

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

PRESENT:

JOSEPH A. SACK Mayor
LAURA BRETT
KIRSTIN BUCCI (not at Square House portion of meeting)
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA
RICHARD SLACK
Councilmembers

ABSENT: None

Sheri Jordan, Director of the Rye Historical Society, welcomed everyone and said it was wonderful to have the ceremonial meeting in the old Council Room. She noted that former Mayor Granger, who is present this evening, was Mayor when the Council meetings were still held in this building.

Mayor Sack noted that the City Hall was in the Square House from 1904 until 1964 when the current City Hall was opened. He said he has heard that there is a requirement in the deed for the Square House that public meetings must be conducted there, which is a possible reason for this annual event. He called the event a “reunion” for all those who have served the City of Rye.

City Manager Culross acknowledged department heads, many of whom were in attendance, as a way of acknowledging the work of all City employees:

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| James Buonaiuto | Golf Club General Manager |
| Ryan Coyne | City Engineer |
| Kerry Donahue | IT Coordinator |
| Maureen Eckman | Building Inspector |
| Robert Falk | Acting Police Commissioner |
| Joseph Fazzino | Deputy Comptroller |
| Scott Fontecchio | General Foreman DPW |
| Peter Fox | Boat Basin Supervisor |
| Nicole Levitsky | Cable Access Coordinator |
| Eleanor Militana | Assistant to City Manager |
| Christian Miller | City Planner |
| Dawn Nodarse | City Clerk |
| Sally Rogol | Superintendent of Recreation |
| Kurt Tietjen | Fire Lieutenant |
| Noreen Whitty | City Assessor |
| Kristin Wilson | Corporation Counsel |

Mr. Culross also acknowledged the Volunteer Fire Chiefs, Peter Cotter, Michael Billington and Richard Barber.

Mayor Sack said that serving requires sacrifice, but it is an honor and privilege. Councilwoman Brett said she draws inspiration and fortitude from this meeting and the many people in the room who have served the City. Councilwoman Killian said she was honored to be on the Council and in the room with others who have served and offered her appreciation to the volunteers and City staff. Councilman McCartney said that being on the Council is a learning process and thanked the former members for their service and mentoring and added that people serve because they love Rye. Councilman Slack said it was a privilege to serve on the City Council and that he was influenced to serve by seeing the generosity of service of people in the community. Councilman Mecca said and that he has served with many of the people in the room on various Boards and Commissions and that Rye is lucky to have people who volunteer to serve.

Mayor Sack then called upon current and former Judges; former Mayors and Councilmembers and current members of Boards and Commissions to speak:

Former Judge Richard Runes said that being a judge was a fabulous experience and that he was thankful for the opportunity. Former Judge and Councilman John Alfano said he was pleased to be at the meeting and see old friends. Current City Court Judge Part-Time and former Councilman Robert Cypher said he was thankful for the opportunity to serve as a Judge and will not let the City down. Current City Court Judge and former Councilman Joseph Latwin offered thanks to the Judges who have preceded him or served with him.

Former Mayor Ed Grainger wished the new Council well and said he hoped they would be able to change what they don't like. Former Mayor John Carey said it was a pleasure to be there, wished the Council luck and said he would say a prayer for them. Former Mayor Ted Dunn offered good wishes to the Council and said he hoped they had as much fun as he did. Former Mayor and current State Assemblyman Steve Otis said that this meeting connects everyone to their history and said that Rye is a unique town.

Former Councilman and current State Senator George Latimer said that he had four great years on the Council and said he has confidence that the City is in good hands. Former Councilwoman and current County Legislator Catherine Parker thanked the Council for what they do and said she brought her children tonight so they could see those who have done so much for their community. Former Councilman Jim Burke said the current Council came into office facing big challenges and has accomplished a lot in four months. Former Councilman Jim Flick said it was humbling to be here and said a common thread was the dedication of all who had served to make the community the way it is. Former Councilman Arthur Stampleman wished the present Council luck in carrying out their duties. Former Councilman Pat LoRusso congratulated the Mayor and Council on their election and said they are ready to deal with the challenges facing them.

Several members of Board and Commissions also spoke. Jack Zahringer of the Landmarks Advisory Committee said he had seen Councilman Mecca working for the City at the Rye Chamber of Commerce meeting. Vickie Farrington who also serves on the Landmarks

Committee said she was happy to give back to the community. Joe Murphy of the Rye Senior Advocacy Committee said his committee was looking forward to doing better things for Rye. Bernie Althoff of the Flood Advisory Committee thanked the Council for being aware of the flooding problem and trying to do something about it. Greg Gavlick of the Boat Basin Commission said he hopes his Commission can aspire to what the Council does. Steve Fairchild of the Rye Cable and Communications Committee said his committee has the most fun because they get to tell stories.

Mayor Sack said that this year is the 50th anniversary of the current City Hall and there will be a celebration at some point. The ceremonial portion of the meeting was adjourned at 8:20 p.m. The Council reconvened in Council Chamber at 8:35 p.m. for the regular meeting.

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

Councilman Mecca reported on the recent Chamber of Commerce meeting he attended. Councilwoman Brett announced an upcoming event at Rye Town Park and Councilman McCartney made announcements regarding the Golf Club.

4. Draft unapproved informal minutes of the Joint Meeting of the City Council and Board of Education held April 5, 2014 and the minutes of the regular meeting of the City Council held April 23, 2014

The approval of the informal minutes of the Joint Meeting of the City Council and Board of Education held on April 5, 2014 was deferred.

Councilman Mecca made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the minutes of the April 23, 2014 City Council meeting.

5. Issues Update/Old Business

Accident at Boston Post Road and Sonn Drive – Mayor Sack reported there was an accident at this intersection on May 2nd and an Osborn School student was struck in traffic. The

student is recovering at home. The Mayor said that Councils in the past have looked at this intersection and determined that it is not a safe location for people to cross and urged people to go to the corner and cross at the light. He said that if the current Council wants to revisit the issue after reviewing the work that was done previously that is a possibility. The City Manager was asked to put together the material that has been compiled in the past and provide it to the Council for their review and a suggestion was also made to refer it to City staff and the Traffic and Pedestrian Safety Committee for their analysis as well. *Jim Amico* agreed that the issue should be revisited and *Elizabeth Zahm* said that when emergency evacuation of Osborn were done, the children are crossed at that location, which sends a mixed message to children.

Flooding – Mayor Sack said there was a flood type situation in Rye the previous week that caused the banks of Blind Brook to rise and crest in low lying areas. This was the first storm where the Sluice Gate at the Bowman Dam was used. The City Manager and City Engineer will do an evaluation to determine how the gate worked. City Manager Culross said the City is learning because using the Sluice Gate changes the trigger points to which the City normally responds. City Engineer Coyne said the gate operated twice and the City is working with its engineering consultants on the data to see if any refinements need to be made. Mayor Sack said that Code Red communications should have gone out to residents regarding the storm and possible flooding in order to keep people informed on a timely basis. Councilwoman Brett suggested that the City and Flood Committee work to create a protocol for what information should be provided in alerts to residents and when they should go out. It was noted that the Police Department tried to reach out to people whose cars were parked on Wappanocca Avenue. *Sis D'Angelo* said that construction debris should be controlled so it does not go into the brook during a storm. *Jim Amico* said that notice should focus on Highland Hall residents who do not know about flooding.

Tree on Village Green - Mayor Sack noted that a tree has recently been planted on the Village Green to replace a tree that came down in a storm. The Mayor said he received a complaint from someone about the planting of the tree but noted that City staff had given thought to replacing the tree and the best location for it and he is comfortable with their decision. *Jack Zahringer* noted that the Village Green is landmarked and said the Landmarks Committee has a landscape architect on the Committee who could be consulted in these situations.

Sustainable Playland, Inc (SPI) – Mayor Sack said he read that SPI has come back to the Board of Legislators process. He added that the City has made its position clear and will continue to monitor the situation and take any action it deems appropriate.

Golf Club – The operator of the Snack Bar at the Golf Club has not yet obtained his liquor license and it could take up to a couple more weeks.

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 the public hearing had been put over in order for the County to provide requested information to the City. Lou Larizza, the proposed developer, said that all of the

information requested by the Council will be submitted to the City by early next week. He suggested that the Council review the information and discuss it at the next meeting.

The only member of the public commenting was *John Shoemaker* who discussed information on the property that he had received as a result of Freedom of Information Law (FOIL) requests submitted to the State Department of Environmental Conservation and the County of Westchester. Mayor Sack asked Mr. Shoemaker if he could submit a summary of his findings and the supporting documentation to the City.

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried to continue the public hearing until the May 21st City Council meeting.

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

Elizabeth Zahm, 7 Ridgewood Drive, thanked the crossing guard at Boston Post Road and Central Avenue for doing a wonderful job. She noted that the woman had quit her job recently because cars were ignoring her when she was in the crosswalk. Ms. Zahm suggested that more enforcement was needed.

Jim Amico, 350 Midland Avenue, spoke about the proposed speed PILOT for Stuyvesant Avenue. He said he thought the proposal was a waste of time. He said enforcement was needed and a better solution should be found that commands drivers to change their habits.

8. Appeal of denial of FOIL request by Liz Button for “Any and all documents related to work performance reviews for Scott Pickup in his position as City Manager starting in 2010”

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn into executive session to seek legal advice from counsel at 9:50 p.m. Councilman Mecca made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn the executive session at 10:01 p.m. The regular meeting reconvened at 10:05 p.m.

Mayor Sack said that the requestor was informed that the record that exists was exempt under Public Officers Law §87(2)(b). He noted that the requestor, as part of their appeal, submitted an opinion from the Committee on Open Government which suggests that certain portions of employment reviews can be disclosed as long as they are redacted.

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

RESOLVED, that the appeal of the response to the FOIL request submitted by Liz Button for “Any and all documents related to work

performance reviews for Scott Pickup in his position as City Manager starting in 2010” is granted, but limits the documents produced to those with necessary redactions to be made by the Corporation Counsel.

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.

9. Miscellaneous Communications and Reports

Councilwoman Brett reported that the Landmarks Committee has voted that the land at the corner of Boston Post Road and Central Avenue that has been referred to as a “parkette” should be continued to be maintained by the City as parkland. Councilman McCartney noted that there is a dispute as to whether the land is actually parkland.

10. New Business

There was nothing discussed under this Agenda item.

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

See Agenda item 12 below.

12. Adjournment

There being no further business to discuss Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn into executive session to discuss personnel, labor negotiations and litigation and not return to the regular session at 10:15 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

