

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on March 12, 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

The Council convened at 6:30 p.m. Councilwoman Bucci made a motion, seconded by Councilman Slack and unanimously carried to immediately adjourn into executive session to discuss labor relations. Councilwoman Killian made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the executive session at 7:37 p.m. The regular meeting convened at 7:40 p.m.

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. General Announcements by the Council

Announcements were made regarding upcoming events that may be of interest to residents.

4. Draft unapproved minutes of the regular meeting of the City Council held February 26, 2014

Councilwoman Brett made a motion, seconded by Councilman McCartney and unanimously carried, to approve the minutes of the regular meeting of the City Council held on February 26, 2014.

5. Issues Update/Old Business

- Update on the City of Rye General Code revision project

City Manager Pickup said the City is working on an update to the current Code. The information before the Council is the first of a series of revisions to clean up the Code and make it more logical and easier to work with. The Corporation Counsel is meeting with department heads regarding revisions, which will then be forwarded to an editor at General Code for formatting. It will ultimately come back to the Council for adoption. Corporation Counsel Wilson pointed out that the revisions are to the Code and not the City Charter.

- Parking on Park Lane

Mayor Sack asked the City Manager to provide the Council with a history of parking issues for residents living on this street located near the Milton Firehouse. Residents are looking for an exemption to the Snow Ordinance parking requirements.

6. Continuation of the 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

Mayor Sack said that a site visit was held that was attended by a number of interested individuals since the public hearing was opened at the last meeting. He added that the public hearing will be held open until questions about traffic and environmental issues are addressed. City Planner Miller summarized a memo he prepared in response to comments made during the public hearing at the last meeting. He recommended that additional information be provided for the Council's review in three areas: (1) a Phase II Analysis should be prepared; (2) the applicant should prepare a traffic study; and, (3) a fiscal impact analysis should be done.

Residents speaking at the public hearing included: *John Alfano; Joe Murphy, 57 Franklin Avenue; Greg Faughnan, 131 Purchase Street; Jim Amico, 350 Midland Avenue; Bruce Macleod, 2 Topsail Lane; John Shoemaker, 255 Theodore Fremd Avenue; Dawn Wilson, Hammond Road; Walter Saurack, 10 Hammond Road; and Carolyn Cunningham, 18 Soundview Avenue, who also read a letter submitted by Patrick McGunagle former Chair of the Human Rights Commission.* Comments were made both in favor of and against the proposed zoning change. The Council was encouraged to look at Rye Manor on Theall Road as an example of a successful affordable senior housing project in Rye. There was also great concern expressed regarding environmental and traffic issues related to the site on Theodore Fremd Avenue and North Street and the Council was urged not to make a decision on the proposed zoning change until questions regarding these issues were answered. *John Shoemaker* also submitted three letters from residents who own properties within a 100-foot radius of the subject property, protesting the proposed zoning change. Corporation Counsel Wilson concurred that submission of these letters triggers a requirement for a super-majority vote of the Council in order to adopt the zoning change.

The public hearing will be kept open until the April 9th City Council meeting.

7. Presentation by the Sustainability Committee regarding the City of Rye participating in a local environmental consortium

Councilwoman Killian provided background on the Southern Westchester Energy Action Consortium (SWEAC), a collaboration of municipalities addressing energy and sustainability concerns in Southern Westchester. Sara Goddard, Chair of the Sustainability Committee, also provided information on the Northern Westchester Energy Action Committee (NWEAC) and said that the two organizations were merging to become Sustainable Westchester at some time in 2014. She urged the Council to approve the City of Rye joining SWEAC and said it would also benefit from the merging of the two organizations. It was noted that there was no fee for joining SWEAC but there may be an annual fee, estimated at \$1,000, to join Sustainable Westchester.

Councilman Mecca 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 directs the City Manager to take all necessary steps for the City of Rye to become a member of the Southern Westchester Energy Action Consortium (SWEAC).

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

George Szczerba, 16 Adelaide Street, spoke about the revised proposal for the Field House at Playland and said that he felt the plan would present problems from a public safety and first responder perspective due to the close location of the parking to the structure.

Deirdre Curran, 111 Prospect Street, Port Chester, also spoke about the revised plan for the Field House. She urged the Council to give the Playland issue the same diligence as the proposed zoning change on Theodore Fremd Avenue.

Leon Sculti, 10 Ridgeland Terrace, spoke about issues related to the Golf Club and asked for an update on the claim the City filed with the insurance company. Mayor Sack noted that there has not been a response by the insurance company to date and asked that City staff find out where the insurance company stands on the claim in order for the Council to make a decision on how to proceed. *Mr. Sculti* also referred to conflicts of interest of former Golf Club Manager Scott Yandrasevich which resulted in the losses to the Golf Club.

9. Authorization for City Manager to enter into an Intermunicipal Agreement with the Village of Port Chester to remove an historic mile marker located in Port Chester along Boston Post Road

Councilwoman Brett and City Manager Pickup provided a brief history of the mile marker which is currently located on the old United Hospital property in Port Chester but is believed to have originally been located in the City of Rye.

Councilman Mecca made a motion, seconded by Councilwoman Bucci and unanimously approved, with Mayor Sack and Councilwoman Killian being absent, to adopt the following Resolution:

RESOLVED that the City Council of the City of Rye hereby authorizes the City Manager to enter into an Intermunicipal Agreement with the Village of Port Chester to remove an historic mile marker located in Port Chester along the Boston Post Road and return it to the City of Rye.

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

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

WHEREAS, the City Manager and Interim Police Commissioner have approved a request of the Rye Police Association (“RPA”) dated December 19, 2013 to purchase Storm Tech outwear jackets with the PBA logo in the amount of \$3,500 for the Rye Police Department with funds available in the police donations account, and;

WHEREAS, sufficient funds exist in the police donations account to comply with the aforementioned request of the RPA; now, therefore be it;

RESOLVED, that the \$3,500 be appropriated from the police donations account to increase 2014 General Fund appropriations for Police uniforms.

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

Mayor Sack made a motion, unanimously approved by the Council, to appoint Paula Gamache to the Landmarks Advisory Committee for a three-year term expiring on January 1, 2017.

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

Mayor Sack made a motion, unanimously approved by the Council, to appoint Ted Stein to the Rye Town Park Advisory Committee for a three-year term expiring on January 1, 2017.

13. Consideration of a request by the Milton Elementary School PTO to approve a parade to precede the Milton Elementary School Fair on Saturday, March 15, 2014 from 9:00 a.m. to 10:15 a.m.

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

RESOLVED, that the City Council of the City of Rye hereby approves the request of the Milton Elementary School PTO for use of City streets on Saturday, March 15, 2014 from 9:00 a.m. to 10:15 a.m. for a parade to precede the Milton Elementary School Fair.

14. Resolution to declare certain equipment as surplus
Roll Call.

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

WHEREAS, the City has been provided with a list of City equipment identified as being obsolete or will become obsolete during 2014, and,

WHEREAS, these Departments have recommended that said equipment be declared surplus, now, therefore, be it

RESOLVED, that said equipment are declared surplus, and, be it further

RESOLVED, that authorization is given to the City Comptroller to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

List of Surplus Equipment:

Police Department:

- 9 Sierra Wireless MP 595 3G 1X/EVDO CDMA Modems
- 1 HP Compaq DC5100 MT Workstation Computer, Serial #MXL533ONDB
 - Floppy Drive, Missing DVD ROM, No Hard Drive, No Memory, Missing various frame parts. 7 years old.
- 1 HP Compaq DC5100 MT Computer, Serial #MXL533ONDB
 - DVD ROM, Floppy Drive, No Hard Drive and No Memory, 7 years old

IT Department

Item	Make	Model	Serial #
Monitor	ViewSonic	VCDTS22037	21P0050000380
Fax	HP	HP640	CN86G4MOW8
Computer	HP	D530sff	USU4 09WH
Docking Station	hp	Compaq	157935-001
Monitor	HP	LA1951G	CNCO51NV5L
Monitor	HP	LA1945W	3CQ9250NCC
Tablet	HP	KRD404034X	DQ871A#ABA
Card Printer	Zebra	D310CM	ER267814
Monitor	ELO	Touchsystem	723420805C
Monitor	ELO	Touchsystem	723420788C
Printer	HP	LJ1505	VND3G36008
POS	JIVA	TP8600B	TP8A1118
Printer	Epson	M188B	F73G159317
Computer	HP	DX2400 Micro Tower	2UA8211HPH
Paper Shredder	Achiever	SCSG	N/A

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.

15. Miscellaneous Communications and Reports

There was nothing discussed under this Agenda item.

16. New Business

There was nothing discussed under this Agenda item.

This Agenda item was discussed after Agenda item 17.

16A. Consideration of FOIL Appeal submitted by Timothy Chittenden

Prior to a vote being taken, City Manager Pickup clarified that there were no other responsive documents and Mayor Sack noted that the Council had reviewed both redacted and non-redacted copies of the records that were provided.

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 denies the Appeal submitted by Timothy Chittenden regarding the response to a FOIL request for “all records of any agreements and/or all other documents with regard to any stipend, additional pay or benefits provided to Robert Falk as interim/acting Rye Police Commissioner since 1/1/2014” because he was provided with all of the responsive documents and was provided with the pertinent section of the Public Officer Law (POL 87(2)(b)) by which redactions to the documents were made.

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.

17. The Council will convene into Executive Session to discuss personnel

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried to adjourn into executive session to discuss personnel and litigation matters at 9:40 p.m. Councilwoman Killian made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the executive session at 11:50 p.m. The regular meeting reconvened at 11:51 p.m.

18. Adjournment

There being no further business to discuss Councilman Mecca made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn the meeting at 11:55 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk