

**APPROVED MINUTES** of the Special Meeting/workshop of the City Council of the City of Rye held in City Hall on September 27, 2010 at 8:00 P.M.

PRESENT:

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

ABSENT: None

The Council convened at 7:00 p.m. Mayor French made a motion, seconded by Councilman Jovanovich and unanimously carried to adjourn into executive session to discuss personnel matters at 7:01 p.m. Councilwoman Keith made a motion, seconded by Councilman Sack and unanimously carried, to adjourn the executive session at 8:05 p.m. The regular meeting convened at 8:09 p.m.

1. Pledge of Allegiance

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

2. Roll Call

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

Prior to proceeding with the agenda items, Mayor French announced that the date for receiving responses to the RFP for the position of Corporation Council had been extended for an additional two weeks.

Special Meeting Agenda Item

3. Resolution removing the ETPA from 151 Purchase Street *nunc pro tunc* to February 24, 2006 in accordance with the settlement  
Roll Call.

Interim Corporation Counsel Kristen Wilson said that as a condition of the settlement agreement the City must adopt a Resolution removing ETPA from the building located at 151

Purchase Street back to February 24, 2006. In response to questions raised at the last meeting, she has received written confirmation from the attorneys for the building's owners that it was not their intention to seek back rent from the tenants. Former Mayor John Carey said that he believed the tenants at 151 Purchase Street could bring an action against the City for not protecting their interests by removing ETPA and urged the Council to add language whereby the tenants would hold the City harmless if the City would defend the tenants against any claims brought against them by the landlord. Mayor French said that the majority of the Council believes that the settlement reached provides the best rent protection to 99 out of 106 residents.

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

WHEREAS, the City Council of the City of Rye adopted a Resolution on February 24, 2006 in which the City adopted the Emergency Tenant Protection Act (the "ETPA") for all buildings containing fifty (50) or more dwelling units; and

WHEREAS, the property located at 151 Purchase Street was included in said Resolution; now therefore be it

RESOLVED, that the property located at 151 Purchase Street will no longer be subject to the ETPA; and be it further

RESOLVED, that the ETPA is not applicable to the property at 151 Purchase Street, nunc pro tunc, to February 24, 2006.

ROLL CALL:

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

The Resolution was adopted by a 5-2 vote.

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Workshop Agenda Items

4. Review of the Purchase Street Stop-Sign pilot program and improvements at Locust Avenue intersection

City Planner Christian Miller provided an update on the pilot program that has temporarily replaced traffic signals on Purchase Street with stop signs. The test began on August 9<sup>th</sup> and was originally scheduled to last for only two weeks, but will be continued because of positive feedback. Many hoped for benefits have been seen. Both pedestrians and drivers have reacted positively to the test. There have not been any appreciable delays in traffic congestion. Another positive effect is that pedestrians seem to be more engaged when crossing the street.

Analysis has been done on the intersections of Purchase Street and Locust Avenue, Smith Street and Purchase Street and Elm Place and Purchase Street. Staff would like to get approval from the Council for the proposed improvements at the Locust and Purchase intersection. In addition to the stop signs, there will be bump outs at the intersections, which will extend the curbs into the street and an extension of the no parking zone opposite Locust Avenue. The bump outs will prevent cars from parking illegally and preserve the turning radius coming out of Locust Avenue. The next phase would be the final design of the Locust/Purchase intersection, which will include input from the Fire Department, as well as further study of conditions at the Smith and Elm intersections. Mr. Miller said that it was hoped that the Locust/Purchase intersection improvements could be completed in the current construction cycle but it would take a very aggressive schedule. There would be some disruption in the Central Business District, but it would be a relatively quick process and would be much less disruptive than signal installation. It was noted that residents have expressed concerns about bump outs at other locations. Comments from the public generally expressed support for the experiment, but concerns were expressed about bump outs creating dangerous conditions for bikers and an increase in jaywalking was noted. The Council indicated that staff should move forward with the program; provide more information about bump outs; look into enforcement issues; and designation of sight lines for crosswalks.

5. Discussion regarding developing a Citizens of Rye Sustainability Plan

Councilwoman Keith introduced Sara Goddard, Marci Raab and Birgit Townley, a subcommittee of the Conservation Commission/Advisory Council (CC/AC), who have been looking into doing a Sustainability Plan for Rye. She said Rye has been doing many things to move towards being a sustainable city, which should be included in a plan. Additionally, we must look into what else can be done to make the City sustainable. Ms. Keith said this is an opportunity to get the entire community involved in the process. The members of the subcommittee provided a brief summary that covered why Rye needs a Sustainability Plan; what would be included in such a plan; the goals and initiatives that would be used to develop it; and, the benefits that would be reaped by having such a plan. They also explained what they had accomplished to date and outlined what their next steps would be including the possibility of forming a new committee solely dedicated to sustainability. They noted that many other communities around the country have already adopted Sustainability Plans and that Rye is a member of ICLEI (International Council for Local Environmental Initiatives), an international organization that provides guidance for communities that are creating plans. Mayor French asked the members of the subcommittee to come back to the Council with a proposal for the suggested new committee including what its mandate would be and proposed members. Councilwoman Keith suggested that including people with grant writing experience would be very helpful.

6. Discussion of CC/AC recommendations on revisions to the City tree ordinance

Councilman Filippi said that the City's tree ordinance has been a concern of many in the community for quite some time and may need to be updated. Former Councilwoman Carolyn Cunningham, CC/AC Chair Lori DeCaro and committee member Jim Nash presented recommendations for updating the City's Tree Ordinance. They suggest a revised law should: fix a loophole in the current law that allows a homeowner to remove trees from their property

prior to coming before the Planning Commission for subdivision approvals; not exempt the City from any requirements of the law; and not regulate trees with a circumference of less than eight inches. They said they were looking for direction from the Council but hoped to have a law that would make it difficult to take down a tree without a good reason. A question was raised about restricting the rights of a property owner to remove trees from their property. The group felt that there is a public benefit to trees that must be considered before taking them down, and this should also be part of the discussion. The Council asked if the group could pass along to the Council an analysis of tree ordinances from other communities. It was also suggested that the revised law should include removal of trees due to infestation in a timely manner and removal of non-native invasive weed trees. Mayor French thanked those who presented and said the process would continue.

7. Budget review with selected Commissions

Mayor French said that the Council and City staff have been looking at ways to deal with the 2011 budget and at long-term options for changing things structurally to obtain cost savings and revenue opportunities. City Manager Pickup said that a series of recommendations were made in June to find additional revenue sources in the 2011 budget.

One recommendation was a \$95,000 increase in the contribution from the Golf Club. Golf Club Manager Scott Yandrasevich as well as Golf Commission members Frank Adimari, Pat Dooley, John Duffy, Rich Verille and Pat Geoghegan were in attendance. The Members of the Commission indicated that they were looking for direction from the Council. They said the \$95,000 proposal, together with the 2.9% increase in fees already anticipated for 2011, would necessitate raising their rates approximately 7% for next year and they did not believe they could do that. The Golf Club operates only on the revenue they take in. They did not receive the “bump” in memberships that they believed would happen due to the recession because some members took advantage of the private clubs lowering their fees in order to attract members. Membership fees comprise about 95% of the Club’s revenue. If the fees are raised too much, the Club may lose members. If there is an increase it is a recreation tax and should be spread out over the City on all forms of recreation and include the private clubs as well. Mayor French asked if the City should be in the restaurant business. Club Manager Yandrasevich said that since taking over operation of Whitby Castle the membership usage has gone from zero member usage to probably all member usage. Councilman Sack said that the City has to determine what its assets are and then decide what price the asset is worth to the City. Mayor French summarized what he believed were the points raised by the Commission Members as follows: (1) the price point is tapped out; (2) the Club pays the City too much already for services; (3) the City should be in the restaurant business; (4) there is no opportunity to cut costs from the budget; and (5) there is no model that would attract more membership. The Council asked to be provided with numbers on what would happen if the Golf Club were required to provide an additional \$95,000 to the City as well as a summary sheet of trends in memberships and restaurant use over the last ten years. Mr. Yandrasevich asked that the Club be allowed to make the decisions on how to accomplish what the Council decides. The final vote on the \$95,000 will not be taken until December.

Another recommendation was for the Recreation Department to increase their recovery rate on programs to 50%. Recreation Commission members Bart DiNardo, Lisa Dempsey and

Doug Carey were in attendance. They said that the Recreation Department now offers quality, affordable programs and raising the fees will affect those who use the programs. People will have to decrease what they can sign up for. The Department's proposed budget raises fees and cuts costs but also cuts programs such as the Haunted Park, the Pops Concert and the Holiday Bonfire. Cutting and eliminating recreation programs could affect property values. They said it is important that key, core programs are affordable for everyone. The concern of the Commission is that if fees are increased, participation in programs will decrease and less revenue will be generated. City Manager Pickup said that the proposed Recreation Department budget is still \$160,000 short of the goal for cost return.

A third recommendation was to double the cost of a merchant parking permit and increase the meter parking rates. Lisa Guarino-Summa, President of the Chamber of Commerce, and Rene Drummond, spoke against the proposal to increase meter rates, saying it would present additional difficulties for businesses in the downtown and was a short-term decision that will have a long-term detrimental effect. Suggestions were offered to increase revenue such as: printing advertizing on the back of parking meter receipts; extending the hours of required meter usage and enforcement; extending the time merchants can park at meters or allow them to call in their payments; and having additional events such as the recent "Spend \$25 on the 25<sup>th</sup>" to encourage people to shop. Making Rye a destination area would also help increase sales. The Council was appreciative of the input from the Chamber of Commerce and noted that they must consider how increased parking fees would affect business in their decision process.

8. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn the meeting at 11:40 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk