

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on February 26, 2014 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
LAURA BRETT
KIRSTIN BUCCI
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA
RICHARD SLACK
Councilmembers

ABSENT: None

1. Pledge of Allegiance

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

2. Roll Call

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

3. Appointment of City Court Judge (part-time), by the Mayor with Council approval, for a six-year term expiring January 31, 2020

Prior to making the appointment, Mayor Sack provided a brief summary of the background and qualifications of Robert Cypher, the nominee for the position of City Court Judge (Part-Time).

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

RESOLVED, that Robert S. Cypher be appointed Rye City Court Judge Part-Time for a six-year term commencing February 1, 2014 and expiring on January 31, 2020.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney,
Mecca and Slack
NAYS: None
ABSENT: None

The Resolution was adopted by a 7-0 vote.

After the Council vote, newly appointed City Court Judge (Part-Time) Cypher was sworn in by City Court Judge (Full-Time) Joseph Latwin. Members of the Council offered comments and congratulations. Judge Cypher offered his thanks and promised to treat people that come before him as Judge with respect and fairness.

4. General Announcements by the Council

Mayor Sack and the Members of the Council commented on the Information Meeting that had been held the previous evening at City Hall in connection with the Playland Improvement Plan (PIP) and Environmental Resolution that are currently before the Westchester County Board of Legislators. Additionally announcements were made about upcoming events in the community.

5. Draft unapproved minutes of the regular meeting of the City Council held February 5, 2014

Councilman Mecca made a motion, seconded by Councilwoman Bucci and unanimously carried, to approve the minutes of the regular meeting of the City Council held on February 5, 2014, as amended.

6. Issues Update/Old Business

- Update on the \$3 million flood relief funding for Rye through the New York Rising Community Reconstruction Program

City Manager Pickup said that the City will be meeting with the Program Administrator of the New York Rising Program in March. It is an eight month planning process to qualify for this funding. The City is in line for \$3 million. This will come back to the Council to appoint a group of individuals to work on a committee to conduct a series of meetings on, strategies, community risk assessments and needs.

- Update on the City of Rye General Code revision project

This discussion of this item was deferred.

- Update on the selection of and transition to CODE RED

City Manager Pickup said that previously there were two systems – the Reverse 911 and Nixle. The Reverse 911 was the telephone notification system which did not have the necessary capacity for

notifications in major storms. The new system has a greater calling capacity. There was also an issue with Nixle. Therefore, both have been put under Code Red because it can do both the mass calling and online and email notifications. Mayor Sack urged people to go to the City website to sign up for Code Red.

- Update on the request for extended hours for the Rye Marine Patrol

City Manager Pickup said that additional information has been gathered based on the request submitted by the coach of the High School Crew Team. The direct costs involved in getting an officer on the water for an additional ten-week period are about \$30,000. This does not include any overtime costs that the Police Department may incur. There was a brief discussion of a fire boat being utilized instead of a police boat.

- FOIL Appeals

Mayor Sack inquired about FOIL appeals that he had received inquiries about from Timothy Chittenden. Two were dealt with at the January 29th Council meeting and Corporation Counsel Wilson said she was still reviewing an additional one to determine if it was responded to or if it was a valid appeal.

- Taping of Golf Commission Meetings

City Manager Pickup reported that meetings are being videotaped. If the City loses access to the areas that are currently being used for meetings, the new meeting area will be in a smaller space and it will become more difficult to tape the meetings. The Commission is discussing moving their meetings to City Hall.

- City Ownership of Route 1

The City Manager was asked to provide the Council with information on why the City owns Route 1 and the pros and cons of keeping it or giving it back to the State.

7. Public Hearing to change the zoning designation of County-owned property located on Theodore Avenue and North Street to the RA-5 District to provide for the construction of affordable senior housing

Councilwoman Brett summarized the Planning Commission recommendation for the proposed zoning change, including the reservations raised regarding environmental issues on the site.

John Colangelo, the attorney representing Lass Development the potential developer of the site, provided an overview of the construction proposal and their request to the Council to rezone the property. He said his clients would appreciate the opportunity to proceed with site plan review before the Planning Commission while the City Council considers the proposed zoning change.

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

Norma Drummond, Deputy Commissioner of the County Department of Planning, said the County supports the use of the property as a Senior Affordable Housing Development and is anxious for the project to go forward because there is limit to the number of Senior Housing Units that are allowed to be counted toward the Federal Housing Decision. There have been meetings with the City to discuss environmental issues and sewer issues related to the property.

Members of the public who commented on the proposed zoning change included: *John Shoemaker, 255 Theodore Fremd Ave.; Greg Wilson and Dawn Wilson, 11 Hammond Road; Walter Saurack, 10 Hammond Road; Douglas Mackaury, 60 North Street; Joe Murphy, 57 Franklin Avenue; Jim Amico, 350 Midland Avenue; and Bob Zahm, 9 Ridgewood Drive.* They raised concerns regarding environmental issues related to the property; any additional proposed zoning changes in the area; traffic issues; age restrictions; the number of units being proposed; the economic viability of the proposed construction project; flooding; and, how potential residents would be selected.

City Planner Miller pointed out that it is the responsibility of the applicant to address the issues raised and provide the information to the City during the review process. Ms. Drummond addressed issues related to age restrictions, how residents would be selected and environmental clean up. The 55 and older age restriction is legal and the County would request a Waiver from the State Human Rights Commission to prohibit children under the age of 18 prior to turning the property over to the developer. The County would monitor the restricted use. There can be no local preference given to the selection of tenants. After the deadline date, applications will be considered for a lottery. When an application is pulled it will be evaluated under an income eligibility process. Last year at the request of the City Council the County Health Department asked the NYS Department of Environmental Conservation (DEC) to do another round of environmental testing on the property and they refused because they have deemed the site cleaned. The County Health Department then did another round of testing and provided the City with the results.

Staff was asked to look into the possibility of commercial development on the site and if this would be a more preferable tax base for the City than affordable senior housing. A report on the sewer issues was also requested.

Mayor Sack noted that on Saturday, March 8th at 10:00 a.m., the public will be allowed onto the property and the developer will host a tour of the property. The public hearing was kept open until the March 12th meeting.

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

Robert Zahm, 8 Ridgewood Drive, spoke about street problems due to street openings not be repaired properly and ice mounds blocking bus stops.

Mike Visci, 38 Redfield Street, questioned whether the indoor fields included in the PIP for Playland were necessary.

Jim Amico, 350 Midland Avenue, spoke about snow piles near a residence on Goldwin Street and asked the City to do something.

Agenda Items 9 and 9A were taken after Agenda Item 17.

9. Authorization for the City Manager to engage an attorney to represent the City in the legal proceedings *Rvin Reyes, et al v. City of Rye*
Roll Call.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to engage Harris Beach PLLC to represent the City of Rye and the Rye Golf Club in the legal proceedings *Rvin Reyes, et al v. City of Rye, et al* at the rate of \$215.00 per hour.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney,
Mecca and Slack
NAYS: None
ABSENT: None

The Resolution was adopted by a 7-0 vote.

- 9A. Authorization for the City Manager to engage an attorney to assist the City in outside legal matters
Roll Call.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to engage Arnold & Porter for an amount up to \$10,000.00 to assist the City in outside legal matters.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney,
Mecca and Slack
NAYS: None
ABSENT: None

The Resolution was adopted by a 7-0 vote.

10. Resolution to appropriate \$100,000 from the General Fund, Fund Balance to the Street Resurfacing Project for additional road improvements and road repairs/paving
Roll Call.

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

WHEREAS, City staff has determined that the amounts required for the cost to add additional road improvements and road repairs and paving to the 2014 Street Resurfacing Budget were not anticipated due to damage from the winter storms and were not provided for in the adopted 2014 budget by \$100,000, and;

WHEREAS, the General Fund, Fund Balance has enough funds to be appropriated for the project, now, therefore, be it;

RESOLVED, that the City Comptroller is authorized to transfer \$100,000 from the General Fund, Fund Balance to the 2014 Street Resurfacing Budget for additional road improvements and road repairs and paving.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney,
Mecca and Slack
NAYS: None
ABSENT: None

The Resolution was adopted by a 7-0 vote.

11. Resolution to appropriate \$590,000 from the Building and Vehicle Fund, Fund Balance to fund the following: \$190,000 to purchase vehicles for the Fire Department, Public Works Department, and the Recreation Department; and \$400,000 for the addition of a new salt shed at the Public Works Department
Roll Call.

There was a discussion among the Council as to why these items were not included in the 2014 Budget when it was adopted in December and if they should be held over for consideration in the 2015 Budget discussions. This agenda item was deferred to allow City Engineer Coyne to come to a meeting and answer Council questions regarding the requests.

12. Consideration to set a Public Hearing for March 26, 2014 to revise the Mission Statement for the Rye Senior Advocacy Committee

Joseph Murphy, Chair of the Rye Senior Advocacy Committee, said that the proposed revision of the Mission Statement will not change the work of the Committee but will allow for additional initiatives related to helping seniors.

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

WHEREAS, the Rye Senior Advocacy Committee wishes to revise its Mission Statement, and

WHEREAS, such revision requires amending the Code of the City of Rye; and

WHEREAS, it is now desired to call a public hearing on such proposed revision to the Mission Statement of the Rye Senior Advocacy Committee by amending Chapter 10 Committees, Article II, Rye Senior Advocacy Committee, §10-4 Legislative Intent, of the Rye City Code, 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 March 26, 2014 at 7:30 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 change to Chapter 10, Article II, § 10-4 of the Rye City Code.

Section 2. Such notice of public hearing shall be in substantially the following form:

PUBLIC NOTICE
CITY OF RYE

**A Local Law to amend Chapter 10, Committees, Article II,
Rye Senior Advocacy Committee, of the Code of the City of Rye
by amending § 10-4 Legislative Intent in order to revise
the mission statement 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 26th day of March 2014 at 7:30 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 local law to amend Chapter 10, Committees, Article II, Rye Senior Advocacy Committee, of the Code of the City of Rye by amending § 10-4 Legislative Intent in order to revise the mission statement of the Committee.

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

Dawn F. Nodarse
City Clerk
Dated: March 14, 2014

13. Resolution to authorize expenditure of Police donation funds for the purchase of Storm Tech outwear jackets with the PBA logo
Roll Call.

Members of the Council questioned why the logo on the jackets would be the Rye Police Association and not the City of Rye. This item was deferred to await a response.

14. Appointments to Boards and Commissions, by the Mayor with Council approval
A) One appointment to the Finance Committee for a three-year term.

Mayor Sack made a motion, unanimously approved by the Council to appoint Tiffany O'Toole Flanerty to the Finance Committee for a three-year term expiring on January 1, 2017.

- B) One appointment to the Flood Advisory Committee for a three-year term.

Mayor Sack made a motion, unanimously approved by the Council to appoint Allyson Martin to the Rye Flood Advisory Committee for a three-year term expiring on January 1, 2017.

- C) Two appointments to the Landmarks Advisory Committee for a three-year term.

Mayor Sack made a motion, unanimously approved by the Council to appoint Vicky Farrington and Peter Rolland to the Landmarks Advisory Committee for three-year terms expiring on January 1, 2017.

- D) Two appointments to the Conservation Commission/Advisory Council for three-year terms.

Mayor Sack made a motion, unanimously approved by the Council to appoint Annalise Stack and Mark Hutson to the Conservation Commission/Advisory Council for three-year terms expiring on January 1, 2017.

15. Miscellaneous Communications and Reports

There was nothing discussed under this agenda item.

16. New Business

There was nothing discussed under this agenda item.

17. The Council will convene into Executive Session to discuss labor relations and litigation

Councilwoman Brett made a motion, seconded by Councilman Sack and unanimously carried, to adjourn into executive session to discuss labor relations and litigation at 11:15 p.m. Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the executive session at 12:25 a.m. The regular meeting reconvened at 12:28 a.m.

Agenda Items 9 and 9A were taken at this time.

18. Adjournment

There being no further business to discuss Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the meeting at 12:30 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk