

***APPROVED MINUTES*** of the Regular  
Meeting of the City Council of the City of Rye held in  
City Hall on May 9, 2012 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor  
LAURA BRETT  
RICHARD FILIPPI  
PETER JOVANOVIK  
CATHERINE F. PARKER  
JOSEPH A. SACK  
Councilmembers

ABSENT: SUZANNA KEITH, Councilwoman

Mayor French opened the ceremonial portion of the meeting and said that this annual meeting was a chance to celebrate both the history of Rye and its commitment to public service. Sheri Jordan, the Director of the Square House, welcomed everyone to the building that had served as City Hall before the “new” City Hall was built. In honor of the City’s 70<sup>th</sup> Anniversary, Ms. Jordan showed the Council an impression of the Seal of the City that was prepared when the Village of Rye became the City of Rye.

A brief presentation was made by Jack Zahringer and Maurio Sax of the Landmarks Advisory Committee regarding the Committee’s project to save and landmark the historic milestones that were set out by Benjamin Franklin in order to regulate postage rates. There were 230 milestones between New York and Boston and, although not the originals, Rye is the only community in Westchester that still has theirs. The milestones are historic relics to the City and, if landmarked, they will be preserved as a part of the City’s historic infrastructure.

Mayor French noted the passing of former Mayor Maryann Ilse, former Councilman Ed Collins and senior advocate Marion Shea and said their commitment to volunteering is part of what makes Rye special. The Mayor also read from a Proclamation that had been read at the Inauguration Ceremony in January to mark the 70<sup>th</sup> Anniversary of the City. Councilman Jovanovich said that he was grateful for how Rye citizens come out to volunteer and that there is “no place like Rye.” Councilwoman Parker said she was honored to be in a room with former City Council members and the current City Council and said she has respect for all and believed that even when people disagree, they believe what they are doing is what is best for Rye. Councilman Sack said this was a special night when people who have served and are serving reaffirm their commitment to Rye and celebrate what they have in common. Councilman Filippi said it was an honor to be here and those who came before on the Council set the bar that the current Council tries to live up to. Councilwoman Brett said that it is a great tradition to meet at the Square House once a year because it is important to reflect on Rye’s history.

Mayor French said that the foundation of the City is the City Manager form of government and that the jobs of City workers get harder each year. City Manager Pickup noted

the passing of Building Inspector Vinny Tamburro and said his loss still leaves a hole in the organization. Mr. Pickup then introduced the City Department Heads who were in attendance:

Maureen Eckman	Building Inspector
Nicole Levitsky	Cable Access Coordinator
Noreen Whitty	City Assessor
Dawn Nodarse	City Clerk
Ryan Coyne	City Engineer
Christian Miller	City Planner
Kristen Wilson	Corporation Counsel
William Connors	Police Commissioner
Sally Rogol	Superintendent of Recreation

Mayor French then asked former Mayors, Judges, Councilmembers and current representatives of Boards and Commissions to speak.

Former Mayor Ten Dunn noted that he was a member of an exclusive club – those who served on the Council and are older than the City. Former Mayor Otis said this meeting is always about renewal and rededication and sharing a history that goes back to colonial times.

Former Judge and Councilmember John Alfano said that it was always a pleasure to be at this meeting. State Assemblyman and former Councilmember George Latimer said it was always wonderful to come back and recalled a bridge project that had come before the Council when he was serving 25 years ago. Additional former Councilmembers speaking included: Jim Burke who said he was proud of the current Council who overall are doing a good job. Arthur Stampleman wished the Council the best for making good decisions and also reported that the Department of Transportation has decided not to modify the Bus #13 route from its current Port Chester to Playland route to include Milton Point. Gerry Seitz spoke about continuity in the City and said people are now coming to Rye for short terms and leaving and do not commit to the community. He said this is an issue that needs to be addressed.

Representatives of Boards and Commissions in attendance included: Jack Zahringer of the Landmarks Advisory Committee who said that the agenda of the Committee was to “Keep Historical Rye, Rye”. Rafael Elias-Linero of the Flood Action Committee said it was a privilege to share the room with everyone and thanked everyone for supporting the work of the Flood Committee. Bob Byrne of the Board of Assessment Review thanked City Assessor Noreen Whitty for her hard work. Charlie Davies of the Rye Golf Club Commission said there were many challenges for the Commission but it was a good group of people. Julia Killian of the Finance Committee said this meeting makes her proud to live in Rye.

Mayor French closed the ceremonial portion of the meeting at 8:55 p.m. The regular meeting reconvened in Council Chambers at 9:10 p.m.

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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.

3. Resolution to accept a donation from the Alumni & Friends of Rye High School for the landscaping and tree replacement on the easterly side of Boston Post Road from Parsons Street to the Rye High School Stadium

City Manager Pickup said this was a second phase of a project that began last year when the City removed some diseased trees along the football stadium. The City Council must acknowledge and approve the donation and the City will work with the Friends of Rye High School on the second phase of the landscaping plan.

Councilwoman Brett 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 Alumni & Friends of Rye High School for the landscaping and tree replacement on the easterly side of Boston Post Road from Parsons Street to the Rye High School Stadium.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich, Parker and Sack

NAYS: None

ABSENT: Councilwoman Keith

The Resolution was adopted by a 6-0 vote.

4. General Announcements

Announcements were made on various articles, events and topics.

5. Draft unapproved minutes of the regular meeting of the City Council held April 18, 2012, the informal minutes of the Joint Meeting of the City Council and Board of Education held April 21, 2012, and the special meeting of the City Council held April 25, 2012

Councilman Filippi made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the regular meeting of the City Council held on April 18, 2012, as submitted.

Mayor French made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the Joint Meeting of the City Council and Board of Education held on April 21, 2012, as submitted.

Mayor French made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the special meeting of the City Council held on April 25, 2012, as submitted.

6. Mayor's Management Report
- Update on Rye Town Park Capital Grant

Mayor French said there is a proposal to apply for grant funds to restore the Bathing Pavilion at Rye Town Park. Susan Auslander of the firm Carpe Diem Westchester said the proposal is for a grant that would “seal the envelope” of the exterior of the building and save it. The cost is \$3.2 Million. The Carpe Diem firm will apply for a Federal Grant of \$1.6 Million and a State Grant of \$1.6 Million. State and Federal Grants can now be used to match each other, so in the best case scenario there would be no cost to the City for matching funds. If only one grant is received the City would be responsible for 39%. Completing this project would be beneficial to the Rye Town Park Commission because they would then be able to get an appropriate tenant for the building that would produce a revenue stream to benefit the Park. There was a suggestion made that it might be better to wait to apply for the grants until the Park Capital Committee comes up with a plan for the use of the building. Mayor French said the Rye Town Park Commission would be meeting on the 15<sup>th</sup> and he and Councilman Sack would not recommend going forward with the full grant amount.

- Update on 120 Old Post Road

City Manager Pickup said that the Planning Commission has begun their discussions of the Council's referral of the Zoning Petition request. The public hearing will be continued at their June 5<sup>th</sup> meeting. Traffic counts are being conducted in the area and the property owner is holding an open house in the building that is tentatively set for May 23<sup>rd</sup>.

- Walk Rye History Tour

Sheri Jordan reported that the signs have been delivered to the Department of Public Works. A walk through has been done for the downtown locations of the signs and they hope to have the signs erected in front of the Knapp House, the Square House and the Milton Cemetery

before the Historical Society Gala. The rest of the signs will be installed over the summer in anticipation of an opening day in September with a dedication ceremony at City Hall.

- Save the Smoke Shop

*Owen and Amber Nee*, 701 Forest Avenue, and *Dora Farrenhopf*, 780 Forest Avenue, urged the Council to declare the “Smoke Shop” as a protected site. They suggested that the Council refer their suggestion to the Landmarks Committee for their consideration. They said that redeveloping the property will change the character of downtown Rye and that they have been gathering signatures in support of the idea and have 620 so far. Corporation Counsel Wilson explained the process that would be involved according to City Code Chapter 117. The Landmarks Committee would submit a petition to the City Clerk to start the process and the City Council would adopt a Zoning Amendment by public hearing. The consent of the property owner is necessary unless the property is listed on a State or Federal Registry. Councilwoman Parker appealed to people who want to save the Smoke Shop to show their support by supporting the business financially. Mr. Nee suggested that just the outside façade could be landmarked unless the property owner could prove it was a taking. Ms. Wilson said that if the structure is landmarked, anyone who obtains a permit would have to automatically go before the Board of Architectural Review. *Charmain Neary*, Midland Avenue, suggested that the City should change the Zoning to say there was a greater public use to having a magazine and newspaper store in the downtown. Corporation Counsel Wilson was asked to provide an advisory opinion to the Council on next steps.

- Central Avenue Bridge

City Manager Pickup said that there was a second meeting with the Department of Transportation (DOT) this week at City Hall. The DOT has committed to a July 1 advertising date for bids. There is still a series of open items that need to be resolved before the final design, utility agreements, construction inspection and construction management plans receive approval. Mayor French said there has been a question about whether the City would move forward with the project. There was a discussion among the members of the Council. Mayor French and Councilmembers Filippi and Jovanovich expressed their support for the project and said that it was important to have more than one access across Blind Brook in this area; that the area had flooded with and without the bridge; and the Police and Fire Departments are in favor of replacing the bridge. Councilman Sack said there were arguments pro and con to going forward with the bridge reconstruction and suggested that maybe the issue should be reevaluated to explore all options. *Mark Hyland*, 2 Barbara Court, *Kenneth Weissberg*, 16 Lowen Court, *James Maione*, 22 Lowen Court, and *Arnold Lewis*, 11 Lowen Court all spoke in favor of replacing the bridge. They pointed out that at the time of the April 2007 flood, the bridge had been scheduled for renovation at City cost but as a result of the damage sustained during the flood, the money to pay for rebuilding the bridge will come from another source. They also stressed the health and safety concerns of the residents of the area regarding access of emergency vehicles to the area. It was also noted that students who used to walk across the Central Avenue Bridge now walk across private property to the Nature Center Bridge where there is no crosswalk in order to cross the Post Road. The Council was also asked to consider what will happen if the Orchard Avenue Bridge comes down. They urged the City not to quit on the project.

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

**RESOLVED**, that the City Manager is hereby authorized to continue to pursue his efforts with the New York State DOT in getting the approvals in place to rebuild the Central Avenue Bridge.

ROLL CALL:

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

The Resolution was adopted by a vote of 5 votes in favor and 1 abstention

- Council Vacancy

Mayor French said that Councilwoman Keith's position would become vacant on June 13<sup>th</sup>. At the May 23<sup>rd</sup> meeting anyone who is interested in the Council seat should come forward and state their interest to the Council and the public. *Bob Zahm*, 7 Ridgewood Drive, said the Council should consider if the seat really needs to be filled before the election and, if the seat is filled, they should think about the criteria they will be using for picking someone.

- Legal Update

Corporation Counsel Wilson reported on the following issues:

- There are several building violations on the site of the former Durland Scout Center at 330 Stuyvesant Avenue. A meeting was held with the property owner and Building Inspector Maureen Eckman to work on property maintenance and eyesore issues.
- *Butler v. Planning Commission* – the City will serve opposition papers to the Petitioner's Motion to Renew and Reargue.

7. Public Hearing to discuss potential capital projects to be included in a November, 2012 Bond Referendum

Mayor French said that the City used to fund capital projects through surplus and is no longer able to do that although there are many infrastructure needs. The City Manager was asked to provide the Council with areas to consider for a possible Bond Referendum.

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried to open the public hearing.

City Manager Pickup said he has prepared a fact sheet of suggested projects that meet the criteria of public safety and critical infrastructure, some of which need better construction estimates. He said many of the projects would require multiple years to implement.

Members of the public who spoke included:

*Robert Munsie*, 12 Larkspur Lane who spoke in favor of the project to repair the Boston Post Road Retaining Wall opposite Purdy Avenue. He said he and his neighbors in Loudon Woods consider it an urgent pedestrian safety issue. Since the sidewalk has been blocked off there is no safe place in the area for pedestrians to cross the Post Road.

*Kitty Little*, Rye Free Reading Room Director, presented possible projects at the Library for inclusion in a Bond Referendum. The three projects suggested were (1) installing fire sprinklers and alarm systems in the 1913 section of the building; (2) creating ADA access to the rear door from the parking lot and installing door dams for flood mitigation; and (3) installing security cameras in the building.

*Maureen Gomez*, representing the Shared Roadways Committee, asked the Council to consider earmarking funds for pedestrian safety projects near schools as suggested in the Committee's report to the Council.

*Bob Zahm*, 7 Ridgewood Drive, suggested that the Council go back and look at the sidewalk projects recommended by the Safe Routes to Schools Committee. He also suggested that in conjunction with the Post Road Retaining Wall project, the Council should consider extending the sidewalk up to where it ends on Grace Church Street and should also consider adding sidewalks with access to a crosswalk near the Nursery Field on Milton Road. Additionally, he said that he did not believe there was a basis for the Sonn Drive Traffic Signal project.

Council comment included:

Councilwoman Parker asked about the cost of the Bowman Avenue Upper Pond Project and said the bond proposal should be built around how much the resizing project will cost because it is a top public safety issue. City Manager Pickup said the cost of the project would depend on the results of the testing that has been done. Ms. Parker also said she considers the Boston Post Road Retaining Wall and Smith Street Reconstruction "must have" projects but that other projects suggested for the Central Business District could be considered "nice to have" projects.

Councilman Filippi said that the Council needs to articulate to the public the real need for the projects on the list and why they are important to the City.

Councilman Sack asked to see the Capital Improvement Plan (CIP) for prospective purposes. He also asked for back-up for the rationale behind the proposed improvements to the MTA Parking Lot; wanted more information on the necessity for the proposed upgrades to the Police/Court facility; and asked about the precedent for issuing a bond on behalf of the Library since the City does not own the building. City Manager Pickup said that since a decision has

been made that there is not a location for a new Police/Court facility, there are deficiencies in the current building that must be addressed dealing with prisoner transport, safety and court security.

Councilman Jovanovich and that residents need to understand what has happened to the City over the last five years and why bonding is needed at this time and said it should be considered a “one shot deal”.

Councilwoman Brett said that she believed that bonding is a more transparent way to pay for capital projects and that going forward the City should reserve funds for these needs.

Mayor French asked if the timeline for adopting a Bond Resolution could be pushed back in order to give the Council more time to consider the projects. City Manager Pickup said that in order to get a Bond Referendum on the ballot in November, a Resolution must be adopted and delivered to the Board of Elections by August.

This agenda item was taken after Agenda Item 9.

8. Authorization for Harris Beach, PLLC to represent the City on pre-trial motions and settlement discussions in the Westchester Joint Water Works tax certiorari proceeding  
Roll Call.

City Manager Pickup said there is a pending action that is becoming more complex and falls outside of the normal Corporation Counsel retainer. Corporation Counsel Wilson said this is an unusual tax certiorari proceeding because the Court has asked the City to brief specific issues.

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

**RESOLVED** that the City Council of the City of Rye hereby authorizes the firm of Harris Beach, PLLC to represent the City on pre-trial motions and settlement discussions in the Westchester Joint Water Works tax certiorari proceeding at the rate of \$215.00 per hour, not to exceed \$3,000.00.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

9. Home Rule Resolution supporting S5902B(Oppenheimer)/A8556C(Latimer) extension of the City of Rye Hotel Occupancy Tax  
Roll Call.

City Manager Pickup said that the City was asked to amend the term of renewal on the Home Rule legislation from four years to three.

Councilman Jovanovich made a motion, seconded by Councilman Filippi to adopt a Home Rule Message supporting S5902B (Oppenheimer)/A8556C (Latimer) extending the City of Rye Hotel Occupancy Tax until September 1, 2015.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

10. Discussion of amending City of Rye Local Law Chapter 53, "Architectural Review" to reduce the number of applications subject to architectural review

This agenda item was deferred to a later meeting.

This Agenda Item was discussed after Agenda Item 7.

11. Discussion of proposed changes to amend local law Chapter 180, "Taxicabs", Section 14, Payment of Fares, of the Code of the City of Rye to increase taxi fares

City Manager Pickup said that since the last discussion of this item, a second letter has been received from the Taxi Companies justifying their request for the increase, and additional information has been provided regarding the Taxi companies operating in the City and recent fee increases for driver and cab licensing fees.

*David Candamil*, representing Rye Cab Company, said that the companies had made a mistake in waiting ten years to ask for a rate increase and suggested that if they had requested \$1.00 rate increases every three years, the rates would be at the level now being requested. He said that the taxi drivers provide unique services to the residents of Rye but there is a cost to them to maintain the cars and provide the services. The drivers are struggling to make a living.

*Jim Amico*, 350 Midland Avenue, said he supported the request of the taxi companies for a rate increase.

Councilman Sack said he believed the rate increase request was reasonable. Councilwoman Brett said that based on the rates charged in other communities that regulate

fares, the amount being requested looks high and the Council must justify an increase to residents. Councilman Jovanovich asked why the City regulates taxi fares and said he did not believe the Council should restrict the number of companies that can operate in Rye and said the Council might consider if it wants to continue doing so. He suggested that the Government Relations Committee could look into what goes on in communities that do not regulate taxis. Mayor French said he wanted a better explanation of why the amount of the increase is being requested and suggested setting a public hearing at the next meeting.

12. Residents may be heard on matters for Council consideration that do not appear on the agenda

*Jim Amico*, 350 Midland Avenue, said he was pleased to see a sign on Midland Avenue indicating that a Stop Sign would be erected soon in the Palisade Road/Midland Avenue area but would have liked to have been informed personally. He also asked about the broken speed radar sign on Midland Avenue. City Manager Pickup said the City Engineer and the contractor have been to the site and will follow up on the repairs.

13. One appointment to the Rye Playland Advisory Committee for a three-year term, by the Mayor with Council approval

Mayor French made a motion, unanimously approved by the Council, to appoint Bill Meyers to the Rye Playland Advisory Committee for a three-year term expiring on January 1, 2015.

14. Consideration of a request by Longford's Ice Cream for the use of City streets for their 20<sup>th</sup> Anniversary celebration on Sunday, June 10, 2012 from 12:00 p.m. to 5:00 p.m.

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

**RESOLVED**, that the request by Longford's Ice Cream for use of City streets for their 20<sup>th</sup> Anniversary celebration on Sunday, June 10, 2012 from 12:00 p.m. to 5:00 p.m. is hereby approved.

15. Miscellaneous Communications and Reports

Councilwoman Parker said that the Rye Arts Center had a great opening for their sculpture exhibit and added that Helen Gates, the Arts Center's Executive Director, had requested that the street exhibits remain up until the show closes on June 13<sup>th</sup>.

16. Old Business

Councilwoman Parker said she would like to have a workshop on Rye Golf Club and suggested the date of June 11<sup>th</sup>.

Councilwoman Brett asked for an update on the Sluice Gate project. City Manager Pickup said he would provide the council with an updated construction schedule.

17. New Business

Councilwoman Parker asked if the temporary stop signs in the Central Business District could be made permanent, by using surplus funds from 2011.

18. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn the regular meeting at 12:00 a.m. and immediately adjourn into executive session to discuss a possible real estate transaction relating to 1037 Boston Post Road. Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the executive session at 12:25 a.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk