

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on October 9, 2013 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI
PETER JOVANOVIK
JULIE KILLIAN
CATHERINE F. PARKER (Arrived at 8:40 p.m.)
JOSEPH A. SACK
Councilmembers

ABSENT: None

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. General Announcements

Announcements were made regarding various activities and events.

4. Draft unapproved minutes of the regular meeting of the City Council held September 11, 2013

Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried to approve the minutes of the regular meeting of the City Council held on September 11, 2013, as submitted.

5. Mayor's Management Report
● Capital Projects Update

City Manager Pickup reported on the following items:

- Old Milton Road Drainage Project – It was discovered that some utilities were installed in the right-of-ways without a License Agreement with the City, which has necessitated

some changes to the project. At some point License Agreements may come back to the Council for approval.

- Dredging – A conference call was held with parties who are interested in the next round of dredging, including private interests and two of the clubs. Options are being explored and the parties will meet in another six weeks to determine if there is a benefit to doing a joint project.
 - Legal Update

There was nothing reported under this agenda item.

6. Update on the Rye Playland Improvement Plan from Sustainable Playland, Inc.

Kim Morque and Bruce Macleod, representing Sustainable Playland, Inc. (SPI), provided and update on the plan for Playland that is before the County Board of Legislators. After Sustainable Playland received the award in October 2012, the began negotiating with the County Executive Branch; completed an Asset Management Agreement, which was signed this summer; and submitted an Improvement Plan in September, which will be reviewed by the Board of Legislators. Based on input solicited from stakeholders, adjustments have been made to the plan to address their concerns, including making changes to the configuration of the Field Zone and trying to incorporate more of the amusement component into the original plan. They have partnered with Central Amusements to operate the Amusement Park; Playland Sports to develop the Sports Complex; and American Skating Entertainment Centers to operate the Ice Casino. The asset management company is Biederman Redevelopment Ventures. They would like to have Playland elevated to a National Treasure as an important historic asset. *Jim Amico, Steve Vasko and Deirdre Curran* commented on the presentation. Their comments expressed support of SPI and appreciation for the way they have listed to people, but also voiced serious concerns about SPI's funding and the impacts of the proposed Improvement Plan on the surrounding neighborhood.

7. Public Hearing for October 9, 2013 to amend local law Chapter 197, Zoning, of the Rye City Code, Section §197-1, "Definitions and Usage", to amend the definition of "STORY, HALF", and Section §197-43.2, Subsection B, "Attics" to amend the Calculation of Attics in Gross Floor Area

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

Prior to the beginning of the public comment City Planner Christian Miller provided an overview of the proposed legislation, which would amend the definition of "Story, Half" and amend the calculation of Attics in Gross Floor Area. His presentation included the reasons behind the legislation, an explanation of terms included, and a summary of the anticipated impacts on existing and new homes.

Several members of the public commented on the proposed local law. They included: *Leo Napior; Sol Hurwitz; Nancy Hanemon; Tim Dowling; Irwin Lefkowitz; John Mayo-Smith;*

Paul Benowitz; William Fegan; Nicholas Everett; David Duriano; and, Adele Centanni. Many expressed concerns about the impact of large houses on neighborhoods, the schools, and the balance in the community. Others urged the Council to do a more thorough examination of the issue before adopting legislation, similar to what was done in 2003; or to consider exempting existing homes from new regulations.

The public hearing was kept open.

8. Public Hearing for October 9, 2013 to: 1) adopt a local law amending Chapter 53, Architectural Review, of the Rye City Code, Section §53-1, "Definitions" to amend the definition of "Small Project", and 2) adopt a local law to amend Chapter 197 Article IV "Use Regulations" and Article VI "Appeals" to establish regulations regarding outdoor fire pits and outdoor kitchens

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to open the public hearing on the two proposed local laws.

City Planner Miller indicated that there were some issues regarding the outdoor fire pits that he would like to confirm with the Building Inspector before proceeding with the public discussion.

The public hearing was kept open.

9. Discussion regarding the addition of a new article to the Rye City Code to provide tax exemptions for improvements to historic properties

Councilwoman Brett said the Landmarks Committee in trying to address concerns about preserving "community character" and the need the preserve historic structures has been looking into this legislation for several years. There is a New York State law that allows communities to provide tax incentives for renovating historic structures rather than tearing them down. If the structure meets the qualifications set for in the City's Code, the tax increase that would come as a result of the renovation would be phased in over time, such as no increases for the first five years and the increases phased in over the next five years. Jack Zahringer, Chair of the Landmarks Committee, endorsed the proposal saying it was a way to encourage people to stay in and fix up historic houses and will provide an incentive to keep the character of the business district. There was a discussion among the Council regarding the ages of properties that would be eligible; the need for the School District to also adopt the legislation in order for the incentive to work; and, not enacting a law to preserve only one property.

10. Summary of the 2014 Budget Process and Consideration of setting the 2014 Budget Workshop schedule

Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried, to adopt the following dates for the 2014 Budget process:

Wednesday, November 6: Presentation of the Budget
Wednesday, November 13: Budget Workshop
Monday, November 18: Budget Workshop
Wednesday, November 20: Council Meeting/Budget Workshop
Wednesday, December 4: Public Hearing on the Budget
Wednesday, December 11: Budget Workshop (if needed)
Wednesday, December 18: Adoption of Budget

11. Discussion of the proposed Safe Routes to School Initiatives

City Manager Pickup said that the City has been partnering with the YMCA on Safe Routes grant applications and the City is now in the process of putting together the actual projects that will be built and the timing for them. Most of the projects will require coordination with the School District. City Planner Miller said that although the City was fortunate to receive Safe Routes to Schools funding, it must meet New York State Department of Transportation (DOT) requirements in order to use the money. The projects are subject to DOT review, as well as their process and requirements, which will take time.

12. Consideration of Resolution to establish a “Complete Streets” Policy for the City of Rye

City Planner Miller said that the proposed Resolution for a Complete Streets Policy was prepared by the Shared Roadways Committee, which recommends the adoption of the Resolution. A tenant of the policy is that when City projects are considered, all kinds of transportation option users are taken into consideration. He said that he did not think the creation of a Complete Streets Advisory Board, which is included in the draft Resolution, was necessary; that it would be more effective if it were a task of the Traffic and Pedestrian Safety Commission. City Manager Pickup said that the Resolution would be redrafted and put on the Agenda for the next meeting in order to allow for more comment.

13. Consideration of the proposed revision of the Rules and Regulations of the City of Rye Police Department General Order #111.05 regarding a Prescription Drug Collection Box

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

RESOLVED that the City Council of the City of Rye here by approves the proposed revision of the Rules and Regulations of the City of Rye Police Department, General Order #111.05, “Prescription Drug Collection Box.”

14. Resolution to appropriate \$90,000 from the Building and Vehicle Fund, Fund Balance to the 2013 Public Works Fund for the purchase of a sidewalk plow to enhance the sidewalk cleaning program for critical corners and routes
Roll Call.

Councilwoman Brett made a motion, seconded by Councilwoman Killian, to adopt the following Resolution:

WHEREAS, City staff has determined that the amounts required for the purchase of a sidewalk plow for the Public Works Department were not anticipated and were not provided for in the adopted 2013 budget by \$90,000, and;

WHEREAS, the Building and Vehicle Fund, Fund Balance Account has enough funds to be appropriated for the purchase, now, therefore, be it;

RESOLVED, that the City Comptroller is authorized to transfer \$90,000 from the Building and Vehicle Fund, Fund Balance to the 2013 Public Works Fund for the purchase of a sidewalk plow.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

15. Resolution to transfer additional funds from the Contingency account to fund the support design and survey work for Safe Route To School project submissions and SEQRA Lead Agency declaration (\$40,000) and for the retro-fit of Fire Department air pack sets (\$50,000)
Roll Call.

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

WHEREAS, City staff has determined that the amounts required for the cost to support the design and survey work for SRTS project submissions, SEQRA declaration for Lead Agency and Type II action were not anticipated and were not provided for in the adopted 2013 budget by \$40,000, and,

WHEREAS, City staff has determined that the amounts required for the cost to retro-fit the expiring Fire Department Scott air pack sets were not

anticipated and were not provided for in the adopted 2013 budget by \$50,000, and,

WHEREAS, the General Fund Contingent Account has a balance of \$164,800, now therefore, be it

RESOLVED, that the City Comptroller is authorized to transfer \$90,000 from the General Fund Contingent Account to the Capital Projects Fund and the Fire Department Equipment Fund.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

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

Jim Amico, 350 Midland Avenue, discussed issues relating to crossing guards and safety around the schools.

17. Authorization for City Manager to enter into an Agreement for Emergency Medical Transport with the Village of Port Chester, the Village of Rye Brook and Port Chester-Rye-Rye Brook Volunteer Ambulance Corps, Inc.

Roll Call.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to enter into an Agreement for Emergency Medical Transport with the Village of Port Chester, the Village of Rye Brook and Port Chester-Rye-Rye Brook Volunteer Ambulance Corps, Inc. for a five-year period commencing July 1, 2014 through June 30, 2019.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich, Killian, Parker and Sack
NAYS: None

ABSENT: None

The Resolution was adopted by a 7-0 vote.

18. Three appointments to the Rye Golf Club Commission for a three-year term expiring January 1, 2017, and the designation of one member to the Rye Golf Club Nominating Committee

Councilman Jovanovich made a motion, seconded by Councilwoman Brett and unanimously carried, to appoint Mack Cunningham, John Duffy and Leon Sculti to the Rye Golf Club Commission for three-year terms expiring on January 1, 2017.

Councilwoman Parker made a motion, seconded by Councilwoman Brett and unanimously carried, to appoint Terence Caffrey to serve on the Rye Golf Club Commission Nominating Committee for one-year effective January 1, 2014.

19. One appointment to the Rye Cable and Communications Committee for a three-year term expiring on January 1, 2017, by the Mayor with Council approval

Councilwoman Brett made a motion, seconded by Councilwoman Parker and unanimously carried, to appoint Elizabeth Dowling to the Rye Cable and Communications Committee for a three-year term expiring on January 1, 2017.

20. Consideration of a request by the Rye Merchants Association to close a portion of Purchase Street on Sunday, December 1, 2013 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event

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

RESOLVED, that the City Council of the City of Rye hereby approves the request by the Rye Merchants Association to close a portion of Purchase Street on Sunday, December 1, 2013 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event.

21. Appeal of denial of FOIL request by Timothy Chittenden

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

RESOLVED that the City Council of the City of Rye hereby denies the appeal of a response

to a FOIL request submitted by Timothy Chittenden seeking "All EZ Pass invoices for all city vehicle assigned to the Rye Police Department since January 1, 2003", pursuant to POL Sections 87(2)(e)(iii), (iv) and 87(2)(f).

ROLL CALL:

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

The Resolution was adopted by a vote of 5 in favor with two abstentions.

22. Miscellaneous Communications and Reports

Councilwoman Parker reported that she had attended a press conference called by Governor Cuomo to announce the creation of a bi-partisan commission charged with looking at how to reduce property taxes.

Councilman Filippi reported that he had attended a Pace Law School Land Use event for Affordable Housing. He said it would be helpful to get a synopsis for the community in order for them to become educated about the issue.

Mayor French reported that he and City Manager Pickup had met with the Superintendent of Schools and School Board President regarding how things are going with traffic and the crossing guards and they are pleased considering all the issues with the school construction. City Manager Pickup said that the issue of the realignment of the Milton Road and Apawamis Avenue intersection was also discussed. A suggestion was made that the school should develop a plan where high school students were picked up farther away from the school.

23. Old Business

Councilman Sack asked if the Maximus report had been redone. City Manager Pickup said that a draft has been circulated to the Council, the Golf Commission and the Finance Committee and will come up during the budget discussions. Mr. Sack also said he did not think that the search for a new Police Commissioner should begin until a new Mayor and City Council are in place in January. There was a brief discussion centering on the fact that the Council had previously voted to authorize the City Manager to look for a search firm to begin the process.

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

RESOLVED, that the City Council of the City of Rye hereby directs the City Manager to

refrain from commencing the search for a new Police Commissioner until the new Mayor and City Council is in place on January 1, 2014.

ROLL CALL:

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

The Motion was defeated by a 6-1 vote.

Councilman Filippi asked if a quote had been received for the cost of taking down the Lowenstein Bridge.

24. New Business

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to appoint Melissa Grecco to fill a vacancy on the Conservation Commission/Advisory Council.

Mayor French said there has been a request from the Rye Nature Center to use the upstairs apartment for programs. He asked that it be put on the October 23rd Agenda.

25. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Mayor French and unanimously carried, to adjourn the meeting at 12:05 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk