

**APPROVED MINUTES** of the  
Workshop/Regular Meeting of the City Council of the  
City of Rye held in City Hall on October 5, 2011 at  
7:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor  
RICHARD FILIPPI  
PAULA J. GAMACHE  
PETER JOVANOVICH (left the meeting at approximately 12:20 a.m.)  
SUZANNA KEITH  
CATHERINE F. PARKER  
JOSEPH A. SACK  
Councilmembers

ABSENT: None

Workshop

Mayor French introduced the workshop portion of the meeting by saying the purpose was to consider recommendations offered by the Shared Roadways Committee in order to narrow the focus and determine a legislative track and capital funding for projects.

Shared Roadways Committee Chairs Maureen Gomez and Steve Cadenhead said their process was based on gathering data from user groups. They have designated priority corridors or roads which get the most use by user groups and should get more capital funding. They said they were cognizant of budget constraints and focused on balancing the needs of all users of the roadways. They offered several recommendations:

Forest Avenue When the road is repaved, it should be widened where possible to 24 feet and the lanes should be reduced to ten feet or less to allow for a painted buffer. Rocks should be removed and the shoulder paved in order to create the buffer. Sharrows should be painted in the roadways. (A suggestion was made to try out the recommendation on a portion of the road that needs to be paved within the next few years.)

Theodore Fremd Avenue from Locust to the Metro North Train Station This is a County road that is heavily used by commuters. Paint a line that would create a buffer and narrow the roadway and continue down the “goat path” side until Purchase Street. Put in a mid-intersection crosswalk where people are currently crossing without one. People should be encouraged to cross at Locust Avenue and walk down the side of the street that has sidewalks. Covered bicycle racks at the train station might encourage more people to bike to the train station. (City Manager Pickup and City Planner Miller were opposed to the suggestion of a mid-intersection crosswalk and noted that there is already a project designed for this intersection that would work better and be safer.)

Loudon Woods Wall There is a project in the C.I.P.

Eve Lane Easement It is in bad shape. If use of the easement continues, could there be a collaborative effort with the City and Board of Education to alleviate the liability to homeowners. There could be a public/private partnership for the cost of clean up of the area by those who benefit from it. (The Board of Education is concerned about the cost of staffing the easement. There are also condemnation issues involved in securing the easement.)

The Five Points Intersection A study should be done of the area possibly considering a traffic circle.

Fireman’s Memorial Circle Look into painting safety strips and adding signage.

Crosswalks Review crosswalks and consider raised crosswalks with markings leading up to them for priority corners.

Sidewalks This is a policy issue. There should be a balancing of enforcement and plowing in order to meet the needs of all users. The snow removal policy needs further study. (There is no place to pile the snow. The policy for plowing snow is to clear the travel way.)

Obstructions in the SidewalksA policy should be established for the replacement of telephone poles by utility companies.

Suggestions were also made for policies to be adopted:

- Pass a Complete Streets Policy.
- Utilize priority shared quarters for capital project planning.
- Publish 15-minute walking radius schedules around key locations around the City.

Suggestions were also made regarding parking:

- The right parking policy and price are the ones that guarantee that there will be spaces available.
- Smart technology would reduce enforcement costs and increase revenue. It would also allow for tiered pricing. A discussion was held by the Council and former Councilmember Gerry Seitz regarding a proposed trial of smart parking technology.

The workshop portion of the meeting ended at 8:22 p.m. The regular meeting began at 8:27 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.

Agenda Item 4 was taken out of order.

3. General Announcements

The Disaster Center on Harbor Island will be closing on October 8<sup>th</sup> for those who wish to file applications for disaster relief related to the flooding. It is being coordinated through the Westchester Office of Emergency Management and the Village of Mamaroneck.

4. Presentation by Mayor and City Manager of Certificates of Public Service to members of the City staff who have served Rye for twenty-five or thirty years

Mayor French commented on the tremendous sacrifice and service by City employees and said the Council appreciated their service in these challenging times. The Mayor and City Manager Pickup acknowledged the following employees for 25 and 30 years of service to the City:

James Detlefs (DPW)	25 years
Scott Fontecchio (DPW)	25 years
Philip Moccio (DPW)	25 years
Sgt. Louis Olivier (Police Dept.)	25 years
Daniel DeCarlo (Fire Dept.)	30 years
Sgt. Nicholas Groglio (Police Dept.)	30 years
Richard Roode (Fire Dept.)	30 years
Jeffrey Simpson (DPW)	30 years

5. Resolution to accept a donation from the Rye YMCA to the City in the amount of \$20,000

Mayor French noted that the City and the Rye YMCA have been working as partners in the area of pedestrian safety initiatives for several years. Gregg Howells, Executive Director of the Y, said that the Y had been able to secure \$20,000 in grant money specifically earmarked to address strategies identified to create healthier communities, such as complete streets and shared roadways. He suggested that the money could fund paint and signage to make streets safer for motorists, pedestrians and cyclists.

The vote on this agenda item was taken during the Old Business section of the meeting (Agenda Item 16).

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

**RESOLVED**, that the City Council of the  
City of Rye hereby accepts a donation from the Rye

YMCA in the amount of \$20,000, to be earmarked for pedestrian safety initiatives.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

6. Draft unapproved minutes of the regular meeting of the City Council held September 14, 2011 and the special meeting of the City Council held September 16, 2011

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on September 14, 2011, as amended.

Councilwoman Gamache made a motion, seconded by Councilwoman Keith and unanimously carried, to approve the minutes of the special meeting of the City Council held on September 16, 2011, as submitted.

7. Mayor's Management Report

- Sustainability Committee Update on potential environmental and energy saving projects for the City

Sara Goddard, Karen Bresolin and Judy Martin updated the Council on the projects the Sustainability Committee has been working on over the last year, in connection with the following topics:

Greenhouse Gas Emissions Audit The group has worked to gather the necessary data for each sector of the audit (residential, commercial and municipal). All data has been entered into the ICLEI software program that converts all energy usage into equivalent carbon dioxide units. They are working on the “write up”.

Reusable Bag Initiative They have studied the best practices of other communities to learn about their initiatives; promoted public and merchant awareness and support for the initiative; and want to move forward on a proposed retail shopping bag ordinance with city staff. Curbside recycling of plastic bags is not effective and storewide recycling is not economically viable. Plastic litter does not go away and stays in the environment.

Outreach Activities The Committee wants to reach out to the community by expanding the Sustainability Page on the City website; distributing information packets at public events and seeking public input; participating in Eye on Rye segments; and working with other environmental committees and community organizations.

Grease Recycling Initiative Used cooking oil from local businesses could be collected, refined and converted into ultra low sulfur diesel fuel and then purchased by the City at a discount and used in DPW vehicles. This could yield a 5-10% reduction in diesel prices.

Energy Efficiency Members of the Committee participated in a walk through of Whitby Castle and City Hall with Judy Martin, a green home consultant, who identified areas for improvement and offered both quick fixes and long-term solutions involving proposed capital projects.

Next Steps The Committee will finish the Greenhouse Gas summary; continue to reach out to the community; continue to partner with other communities; look for a person to source grants and funding; and finish writing the Sustainability Plan.

- Transportation Project Update including Locust/Purchase, Central Avenue Bridge, North Street Bridge, Central Avenue closure

City Manager Pickup provided an update on the following projects:

Locust Avenue/Purchase Street The striping on the road will be finished by the end of the week. Next week the tree wells will be cleaned out and prepared and new trees planted. The final step will be to install the pedestrian lighting.

Central Avenue Bridge The final Utility Agreement has been completed between United Water and the State and should be signed by this week. The City has received all the required permits and is awaiting the final notice to go to bid from the Department of Transportation (DOT). The project can then go forward and can start in the winter.

North Street Bridge This project is being bid out by Westchester County and will require closure of the bridge. The City has spoken with Osborn representatives and School Board representatives regarding the impacts of traffic flow due to detouring. The completed project will include a five to six foot dedicated pedestrian walkway. If the County awards the bid, the project could start next year after school ends and carry through into the fall.

Thruway Authority Project The Thruway Authority has notified the City that it will be doing additional work on the bridge portion that crosses over the New York State Thruway at Central Avenue. It is scheduled to start in the summer of 2012 if funding is approved.

There was a lengthy discussion of the Central Avenue Bridge project by residents of the Central Avenue and Orchard Avenue area that included *Ken McComb, Vickie Edmunds, Victoria Cerami, Cedric Raine, Tim Kirby and Karen Schultz*. Concerns were expressed that rebuilding the bridge would create safety issues for children who think of the blocked off section of the road as their yard, as well as about speeding on the road and sight and safety issues created by parking on Central Avenue. Additional concerns were raised about flooding issues that might be increased by rebuilding the bridge. Others indicated their support for rebuilding the bridge, saying that traffic control and safety issues were magnified for residents of Orchard Avenue with the bridge closed.

It was noted that the design for the proposed bridge would elevate the structure and allow more water to pass through. A suggestion was made that greater flood mitigation could be provided by the removal of the smaller Lowenstein and Nature Center bridges south of the Central Avenue Bridge. The larger flood mitigation projects are upstream and require millions of dollars coming from many sources, which take time to receive approvals.

- Legal Update

Corporation Counsel Kristen Wilson reported on the following matters:

- 2 Central Avenue (Black Bass Grill) – The City has been working with the owners of the property in City Court regarding property maintenance violations. They have filed for a demolition permit with the City, which has not been granted yet. An asbestos report on the property has been finalized and the schedule is being finalized with the Court to make sure the building is demolished as quickly and safely as possible. Councilman Jovanovich reported that there is a proposal before the Planning Commission in connection with the property that calls for retail use on the first floor and apartments above. He said the proposal would require the applicant to seek variances from the zoning law. He said he did not believe the Planning Commission would issue a recommendation to the Zoning Board of Appeals in favor of granting the variances.
- *R.B. Conway v. City of Rye* - The Stipulation of Discontinuance has been filed and the Stipulation of Settlement has been signed and will be filed on Friday when the first payment is made.

8. Presentation on Pedestrian Safety update on Sonn/Boston Post Road and Midland/Palisade

City Manager Pickup said that Councils look at traffic and safety issues over time and analyze them to determine if they have been effective and, if not, try to figure out other alternatives. Updates were done and reported on two locations.

Midland/Palisade Intersection Two prior speed studies had been done on the area, which resulted in a series of recommendations regarding traffic calming opportunities. The City was able to obtain Federal stimulus money to fund improvements for the intersection, which included the installation of a crosswalk, speed radar signs, handicapped ramps and bump-outs in an attempt to slow traffic in the area, increase pedestrian safety and increase sight distance for drivers. The Federal Government has yet to sign off on the stimulus funds for the project. Brian Dempsey, representing the firm TRC Raymond Keyes, provided an update on the intersection subsequent to those improvements. Recent studies show there has been a significant decrease in speeds at the intersection and there have been no accidents at the location as a result of the improvements. The intersection works well from a traffic operation standpoint. They also looked at issues related to putting all-way stop signs at the intersection. If a stimulus improvement is modified within the first ten years, the money must be returned. The City has the right to put up a stop sign, but since Midland Avenue is a County road, the City would require County approval of a work permit to do any physical improvements to the road. The County Traffic Engineer has indicated the County would not be in favor of it because it is not warranted based on the requirements set forth in the Manual on Uniform Traffic Control Devices for an all-way stop and has the potential to increase rear-end accidents. Testing a stop-sign is an option, but could lead

to driver confusion if the sign is subsequently removed and would require adequate signage. Based on these facts, the recommendation of TRC is that an all-way stop is not warranted at this location. City Manager Pickup said that the City considers this intersection one piece of an extended school zone that is impacted by traffic and has been looking at the issue of reducing speed in the entire corridor.

Members of the public, including *Jim and Maggie Amico, Charmaine Neary, and Ted Carroll* strongly urged the Council to put up an all-way stop at the intersection, saying that it did not matter what the report indicated; that children's safety and not reducing speed was the reason for installing the signs; and that the issue was bigger than the traffic manual. Mayor French said it was the will of the Council for City staff to look into doing a pilot all-way stop sign at the intersection.

#### SonnDrive/Boston Post Road

City Manager Pickup said that the wave of students is an ongoing condition that will require investment, cooperation and changing behaviors in order to make the condition work. City Planner Christian Miller reported on recent analysis that had been done by the City's design engineer on the last segment of the diet that was implemented last year. Traffic counts were done in June and additional ones will probably be done. From the pre-diet analysis done in 2009 the volumes of traffic were consistent with the post-diet volumes at the intersections. There was no meaningful change other than the left-turn movement from Oakland Beach Avenue and the right-turn movement from northbound Boston Post Road to Oakland Beach Avenue where volumes increased. There was a modest reduction in speed in the area. There are concerns about the level of traffic congestion as a result of the project. The consultant is still analyzing improvements that could be made to vehicle flow by reducing the amount of delay associated with the pedestrian phase at the Boston Post Road/Oakland Beach Avenue intersection that allows for a diagonal crossing. The diet was successful in shifting the traffic over and improved the real and perceived safety issue of walking along Boston Post Road from Sonn Drive to Oakland Beach Avenue. The idea was to make it safer to cross at a signalized intersection with a crossing guard, but people are still crossing at Sonn Drive even though it is not safe and not advised. He said the next step would be to fill the holes in the data and look at other options. Mayor French said that there has been a suggestion to create a grid box near the back parking lot across from Sonn Drive in order to create better sight lines.

Members of the public commenting on the presentation included *Maureen Gomez, Eric Moy, Bob Zahm, Allison Kim and Kim O'Connor*. Their comments included:

- The dedicated right turn lane on the southbound side of the diet is what causes the traffic back up. Could the two southbound lanes be put back to the pre-diet condition?
- The purpose of the diet was to get children safely to school by crossing at the crosswalk at Oakland Beach Avenue. Counts should be taken of the number of people crossing at Sonn Drive vs. the number crossing at Oakland Beach Avenue.
- The diet improved pedestrian safety. The issue now is visibility for people coming out of the back parking lot due to traffic in the southbound lanes. Could a police officer be stationed at the location for a half hour in the morning and afternoon to help people turn

out of the parking lot? (The Council briefly discussed using Auxiliary Police but City Manager Pickup advised that he did not believe there was sufficient manpower to cover the location for a school year.)

- The “do not block the box suggestion” is a good idea.
- The diet has been successful in addressing the pedestrian safety issue along the corridor but may have contributed to traffic issues.
- Why is there a crossing guard at Central Avenue when there is no sidewalk on the Beverage Mart side of the street? (There is a sidewalk there and a significant number of students cross there everyday.)

9. Public Hearing to amend Chapter 100, “Floodplain Management” of the Code of the City of Rye by amending §100-5(B) “Standards for all structures” regarding requirements for homes in the floodplain

Corporation Counsel Wilson said that the proposed local law was a clarification of when utilities or structures need to be elevated. City Manager Pickup said that in order to participate in the Flood Insurance Program, which the New York State Department of Environmental Conservation (DEC) administers on behalf of FEMA, this amendment to their Model Ordinance should be adopted. There is a second issue relating to the New York State Building Code and the issue of interpretation of repair and replacement of mechanicals which is an ongoing discussion outside of the proposed legislation.

Councilwoman Keith made a motion, seconded by Councilwoman Gamache and unanimously carried to open the public hearing.

Members of the public who commented on the proposed local law included: *Ken McComb, Michael Dinger, Carolina Johnson, Victoria Cerami, Jake Haynes and Paul Alimena*. Their comments included:

- The requirement to raise mechanical systems is a hardship to people.
- Couldn’t residents be given a “grace period” to comply with the law in order to stagger the projects over a year?
- Would non-compliance with the State Building Code come up in a home inspection if someone is trying to sell their house? (It is a separate process that the City does not administer.)
- The State Building Code offers two options: raising mechanicals or waterproofing them, which might be more cost effective for some people. (There are water resistant standards under the State Code.)
- Are there specific rules about what can be repaired and what must be replaced for certain mechanical systems after a flood?
- What constitutes a substantial improvement? (Any damage that exceeds 50% of the market value of the structure.)

Councilwoman Gamache made a motion, seconded by Councilwoman Parker and unanimously carried, to close the public hearing.

Councilwoman Gamache made a motion, seconded by Councilman Filippi, to adopt the following local law:

**CITY OF RYE  
LOCAL LAW No. 6 2011**

**A Local Law amending Chapter 100, “Floodplain Management”  
of the Code of the City of Rye by amending  
Chapter 100-5(B) “Standards for all structures”.**

Be it enacted by the City Council of the City of Rye as follows:

**Section 1.** Chapter 100-5(B) “Standards for all structures” is hereby amended by adding the following language after the section title:

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 100-3B.

**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 immediately upon filing in the office of the Secretary of State.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Parker and Sack

NAYS: None

ABSENT: Councilmembers Keith and Jovanovich

The local law was adopted by a 5-0 vote.

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

*Jordan Glass, Esq.* spoke about the composting toilets that the Board of Directors of Kuder Island Colony have agreed to put in on Hen Island. He said he did not believe they will solve the problems on the island because they require electricity to operate and not all units have electricity, plus there is no back up system for when they fail. City Manager Pickup suggested that Mr. Glass bring his questions to the Kuder Island Association and added that the City is working in conjunction with the County Health Department, the regulatory agency, and this is the regulatory solution that has been offered and approved. *Ray Tartaglione* asked if the City

Council believes there are problems with mosquitoes, sewage and potable water on Hen Island. Mayor French said that the County has tested the water in and around Hen Island and it has tested negative and added that the County has also said that mosquitoes are not a problem that the City or County needs to address.

11. Summary of the 2012 Budget Process and Consideration of setting the 2012 Budget Workshop schedule

City Manager Pickup presented a schedule of dates for proposed budget workshops that include:

- November 9: Budget Presentation
- November 14: Budget Workshop
- November 16: Council meeting where Budget questions can be addressed
- November 21: Budget Workshop
- November 30: Budget Workshop
- December 7: Public Hearing on the Budget
- December 14: Budget Workshop
- December 21: Adoption of the Budget

Mr. Pickup said that staff was still working on specific topics for the workshops and hope to notify the Council prior to the next meeting.

12. Resolution for a Budget Amendment to increase tax certiorari expense by \$1,330,850 for the Osborn Settlement

Corporation Counsel Wilson said that the amount was budgeted but funds must be transferred between accounts to cover the payment that was previously made.

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

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the City Comptroller to increase the 2011 Budget for Tax Certiorari expense by \$1,330,850, by transferring that amount from the Fund Balance designated for Tax Challenges.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

13. Consideration to set a Public Hearing to adopt a Local Law to override the State enacted tax levy limitation

City Manager Pickup said that NYCOM is still working on a best practices update based on the law because the State is still working on how the Tax Cap will be implemented. The City is awaiting answers to questions it posed to the Office of the State Comptroller seeking guidance. He said that adopting a local law to override the State legislation would be another tool for the City if it was necessary to exceed the 2% levy. Mayor French was reluctant to set a public hearing prior to the presentation of the 2012 Budget. City Manager Pickup said that by setting a public hearing for December 7th it would hold a place if the Council determined it needed to override the tax cap.

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

**WHEREAS**, the Council wishes to adopt a Local Law to override the State enacted tax levy limitation; and

**WHEREAS**, it is now desired to call a public hearing on such proposed local 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 7, 2011 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 override the State enacted tax levy limitation.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 7th day of December, 2011 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 proposed local law to override the State enacted tax levy limitation.

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

Dawn F. Nodarse  
City Clerk  
Dated: November 25, 2011

14. Consideration of a request by the Rye Chamber of Commerce to close a portion of Purchase Street on Sunday, November 27, 2011 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event

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

**RESOLVED**, that the City Council of the City of Rye hereby approves the request of the Rye Chamber of Commerce to close a portion of Purchase Street on Sunday, November 27, 2011 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event.

15. Miscellaneous Communications and Reports

There were no matters discussed under this agenda item.

16. Old Business

Councilwoman Keith asked for an update on Highland Hall. City Manager Pickup said that the second air test has not been completed yet and the owners are still doing cleaning and remediation. The hotel stays for residents have been extended for at least another week to ten days. Ms. Keith also asked what was being done about the situation of basement apartments in the floodplain. Corporation Counsel Wilson said it was being looked into because it will affect more than one property. Ms. Keith also asked for an update on the issue of crossing guards. City Manager Pickup said that there was no money in the budget to fund a study but added that because of the growth of the school population it is a matter that the City and Board of Education will have to deal with.

Mayor French said that EAGR had been asked to provide comment on composting toilets and suggested asking the Conservation Commission/Advisory Counsel (CC/AC) as well.

17. New Business

Councilwoman Keith asked what would happen to the orange barrels in the Central Business District with the completion of the renovations downtown. City Manager Pickup said they would be removed. Ms. Keith also asked for an update on Playland. Mayor French said that the Playland Committee had submitted their report to the County recommending that three

proposals continue to the next round for consideration. They are now being reviewed by County staff.

18. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilwoman Keith and unanimously carried, to adjourn the meeting at 12.51 a.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk