

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on May 21, 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 7:00 p.m. Councilwoman Killian made a motion, seconded by Councilman McCartney and unanimously carried to immediately adjourn into executive session to discuss litigation and attorney/client matters. (Mayor Sack and Councilwoman Brett joined the executive session later.) Councilman Mecca made a motion, seconded by Councilman Slack and unanimously carried, to adjourn the executive session at 7:41 p.m. The regular meeting convened at 7:45 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 meetings, events and activities that may be of interest to City residents.

3A. Approval of the election of one new member to the Rye Fire Department

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

RESOLVED, that the City Council of the City of Rye hereby approves the election of John Lawlor to the Fire Police Patrol Company of the Rye Fire Department, as approved by the Fire Wardens at their May 6, 2014 meeting.

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 May 7, 2014

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to approve the informal minutes of the Joint Meeting of the City Council and Board of Education held on April 5, 2014.

Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried to amend the Resolution adopted at the May 7, 2014 meeting in connection with the appeal of the denial of a FOIL request to read as follows:

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, however, the documents will be subject to necessary redactions.

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to approve the minutes of the regular meeting of the City Council held on May 7, 2014.

5. Issues Update/Old Business

Sustainable Playland (SPI) – Mayor Sack reported that last week a letter was sent on behalf of the City to the New York State Commissioner of the Department of Environmental Conservation (DEC) stating that there appears to be a dispute between the City and the County as to who should be the “Lead Agency” with regard to the SEQRA review of the Playland Improvement Plan (PIP). The City maintains it should be Lead Agency because, among other things, it is the community that will bear the brunt of any environmental impacts. The County has ten days to respond to the letter.

Rye Town Park – Councilwoman Brett reported that only one response had been received to the RFP that was issued by the Rye Town Park Commission for possible uses of the Pavillion/Bath House Building at the park. It was rejected by the Commission. Ms. Brett also

raised the issue of the requirement that dogs be leashed at all times in the park and the tensions that the law raises. She said the Commission would like the City to resolve the issue. There was a discussion among the Council regarding a local law to allow dogs off leashes in certain areas during certain hours. The Corporation Counsel was asked to draft a law by the June meeting so the Council can set a public hearing for the July meeting.

Beaver Swamp Brook – Corporation Counsel Wilson provided an update on the Administrative Law proceeding that commenced in 2007 in connection with the Town of Harrison’s proposed “Project Home Run”. Ms. Wilson said her advice to the Council is to retain a hydrology consultant to review the work of Harrison’s consultant, Leonard Jackson & Associates, regarding the flood storage capacity of the site and provide an independent opinion. A proposal has been provided with a \$10,000 scope, which includes the analysis of Leonard Jackson’s data and, if necessary, any mitigation measures that they would recommend.

5A. Authorization for the City Manager to retain an expert hydrologist for the purpose of reviewing the Town of Harrison’s hydrology report

Councilwoman Brett 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 retain the firm of Barton & Loguidice for the purpose of reviewing the hydrology report prepared for the Town of Harrison by Leonard Jackson & Associates.

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.

6. Consideration of a Memorandum of Agreement between the City of Rye and the Rye Police Association of the City of Rye, Inc. for 2011-2015
Roll Call

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

WHEREAS, The City of Rye and the Rye Police Association of the City of Rye, Inc. have negotiated a new Memorandum of Agreement which will replace the agreement which expired on December 31, 2008, and;

WHEREAS, The Police Association of the City of Rye, Inc. ratified the proposed terms of the MOA, now, therefore, be it;

RESOLVED, that the City Council approve the contract MOA between the Police Association of the City of Rye, Inc. for the contract period of 01/01/2011 to 12/31/2015.

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.

7. Consideration of Stipulation of Settlement between the City of Rye and the Rye Police Association of the City of Rye, Inc.
Roll Call

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

WHEREAS, The City of Rye and the Rye Police Association of the City of Rye, Inc. have negotiated a Stipulation of Settlement regarding the new Memorandum of Agreement which will replace the agreement which expired on December 31, 2008, and;

WHEREAS, The Police Association of the City of Rye, Inc. ratified the proposed terms of the MOA, now, therefore, be it;

WHEREAS, that the City Council approves the Stipulation of Settlement between the City of Rye and the Rye Police Association of the City of Rye, Inc.

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.

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

Mayor Sack said that subsequent to the last meeting, the City was provided with information it had requested from the County by Lou Larizza the proposed developer. There was a lengthy discussion among the Council about the information provided, in particular, the environmental analysis and the lack of data provided in connection with the groundwater analysis of the property. Mr. Larizza offered to ask the County to provide their data on the water testing. The Council discussed whether it was prudent to retain an environmental engineer to review the data provided by the County. *Walter Saurach of Hammond Road* was the only member of the public to comment. He encouraged the Council to hire an independent consultant.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to retain a professional consultant to assist the City Council with the review of the environmental assessment provided by the County in connection with the application for a change in the zoning designation of County-owned property located on Theodore Fremd Avenue and North Street to the RA-5 District to provide for the construction of affordable senior housing.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

The public hearing will be kept open until the June 11th meeting.

9. Consideration to set a Public Hearing to amend local law Chapter 191, Vehicles and Traffic, of the Rye City Code by amending Section §191-19, “No parking any time” to prohibit parking on the north side of Mead Place; and Section §191-19-1, “Parking prohibited certain hours” to remove the restriction of no parking on Mead Place Monday through Saturday from 7:00 a.m. to 6:00 p.m.

City Manager Culross said this is a recommendation from the Traffic & Pedestrian Safety Committee. *John Rock of 29 Mead Place* said there is 100% consensus of the residents to prohibit parking on the north side of Mead Place.

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

WHEREAS, the Council wishes to amend Chapter 191, Vehicles and Traffic of the Code of the City of Rye by amending Sections 191-19 and 191-19-1; and

WHEREAS, it is now desired to call a public hearing on such proposed amendments to the law, 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 June 11, 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 local law.

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

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law Chapter 191, Vehicles & Traffic of the Rye City Code by amending §191-19, “No parking any time” to prohibit parking on the north side of Mead Place and to amend §191-19-1 “Parking prohibited certain hours.” to remove the restriction of no parking on Mead Place Monday though Saturday from 7:00 PM to 6:00PM

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 11th day of June 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 to amend §191-19, “No parking any time” to prohibit parking on the north side of Mead Place and to amend §191-19-1 to remove the restriction of no parking on Mead Place Monday though Saturday from 7:00 PM to 6:00 PM “Parking Prohibited certain hours.”

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

Dawn F. Nodarse

City Clerk

Dated: May 22, 2014

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

Joe Murphy, Chair of the Rye Senior Advocacy Committee said that seniors have questions in connection with the local television carriers Verizon and Cablevision regarding such things as senior discounts. Corporation Counsel Wilson said she would take a look at the agreements the City has and bring the issue up with them. He also requested some financial support from the City in order to hire personnel to work on the project to update the Senior Directory. He was asked to submit a proposal to the City Manager regarding who he wants to retain; how much it would cost; and what they would be doing.

11. Resolution to transfer \$100,000 from the Contingency account to fund legal services
Roll Call

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

WHEREAS, City staff has determined that the amounts required for the cost of legal services performed and on-going for various legal cases were not anticipated and were not provided for in the adopted 2014 budget, and;

WHEREAS, the General Fund Contingent Account has a balance of \$250,000, now, therefore, be it;

RESOLVED, that the City Comptroller is authorized to transfer \$100,000 from the General Fund Contingent Account to the City Legal Services Account.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney, Mecca and Slack

NAYS: None

ABSENT: None

12. Discussion of the recommendation by the Traffic and Pedestrian Safety Committee that a Pilot Study be conducted to test the effect of reducing the speed limit to 25 miles per hour on Stuyvesant Avenue

This agenda item was deferred to the June 11th meeting.

13. Consideration of a request by the Rye Chamber of Commerce for the use of City streets for the Annual Sidewalk Sale to be held on Thursday, July 24, 2014 through Saturday, July 26, 2014 from 9:00 a.m. to 5:00 p.m.

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

RESOLVED, that the City Council of the City of Rye hereby approves the request of the Rye Chamber of Commerce for the use of City streets and sidewalks for the Annual Sidewalk Sale to be held on Thursday, July 24, 2014 through Saturday, July 26, 2014 from 9:00 a.m. to 5:00 p.m.

14. Miscellaneous Communications and Reports

Councilwoman Killian reported that the Sustainability Committee has an intern from Rye High School.

15. New Business

There was nothing reported under this Agenda item.

16. Adjournment

There being no further business to discuss Councilman Slack made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn into executive session to discuss attorney/client matters regarding FOIL and not return to regular session at 9:40 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk