the future of Playland.

6. Mayor's Manager Report – 1037 Boston Post Road

City Manager Culross gave a brief overview of the property at 1037 Boston Post Road. In March 2006, the City Council authorized the purchase of the property. The purchase agreement provides for 48 monthly payments of \$25,000 with a \$5 million payment due on May 1, 2010. The Agreement was amended in November 2009 granting the City the option to defer the May 1, 2010 payment for up to 24 additional months. It would require an interest payment of 5.75% on the unpaid balance plus a potential hold-harmless adjustment if capital gains tax rates change. The purpose of the acquisition was to address the parking deficit on the City Hall/Rye Free Reading Room campus and to study its potential use as a Police and/or Court facility. In October 2006 the City entered into a five-year lease agreement with the Cloz Companies as tenant. The lease was assigned in July 2008 to Lesters of Rye, LLC. The tenancy expires in February 2012. The City anticipates rent and sewer tax reimbursements of \$275,000 from the tenant. Payments to the former owner and taxes and miscellaneous expenses for this year are roughly \$375,000. The net cost to the City for owning the property is approximately \$100,000 per year. In Fall 2008 the City contracted with JCJ Architecture for the purpose of studying alternative solutions for accommodating the needs of the City Police Department and Court Facility. A draft report was submitted in January 2009.

David Jepson of JCJ Architecture made a presentation relative to the aspects of the report dealing with 1037 Boston Post Road. In 2008 his firm was asked to evaluate the 1037 site as well as the adjoining building at 1031 Boston Post Road to determine if that property would

make the site more viable. The criteria used included: it would be a 50 to 70 year building; would meet the program needs of both the police and court facilities; be fiscally responsible in terms of design and operation once completed; and, be environmentally sensitive and meet all building codes. They worked with both user groups to evaluate their program needs and determined that the court facility needed about 9,000 square feet and the police department needed about 18,000 square feet. Both groups need public areas and operating areas. They looked at three different configurations for the property: 1) a one story facility, which was deemed not practical for the size of the property; 2) a one and one-half story building; and 3) a three story building. Parking drives these types of projects and the parking needs of City Hall and the Library as well as the Police and Court were considered. He described three scenarios for the 1037 site that included: 1) building a one and one-half story building that would necessitate acquiring the building at 1031 to provide a second exit; 2) building a three-story building on the 1037 site; and 3) utilizing the current building. All options included parking decks. He said that the best option was the three-story building.

Council questions and comments included:

- What would the gross cost of the project be? (In the current economy approximately \$23 million.)
- Are there any issues with the current building other than flooding? (The only value of the current building would be the exterior walls, which would be the shell of any renovation.)
- The Council must decide if they want to do the police/court project now that they know it can be done at the 1037 site and have a ballpark estimate of the cost.
- The building may not be worth as much now as when it was purchased so the Council must decide what they want to do before moving on.
- The reason why the JCJ study was not discussed publically before was because one of the options involved the possibility of acquiring the property at 1031 Boston Post Road.
- The City does not have the money to spend on a new police station or courthouse and, therefore, should move on.
- The City should come up with alternative uses for the site and present them to the Council.
- Could the Finance Committee be asked to analyze the situation and come up with options?
- Even if the site is not used for a police station, the City still owes money on the property.

It was the consensus of the Council that City staff should provide a report about options for the site as well as financial implications prior to referring it to the Finance Commission and Planning Commission for their input.

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

*John Karras, 10 Park Lane*, said he was concerned about the temporary parking approval the Council granted on January 6<sup>th</sup> to allow residents to park on Park Lane overnight. He said that the residents who want to park on Park Lane overnight do not live there. The residents of Park Lane do not receive adequate public works services such as plowing, salting and street cleaning due to the allowed overnight parking. He asked the Council to rescind the temporary

approval. Assistant City Manager Pickup said a proposal with off-street parking options is being vetted by the Traffic and Transportation Committee and would be presented to the Council in February with a recommendation.

*Tom O'Connor, 26 Johnson Place*, came to ask about the status of the notice process issue. Interim Corporation Counsel Kristen Wilson said that it is anticipated that at the February 24<sup>th</sup> meeting the Council will consider setting a public hearing on revised local laws depending on receipt of comments received from the Boards and Commissions and staff. *Amy Warner and Janine Lenton, 24 and 22 Johnson Place respectively*, indicated that they had also not received notice of the Board of Architectural Review public hearing on a construction project on Hunt Place.

*Nancy Tagliaferro of the firm of Keane & Beane*, said she was the attorney for Milton Harbor House and urged the City not to defer the Old Milton Road drainage project that is in the approved capital improvement plan. *Derek Fahey, 720 Milton Road and resident of Milton Harbor House*, also urged the Council not to defer the project.

*Henry King, 76 Coolidge Avenue*, asked for an update on the Beaver Swamp issue. Mayor French said that the City's consultant, Laura Tessier, has reviewed the revised plan submitted by the Town of Harrison and will file a response. The Administrative Law Judge (ALJ) set a preliminary deadline of January 28<sup>th</sup> for providing comments.

*Bob Zahm, 7 Ridgewood Drive*, said he was excited that the joint meeting of the City Council and School Board on pedestrian safety has been scheduled. He also offered thanks to County Legislator Judy Myers, Councilwoman Keith, City staff and representatives of County Departments for the meeting that was held regarding the Playland Access Bridge. He asked that since the County has agreed to do the work to expand the "sidewalk" over the bridge that the City consider repainting pedestrian crosswalk markings on both sides of the bridge prior to the end of the school year. He also thanked Councilwoman Keith, Assistant City Manager Pickup and Brian Dempsey, Chair of the Traffic & Transportation Committee (T&T), for walking the Boston Post Road and Old Post Road from Osborn School to the Playland Access Drive in order to understand the situation. He additionally asked about the status of the completion of traffic citation numbers for 2009.

*Craig Dreves, 325 Milton Road*, said he would like to create a time capsule project to mark the 350<sup>th</sup> Anniversary of the Town of Rye. He said it is an opportunity to make history, leave a mark and send a message to the future and could bring the community together, and he hoped the City would be on board with the project. *Sherry Jordan of the Rye Historical Society* said the Historical Society has many events planned to celebrate the 350<sup>th</sup> Anniversary and the idea of working with the community, especially the children, fits into their mission. She said she hopes the time capsule could be put on Historical Society property and would like the backing of the City.

8. Continuation of public hearing 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". (Ministerial function only to close the public hearing. No action will be taken by the City Council.)

Interim Corporation Counsel said this agenda item was a ministerial function to close a public hearing. It is anticipated that a new amendment will be before the Council in February.

Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried to close the public hearing on an amendment to Chapter 53, "Architectural Review" that was originally opened on December 16, 2009.

9. Public hearing to restrict parking on Midland Avenue by amending changes to local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-19, No Parking Any Time, to not allow parking on the eastbound side of Midland Avenue from Ellis Court to Grace Church Street

The public hearing was opened and Mayor French asked if anyone wanted to speak on the proposed law. Brian Dempsey, Chair of the T&T Committee, said that the Committee met with Mr. Amico on the matter regarding the request to eliminate on-street parking on the east side of Midland Avenue between Goldwin Street and Ellis Court. Currently there is no on-street parking North of Goldwin Street. The Committee has reviewed the request and is in favor of the proposal because it will have limited impact to on-street parking. Possible negatives are an increase in speeding due to a wider road and impact to side streets from patrons of Bellusios. The Committee is recommending that people who park for "Soccer Saturdays" be encouraged to park in the parking lot behind Midland School.

Council questions and comments included:

- How many parking spaces would be affected? (Six)
- Why is the Committee in favor of this change now when they were opposed to it in a December 2, 2009 memo? (The Committee was in favor of the change at this location but against a similar request for restricted parking north of this area on the west side of Midland Avenue.)
- Rye Youth Soccer should be notified about the change.

Councilman Filippi made a motion, seconded by Councilwoman Keith and unanimously carried, to close the public hearing. Councilwoman Keith made a motion, seconded by Councilman Filippi, to adopt the following local law:

**LOCAL LAW  
CITY OF RYE NO. 1 OF 2010**

**A LOCAL LAW AMENDING CHAPTER 191 "VEHICLES AND TRAFFIC" SECTION 191-19 "NO PARKING ANY TIME" OF THE CITY CODE OF THE CITY OF RYE FOR THE PURPOSE OF PROHIBITING ON-STREET PARKING ALONG MIDLAND AVENUE FROM ELLIS COURT TO GRACE CHURCH STREET**

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

**Section 1.**     **§ 191-19. No parking any time [Added 5-15-1963 by Ord. No. 4-1963] is hereby amended to read as follows:**

The parking of vehicles is hereby prohibited in all of the following locations:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Midland Avenue	East	Ellis Court to Grace Church Street

**Section 2.**     Severability

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 3.**

This local law shall take effect upon filing with the Secretary of State.

**ROLL CALL:**

**AYES:**                 Mayor French, Councilmembers Filippi, Gamache, Jovanovich,  
                              Keith, Parker and Sack  
**NAYS:**                 None  
**ABSENT:**             None

The local law was unanimously adopted.

10.     Update on Midland Avenue Improvements

Prior to discussing Midland Avenue improvements, Brian Dempsey, Chair of T&T, updated the Council on other “Stimulus” projects. Bids have been opened and it is projected that construction will start in March. There is a tight time frame for completing the work based on the State and Federal funding.

- At the intersection of Playland Parkway and Forest Avenue, crosswalks and handicapped ramps will be added, pedestrian signals will be updated and a sidewalk will be constructed near Rye Beach Pharmacy and the Playland Market.
- The traffic signals at Library Lane and Purchase Street will be redone and brought up to State standards. The pedestrian crossings will be updated to provide countdown signals for the visually impaired.
- A sidewalk will be constructed along the Boston Post Road from Johnson Place to the Mamaroneck line.
- The sidewalk along Oakland Beach Avenue from west of Allendale Drive to Red Oak Lane will be rebuilt and a curb will be put in.

In connection with Midland Avenue, four, solar-powered, speed measurement signs will be added. There will be one on each side of Midland School and the others will be on either side of Palisade Road. These signs have been shown to be effective in reducing speed. The major improvement at the intersection of Midland and Palisade Road is the construction of a bump-out, which is an extension where the sidewalk is pushed out into the road approximately six to eight feet. It will replace the striping on the road with a physical barrier that reduces the travel width of the road and should slow the traffic and improve sight distances coming out of Palisade Road. The option of a stop sign at this location has been considered, not only by T&T but also by Traffic Engineers who are in agreement with T&T and are not in favor of putting a stop sign at this location. Stop Signs should not be used for speed control as they can sometimes increase speed due to drivers trying to make up the time they lose at a stop sign. When they are put in where not warranted, they increase driver frustration and many either don't stop or roll through the sign. Unwarranted stop signs also increase the chance of rear-end accidents because people are not expecting to stop. The Committee recommends increasing education to the students and the public in general in connection with correct procedures for crossing and also the see what happens after the stimulus projects are implemented.

Council questions and comments included:

- The City's team has been working on this issue but it is critical to look at Midland Avenue as a whole, including the crosswalks at Midland School. (T&T has been looking at all the issues facing Midland Avenue. Midland School has asked for an additional crosswalk located near the driveway of the former Administration Building and there are issues with having two crosswalks close together.)
- Would T&T recommend putting a stop sign at a location other than Palisade and Midland? (No)
- Should bump-outs be put in other locations along Midland Avenue? (Test the ones being installed first.)
- There is some public sentiment for putting up a temporary stop sign to determine if it could make a difference. (T&T is concerned about temporary stop signs, but if one is put in, additional on-street parking should be eliminated so people can see the sign.)
- How many accidents have there been in Rye in the past year at stop signs due to cars stopping short? (Data received by T&T is not that detailed. There are only a few locations where stop sign placement is an issue.)
- What are the benefits of stop signs and traffic lights? (Stop signs are designed to regulate traffic at certain locations where traffic needs to be regulated. There are certain requirements as to when they should be put in.)
- Determining if a stop sign is needed is an art not a science and there is much subjectivity in the decisions. (There is engineering judgment used and the Manual on Uniform Traffic Control Devices (MUTCD) guidelines are included in the City Stop Sign Policy.)
- Stop Signs are not just for speed control, but also to create awareness and actually stop traffic. (The State guidelines say stop signs are not to be used for speed control.)
- Why wouldn't a stop sign placed at Palisade and Midland be obeyed? (Based on the type of traffic on the road, it is believed, not just by T&T but by County Engineers, that drivers would think it is an unwarranted stop sign.)

- Will there be signage to alert people of the crosswalk? (Yes, on each side of the crosswalk.)
- Is there a relationship between enforcement and safety? (Enforcement does help improve safety.)
- Do cars parked on-street serve as traffic calming? (It narrows the street and causes people to drive slower.)
- Do bump-outs calm traffic in the same way? (Yes, they also narrow the roadway as well as improving sight lines.)
- Not one traffic engineer has supported putting a stop sign at Midland Avenue and Palisade Road. The Council looks to experts for their advice.
- How will the bump-out slow the traffic flow when it is only on the Palisade Road side of Midland Avenue? (Parking is already prohibited on the other side of the street. A bump-out on the other side would be in the travel lane.)
- Would better enforcement statistics help T&T in giving recommendations? (A member of the Committee gets the statistics from the Police Department. The City averages one accident a day. This area does not have a high incidence of vehicular accidents.)

Members of the public commenting included: *Rita Moreira, Jim Amico and Rene Lipsio*.  
Their comments included:

- Something must be done.
- Stop signs are to stop traffic and regulate it, they don't cause accidents.
- The bump-out will not slow traffic – only enforcement and a stop sign will regulate traffic.
- Education won't work – children won't change their habits.
- The Council must deal with the problem.
- A stop sign should be put up – it will work.

Additional Council comments included:

- Could the Engineers come back and explain why a stop sign couldn't be put at the Midland and Palisade intersection? (If the City requests it, the County will provide a letter explaining their position.)
- Is there legal exposure if a stop sign is put up and there is an accident?
- There is no clear cut answer on the stop sign issue. It should be tried. Action is better than inaction. (T&T is unanimous in their opinion. If they felt it would help they would have recommended it.)
- T&T should vet the idea of a temporary stop sign as an option. (A reason for the implementation of the Stop Sign policy was to get the City to follow State guidelines.)
- Would putting up a stop sign jeopardize the stimulus funding? (It could, and if it did, it would jeopardize the funding for all the other projects as well because they are all considered one project.)
- Could the crosswalk be moved later? (After the project is completed and approved; changing the project now could put the entire stimulus project at risk.)
- Changes should not be contemplated if they put stimulus funds at risk.

- There are two options: 1) put a temporary stop sign in before doing the stimulus work and do a speed study with the County; and 2) do the stimulus work and then put the stop sign in.
- Move ahead with the projects as planned and get recommendations on stop signs.

Prior to making appointments to Boards and Committees, Mayor French said it was important that the Board police themselves and recuse themselves when necessary to avoid conflicts of interest.

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

Mayor French made a motion, unanimously carried, to reappoint Anthony Piscionere and Tamara Mitchel to the Board of Appeals for three-year terms expiring on January 1, 2013.

12. One appointment to the Board of Architectural Review for a three-year term, three appointments to fill out a term expiring on January 1, 2011, and one appointment to a term expiring on January 1, 2012, by the Mayor with Council approval

Mayor French made motions, unanimously carried, to appoint Mark Schindler to a three-year term expiring on January 1, 2013; Eugene McGuire, David Cutner and John Clark to terms expiring on January 1, 2011; and Robin Jovanovich to a term expiring on January 1, 2012.

13. Designation of the Chairman of the Board of Architectural Review by the Mayor

Mayor French designated Eugene McGuire as the Chairman of the Board of Architectural Review for a one year term.

14. One appointment to the Board of Ethics for a three-year term, and one appointment to fill out a term expiring on January 1, 2012, by the Mayor with Council approval

Mayor French made motions, unanimously carried, to reappoint Edward B. Dunn to a term expiring on January 1, 2012 and John Alfano to a three-year term expiring on January 1, 2013.

The Mayor added that Interim Corporation Counsel Kristen Wilson will also serve on the Board of Ethics.

15. Three appointments to the Conservation Commission/Advisory Council for three-year terms, two appointments to fill out a term expiring on January 1, 2011, and two appointments to fill out a term expiring on January 1, 2012, by the Mayor with Council approval

Mayor French made motions, unanimously carried, to reappoint Loriel DeCaro and to appoint Kristina Bicher and Sara Goddard to three-year terms expiring on January 1, 2013; to

appoint Brigit Townley to term expiring on January 1, 2012; and to appoint Marci Raab to a term expiring on January 1, 2011.

16. Designation of the Chairman of the Conservation Commission/Advisory Council by the Mayor

Mayor French designated Loriel DeCaro as the Chairman of the Conservation Commission/Advisory Council for a one-year term.

17. Four appointments to the Finance Committee for a three-year term, by the Mayor with Council approval

Mayor French made motions, unanimously carried, to reappoint David Mullane, Michael Caponiti and Frederic Dunn and appoint David Blank to three-year terms expiring on January 1, 2013.

18. Three appointments to the Landmarks Advisory Committee for three-year terms, and one appointment to fill out a term expiring on January 1, 2012, by the Mayor with Council approval

Mayor French made motions, unanimously carried, to reappoint George Zahringer and appoint Laura Brett and Rex Gedney to three-year terms expiring on January 1, 2013; and appoint Maurio Sax to fill out a three-year term expiring on January 1, 2012.

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

Mayor French made motions, unanimously carried, to reappoint Barbara Cummings and Carolyn Cunningham to three-year terms expiring on January 1, 2013.

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

Mayor French designated Barbara Cummings as the Chair of the Planning Commission for a one-year term.

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

Mayor French made motions, unanimously carried, to reappoint Frank Adimari and Bart DiNardo and appoint Lisa Dempsey and Jonathan Peters to three-year terms expiring on January 1, 2013.

22. Designation of the Chairman of the Recreation Commission by the Mayor

Mayor French designated Bart DiNardo as Chairman of the Recreation Commission for a one-year term.

23. Three appointments to the Rye Cable Commission for three-year terms, one appointment to fill out a term expiring on January 1, 2011, and one appointment to fill out a term expiring on January 1, 2012, by the Mayor with Council approval

Mayor French made motions, unanimously carried, to reappoint Stephen Fairchild and appoint Ken Knowles and Mary Ellen Doran to three-year terms expiring on January 1, 2013; and appoint Susan Olson to a term expiring on January 1, 2012; and appoint Mark Delli Colli to a term expiring on January 1, 2011.

24. Designation of the Chairman of the Rye Cable Commission by the Mayor

This appointment was deferred to the next meeting.

25. Three appointments to the Traffic and Transportation Committee for three-year terms, and one appointment to fill out a term expiring on January 1, 2012, by the Mayor with Council approval

Mayor French made motions, unanimously carried, to reappoint Brian Dempsey, Denver Boston and John Gray to three-year terms expiring on January 1, 2013; and appoint Stacy Koenig to a term expiring on January 1, 2012.

26. Designation of the Chairman of the Traffic and Transportation Committee by the Mayor

Mayor French designated Brian Dempsey as Chairman of the Traffic and Transportation Committee for a one-year term.

27. Consideration of establishing the Rye Governmental Relations Committee

Mayor French said he found that there was a great deal of pending legislation that comes down from the State and County relative to labor relations and grant opportunities. He said he felt it would be helpful to have a Committee that would look at these issues. He asked the other members of the Council to comment on a proposed Resolution prepared by Interim Corporation Counsel Wilson:

Council comments and questions included:

- What is the basic function of the Committee? (When Subcommittees are formed they have to learn the government structure in order to do their work. If there was one group focused on governmental relationships, they could report back to the Council on opportunities or actions that the Council or the public were not aware of.)
- City staff already does this and has a great depth of knowledge on these issues.
- The City Council already is the Government Relations Committee.
- The Committee is an opportunity for the cities and towns in Westchester to get together and rally for key issues in the State with guidance from the Council.
- How will staff fit in? Should staff guide the Committee in terms of what issues they should explore?

- Staff should not get involved in political issues. Maybe the role of the Committee is to provide input as it relates to politics.
- It is the role of the Council to represent the City's interests to other officials.
- It is not the job of individual Council members to lobby government officials.
- There are two components: 1) a legislative research committee to look at proposed legislation and identify its impacts on the City; and 2) the role of lobbyist, which is more controversial.
- It would be an asset to have a group that would reach out to other Sound Shore communities and report back to the Council in order to find mutual ground.
- The Committee could look at pending legislation in order to shape City policy.
- There is no benefit to the Committee. Individual subcommittees should be formed regarding specific issues.
- A special committee would avoid subcommittees having to go through the learning curve and would accelerate the process.

The Resolution was tabled.

28. Consideration of resolution to increase the size of the Finance Committee

Mayor French said that, as discussed at the last meeting, the Finance Committee will have a great deal to do and more members will allow for the creation of subcommittees.

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

**WHEREAS**, the City Council finds that there is a demand for greater financial analysis in both range of topics as well as the depth of research; and

**WHEREAS**, the City Council finds that there is also a greater need for specialization in specific subject matters; and

**WHEREAS**, in order to meet these new demands and needs, the City Council would like to expand the existing Finance Committee membership from nine (9) to up to eleven (11) members;

**NOW, THEREFORE, BE IT RESOLVED**, that the resolution establishing a Finance Committee for the City of Rye, adopted February 5, 1997 and amended on January 16, 2002 and February 15, 2006, be amended as follows to increase the size of the committee from 9 members to 11 members.

**“WHEREAS**, citizen advisory committees form an important governmental foundation in the City of Rye; and

**“WHEREAS**, past financial advisory committees of limited duration have supplied important citizen input on budget and other City financial matters; and

**“WHEREAS,** the City Council encourages the creation of temporary subcommittees of additional volunteers to leverage citizen expertise in particular subject matters; and

**“WHEREAS,** whenever there is a conflict or an appearance of a conflict between a particular member and a subject matter, that person shall recuse him or herself from any discussion on the matter so that objectivity may be maintained; and

**“WHEREAS,** against the above background of success, it is in the best interests of the City to establish a permanent citizens’ advisory committee on finances;

**“NOW, THEREFORE, BE IT RESOLVED,** that a permanent Finance Committee for the City of Rye is hereby established to consist of eleven members, all residents of Rye, to serve for three-year terms, except that one of the appointments made in January 2010, shall be for a two-year term expiring on January 1, 2012 and the other appointment made in January 2010 shall be for a three-year term expiring on January 1, 2013 so that term expiration of the eleven member Commission shall be staggered; and be it further

**“RESOLVED,** that the members of the Finance Committee shall be appointed by the City Council, and that one member shall be designated by the Finance Committee as Chairman; and be it further

**“RESOLVED,** that the Committee shall have the following duties:

- 1) To advise the City Council on appropriate revenue and expenditure policies and financial policies;
- 2) To review quarterly and annual financial statements of the City and report findings to the City Council;
- 3) To review the annual budgets of the City, including all the funds therein, and report their findings to the City Council;
- 4) To undertake such other studies as shall be assigned to them or as they shall deem appropriate to assure that the financial condition and policies of the City are sound and that the taxpayers are receiving appropriate value.
- 5) Any dispute or conflict shall be settled by a majority vote of the Committee.”

The Resolution was adopted unanimously.

29. Consideration of resolution to increase the size of the Rye Cable Television Committee

Mayor French said the idea was to expand the role of the Cable Committee in order to reflect the expansion of media since the Committee was established. He asked Interim Corporation Counsel Wilson to modify the Resolution to reflect these changes. The Resolution was tabled until the next meeting.

30. Consideration to set a Public Hearing to amend Chapter 10, "Committees" of the Code of the City of Rye by rescinding Article III to dissolve the Youth Advisory Committee

Interim Corporation Counsel Wilson said that since the Youth Advisory Committee is part of the City Code, a local law must be adopted to rescind that portion of the City Code. Mayor French said that the Committee has not met since 2005 and there may be other ways to get youth involved. Other members of the Council said there should be discussion about the purpose of the Committee prior to its being disbanded.

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

**WHEREAS**, the Council wishes to amend Chapter 10, Committees, of the Code of the City of Rye by rescinding Article III to dissolve the Youth Advisory Committee; 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 February 24, 2010 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 to amend Chapter 10, "Committees", of the Code of the City of Rye by rescinding Article III to dissolve the Youth Advisory Committee

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 24<sup>th</sup> day of February, 2010 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 10, "Committees", of the Code of the City of Rye by rescinding Article III to dissolve the Youth Advisory Committee.

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

Dawn F. Nodarse  
City Clerk  
Dated: February 12, 2010

31. Consideration to set a Public Hearing to amend Article 20A, "Traffic and Transportation Committee" of the Charter of the City of Rye, Section C20A-2 to expand the number of members on the committee

Councilman Filippi made a motion, seconded by Councilwoman Keith and unanimously carried, to adopt the following Resolution:

**WHEREAS**, the Council wishes to amend the Charter of the City of Rye, Article C20A-2, Traffic and Transportation Committee" by changing the name of the committee to the "Traffic and Pedestrian Safety Committee" and amending Section C20A-2, "Appointment" to expand the number of members of the committee; 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 February 24, 2010 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 to amend the Charter of the City of Rye, Article C20A-2, Traffic and Transportation Committee" by changing the name of the committee

to the “Traffic and Pedestrian Safety Committee” and amending Section C20A-2, “Appointment” to expand the number of members of the committee.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 24<sup>th</sup> day of February, 2010 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 Charter of the City of Rye, Article C20A-2, Traffic and Transportation Committee” by changing the name of the committee to the “Traffic and Pedestrian Safety Committee” and amending Section C20A-2, “Appointment” to expand the number of members of the committee.

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

Dawn F. Nodarse  
City Clerk  
Dated: February 12, 2010

32. Update on the 2010 Capital Improvement Budget

In response to a request made at the last Council meeting, City Manager Culross said that a substantial portion of what was in the 2010 Capital Improvement Budget was allocated to traffic and safety projects. He said that cash flow and issues related to the economy were taken into consideration in the preparation of the 2010 budget. He added that it is to the City’s advantage to pay all or as much of the \$5 million that is owed on 1037 Boston Post Road prior to May 1, 2010 as possible. City staff has been looking at ways to come back to the City Council with recommendations to pay for things by bonding that are normally paid for with cash, in order to free up the cash for the 1037 Boston Post Road payment. Staff has identified some projects in the Capital Improvement Plan that are less critical than others, where cash can be reallocated.

Council comment and questions included:

- The Council might want to focus on deferral of projects for other reasons than to speed up pedestrian safety projects.
- There should be a public discussion on the Rye Meeting House relative to its recreational and educational purposes prior to money being spent. The only reason to spend money on the site would be historic preservation and there is no organization in existence to use the house. There are more immediate needs for recreation funds than this property.
- Is there any opportunity to move money around to deal with additional pedestrian issues?
- All governments are looking at capital projects. What projects should be slowed down?
- Projects not on the current list should be the subject of separate discussions.
- What is the source of the funding for the capital project at the Meeting House? (It is City money. The project would stabilize the foundation but would not change the look of the building.)

- The reason for this discussion is for the Council to provide feedback to staff prioritizing projects that have been approved.
- If the adopted capital budget is overturned does it open the door to overturning the operating budget? Don't look at this as a way to go back to the drawing board.
- If the Gagaliardo restroom project is deferred how long does the City have to use the money from the Recreation Bond? (The Council should not do projects that they don't think are viable. It is not critical that the money be spent this year.)
- Should the Council authorize staff to start working on certain projects listed in the City Manager's memo and table others for future discussion?
- Public hearings were held on the budget before it was adopted.
- There is a difference between mixing and matching projects and deferring projects due to economic concerns.
- Pedestrian safety issues are more crucial to the health and safety of the public and should be accelerated.

Councilman Filippi made a motion, seconded by Councilwoman Keith, to adopt the following Resolution:

**RESOLVED** that the City Council directs the City Manager and City staff to start with projects listed in the January 15, 2010 memorandum from the City Manager starting with the ARRA Stimulus projects through the Cedar Place Sewer project; but excepting those projects listed in paragraphs six through nine of the memorandum until further discussion is held.

Councilman Sack questioned the need for the Resolution, saying that the adopted budget provided the authority to spend, but was not a mandate to spend. The City Manager would have come to the Council if he believed projects needed to be deferred. City Manager Culross said his memo was not a priority list. He said he wanted to know what projects the Council wanted to proceed with prior to staff beginning work on the projects. Mayor French indicated that he felt the Council needed further information on certain projects prior to adopting a Resolution.

**ROLL CALL:**

AYES: Councilmembers Filippi, Jovanovich and Keith  
NAYS: Mayor French, Councilmembers Gamache, Parker and Sack  
ABSENT: None

The motion was defeated by a vote of 4-3.

33. Resolution to declare certain equipment as surplus  
Roll Call.

Councilwoman Keith made a motion, seconded by Mayor French to adopt the following Resolution:

**WHEREAS**, the Coordinator of Computer Services has determined that the following equipment is obsolete or otherwise no longer useful to the City:

**APPROVED MINUTES** - Regular Meeting - City Council  
January 20, 2010 - Page 19

<b>MAKE</b>	<b>MODEL</b>	<b>SERIAL NO.</b>
HP	L1925 monitor	CNB42903LS
COMPAQ	TFT5030 monitor	224BL72UX120
COMPAQ	TFT5030 monitor	21BL72UP052
COMPAQ	TFT5030 monitor	148BL72UK131
COMPAQ	TFT5030 monitor	150BL72UP142
COMPAQ	TFT5030 monitor	205BL72UP335
COMPAQ	TFT5030 monitor	205BL72UP404
COMPAQ	TFT5030 monitor	205BL72UP252
COMPAQ	TFT5030 monitor	226BL72UX005
ELO	ET1515L monitor	726122403C
ELO	ET1515L monitor	726141967C
ELO	ET1515L monitor	727137182C
ELO	ET1515L monitor	727137154C
ELO	ET1515L monitor	726147702C
ELO	ET1515L monitor	726122405C
COMPAQ	1720 monitor	CN2500C134
COMPAQ	1720 monitor	CN2510K700
COMPAQ	S720 monitor	206CP43AA799
COMPAQ	S720 monitor	132CL43ZN193
SAMSUNG	SYNCMaster 700B monitor	H8WJ900935M
SAMSUNG	SYNCMaster 700B PLUS monitor	KG17H8OK110321M
COMPAQ	P1220 monitor	209FD21EB167
COMPAQ	V50 monitor	702BC06RA546
HP	1702 monitor	CNC522207Q
COMPAQ	TFT5030 monitor	210BL72UP810
SAMSUNG	150S monitor	GG15HVET928266F
COMPAQ	PROSIGNIA 200 computer	D847BWP10092
SCI EDGE	SCI EDGE computer	35817
COMPAQ	DESKPRO computer	6949CJN4L747
SCI EDGE	SCI EDGE computer	8798
COMPAQ	DESKPRO computer	6911CL94A157
COMPAQ	DESKPRO computer	L3B750AMULK190
COMPAQ	DESKPRO computer	6911CL94A105
COMPAQ	DESKPRO computer	6011DFL5A320
COMPAQ	DESKPRO computer	X116FR3ZA373
COMPAQ	DESKPRO computer	6850CKF2A044
COMPAQ	PROLIANT 800 computer	D806BJW10839
COMPAQ	EVO computer	W238KN9ZC160
COMPAQ	EVO computer	W238KN9ZC158
HP COMPAQ	EVO computer	2UA6261K7R
HP COMPAQ	EVO computer	USU40409V9
COMPAQ	EVO computer	X221JYHZB745
COMPAQ	EVO W6000 computer	6Y26KN7Z300J
COMPAQ	DESKPRO computer	6852CBM2A295
COMPAQ	EVO computer	X218JYHZC639
COMPAQ	EVO computer	X213JYHZB138
HP COMPAQ	HP COMPAQ computer	USW40303X9
COMPAQ	EVO computer	X215JYHZB201

COMPAQ	EVO computer	X215JYHZA436
HP	DX2300 MICROTOWER computer	MXL71306CS
HP	DX2300 MICROTOWER computer	MXL71305ZQ
HP	DX2300 MICROTOWER computer	MXL71306GF

**NOW, THEREFORE, BE IT RESOLVED**, that the aforementioned equipment be declared surplus and disposed in a manner determined by the City Comptroller to be in the best interests of the City.

**ROLL CALL:**

**AYES:** Mayor French, Councilmembers Filippi, Gamache, Jovanovich, Keith, Parker and Sack  
**NAYS:** None  
**ABSENT:** None

The motion was adopted unanimously.

34. Miscellaneous communications and reports

There was nothing reported under this item.

35. Old Business

Councilman Sack asked the City Manager to provide the Council with an update on issues relating to Hen Island.

36. New Business

Interim Corporation Counsel Wilson said that in Executive Session the Council had discussed litigation that had recently been commenced against the Zoning Board of Appeals and action should be taken to authorize Counsel to respond on behalf of the City.

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

**RESOLVED**, that the firm of DelBello, Donnellan, Weingarten, Wise and Wiederkehr, LLP is hereby authorized to defend the Zoning Board of Appeals in an Article 78 proceeding commenced by Andrew Delli Paoli.

Mayor French appointed Councilwoman Parker as Council liaison to the Port Chester/Rye/Rye Brook Ambulance Corp. and Councilwoman Keith as co-liaison, along with the Mayor, to the Board of Education.

37. Adjournment

There being no further business to discuss, Councilman Sack made a motion, seconded by Councilwoman Gamache and unanimously carried, to adjourn the meeting at 12:33 a.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk