

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on August 4, 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 Slack and unanimously carried to immediately adjourn into executive session to discuss collective bargaining. Councilwoman Bucci made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the executive session at 7:25 p.m. The regular meeting convened at 7:30 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

Mayor Sack noted the passing of Peter Collins and Pat Iorillo; offered condolences to their families, and requested a moment of silence. The Mayor congratulated the Police, Fire and Public Works Departments for their actions in rescuing two men who were trapped in a trench collapse on Bradford Avenue and acknowledged the assistance of the Westchester County Department of Emergency Services, and the White Plains and New Rochelle Fire Departments. He also announced that coyotes have been seen in Rye again and asked residents to report when and where they are seen to the Police Department and the Department of Environmental Conservation (DEC). Announcements were also made regarding various meetings, events and activities they may be of interest to the residents of Rye.

4. Presentation of the 2015-2019 Capital Improvements Program

City Planner Christian Miller presented the City's 2015-2019 Capital Improvement Plan (CIP) for the City, as required by Charter. The purpose of the CIP is to identify major projects and acquisitions; identify the cost, and, time when the project might be implemented over a five-year period. The 2015-2019 CIP is for \$23 Million and consists of 53 projects. The projects are broken down as: \$14.7 Million for Transportation projects; \$5.5 for Vehicles and Equipment; \$2.9 Million for Recreation projects; \$2.9 Million for Building projects; \$1.2 Million for Sewer projects; and \$1 Million for Drainage projects. Funding is allocated at approximately \$12 Million from Grants and Aid; \$6.2 Million from General Revenues; and less than \$5 Million from debt. The City has traditionally used Fund Balance to fund capital projects. The General Fund has been restored to \$5.9 Million and the Building and Vehicle Fund now has a surplus of \$3.5 Million. Mr. Miller provided a brief overview of some of the projects. He said it is important to identify projects in order to coordinate opportunities with other projects. He concluded by saying that the challenge for the Council is to determine what projects will be funded during budget discussions in the Fall.

5. Draft unapproved informal minutes of the regular meetings of the City Council held June 11, 2014 and July 8, 2014

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 June 11, 2014.

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 July 8, 2014, as amended.

6. Issues Update/Old Business

Boat Basin: Mayor Sack announced that the New York State Auditor's Report that was issued in January has been posted on the City website.

Joint Meeting with School Board: Mayor Sack said that a Saturday date for a second joint meeting with the School Board has been difficult to arrange and said dates for a possible Monday meeting would be circulated.

7. 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 subcommittee of the Council that includes Councilwoman Bucci and Councilmen McCartney and Slack has been working with the City's Environmental

Consultant, Matthew Carroll of Tenen Environmental (Tenen), who will present their report at this meeting. Councilman Slack said that Tenen was asked to look at everything with regard to the site and give the Council an unvarnished view of the environmental issues. Mr. Carroll said there were many petroleum spills stemming from two gas stations in the area. Currently all spills have been closed by the DEC, which means the State has considered the remediation done at the site and determined that, although residual contamination may remain, the impacts don't impact the use of the site and it is ready for development. Groundwater samplings indicate that concentrations are above drinking water standards but the State has determined that the source of the contamination has been removed and over time the standards will be met. Tenen has reviewed many documents provided by the State, Westchester County, and residents of Rye. Soil samplings indicate that some metals have been detected that are slightly above the restricted residential levels set by the State. The Westchester County Department of Health (DOH) has looked at the remediation results in connection with the proposal for the site and suggested remedial elements that would be appropriate to incorporate into the design of the building, including open parking on the first floor; a venting or waterproofing system for the enclosed spaces for the elevator; and bringing in three feet of fill material to act as a cap on the soil. Tenen's investigation contemplated the potential impacts to future occupants from inhalation of vapors and dermal impacts and recommend that two measures be implemented in the zoning change: (1) the design and implementation of a soil vapor intrusion mitigation system; and (2) the design and installation of a remedial cap. Tenen also commented on the Environmental Assessment Form provided by the applicant and opined that additional information was needed for the Council to make an informed decision. Mr. Carroll also spoke about possible remediation required by the DEC at the manufactured gas plant nearby (Con Edison property) and said the applicant should provide additional information regarding that site. The size of the 150 North Street property will trigger the need for a Stormwater Pollution Prevention Plan and the project will be required to meet OSHA requirements for workers. Mr. Carroll was asked to visit the site and provide more current readings from the two wells where the highest previous readings came from.

Members of the public who commented included *John Shoemaker and Walter Surack*. Questions were asked regarding previous samples taken from the area and the need to take additional samples; the status of the Con Edison site; and how the work plan will impact area residents. *Clark Neuringer*, architect for the applicant, said that the applicant needed time to review the memoranda prepared by Tenen.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to continue the public hearing to the September 10<sup>th</sup> meeting.

8. Public Hearing to amend local law Chapter 197, "Zoning", of the Rye City Code by adding Section 197-15, "Special Permit for Historic Preservation in the B-2 Central Business District" to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council.

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

Mayor Sack summarized the issues that have led up to this public hearing stemming from a decision to ban banks from Purchase Street several years ago in order to protect retail. The current idea is to create a situation whereby a retail store can be saved by adding a bank on Purchase Street. Councilwoman Brett spoke about the Planning Commission's discussion of the proposed local law, and a suggestion that if a special use permit is created it should provide for both historic preservation and diverse retail. She said she reviewed the City's Central Business District (CBD) Plan, which includes Historic Preservation and promoting retail use as priorities. Ms. Brett expressed concern about the format of the proposed special use permit and the process and said she would prefer that the existing Landmark law be utilized, which would require the owner to accept the designation of the property as an historic site or structure and provide for a convenience retail use on the site.

Members of the public who commented on the proposed local law included Planning Commission members *Martha Monserrate and Nicholas Everett*. Ms. Monserrate noted that the proposed law does not control the use of the space and cannot control the tenant at the location. She suggested that combining a specific land use with historic preservation may not be good public policy. Mr. Everett said the Council needs to think about the ramifications of the proposed legislation and that the role of the free market should be looked at. *Neil DeLuca*, representing the owner of the property, said the owner had offered a compromise to keep the Smoke Shop in the City but was not sure if the developer would want to proceed if historic preservation of the property were required. *Lindsey Russell* spoke in favor of preserving the facade and character of the property.

Councilwoman Brett made a motion, seconded by Councilman McCartney and unanimously carried to continue the public hearing until the September 10, 2014 meeting.

9. Public Hearing to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-7, "Speed limits", to lower the speed limit to 25 miles per hour on select roads, including Stuyvesant Avenue, Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue, and Milton Road, during the Pilot Study recommended by the Traffic and Pedestrian Safety Committee.

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

Brian Dempsey, Chair of the Traffic and Pedestrian Safety Committee (TPS) reported that TPS has revised the Pilot Study to include Van Wagenen Avenue, and portions of Forest Avenue, Oakland Beach Avenue and Milton Road ("the loop"). He said speed measures studies should be done by the end of the summer before school opens in the additional areas. Mr. Dempsey says that TPS believes that adding removal of rocks in the right-of-ways and Belgian block would add too many issues to the Pilot study. There was a discussion among the Counsel regarding how best to deal with the issue of removing the rocks and whether they should be included in the Pilot or dealt with as a separate, simultaneous program. City Manager Culross was asked to provide a recommendation from City staff on the best way to enforce removal of the rocks. There was also a request to put a "sunset" clause in the proposed local law.

The only member of the public who spoke was *Jennifer Neron*. She said she was concerned about expanding the scope of the study to include “the loop” because the data and execution would be cleaner on one set street. She also expressed concern about comingling speed and rock removal in the same Pilot.

10. Public Hearing to amend local law Chapter 191, “Vehicles and Traffic”, of the Rye City Code by amending Section §191-20, “Parking time limited”, Subsection (E) “Fifteen-minute limit” to designate two parking spaces on the south side of Sylvan Road closest to Midland Avenue as fifteen minute parking spaces

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried to adjourn the public hearing to the September 10, 2014 City Council meeting.

11. Consideration to reschedule the Public Hearing to September 10, 2014 to amend local law Chapter 191, “Vehicles and Traffic”, of the Rye City Code by amending Section §191-20, “Parking time limited”, Subsection (B) “Two-hour limit” to prohibit parking for a period longer than two hours between the hours of 7:00 a.m. and 6:00 p.m., except on Sundays on the north side of Central Avenue from the west side of the bridge over the Blind Brook to Walnut Street, and Section §191-21, “Parking, standing or stopping” to prohibit parking on the north side of Central Avenue from the Boston Post Road to the west side of the Blind Brook.

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to reschedule the public hearing to the September 10, 2014 meeting.

12. Discussion regarding Hen Island

Mayor Sack introduced the discussion by saying that issues regarding Hen Island (Kuder Island Colony) have been discussed for many years but have never been sufficiently framed or definitively addressed. He added that the goal is to position the City to come to a reasonable conclusion and resolution of the issues.

*Ray Tartaglione* made a PowerPoint presentation that dealt with three issues in connection with Hen Island: sewage, potable water and mosquitoes. The presentation included background and history related to the issues and suggestions for how to deal with them. Mr. Tartaglione was asked to submit his written presentation and to resubmit his PowerPoint presentation to the City Manager’s Office with notations on each picture as to whether it was a current or historic picture. Mayor Sack asked Mr. Tartaglione to cite the authority that he believes the City has to compel the residents of Hen Island to take the actions that were mentioned in the presentation. Mr. Tartaglione cited sections of the City Code.

Several members of the public spoke regarding the issues raised in Mr. Tartaglione’s presentation. *Ron Schoenfeld, Carolyn Barotz, Barbara and Claudio Iodice, Francis*

*Santangelo, Francis Archibald, Jordan Glass, and Deidre Curran* spoke in support of Mr. Tartaglione's presentation. *David and Brian Hutto, Gary and Mark Ederer, Helen Cunningham and David Reinhold* offered a different point of view of conditions on Hen Island from Mr. Tartaglione's presentation. Both Mr. Tartaglione and Mr. Ederer offered to take the members of the Council on a tour of the island. Mayor Sack offered the Board of Kuder Island Colony the opportunity to make their own presentation at a future Council meeting.

13. Consideration to set a Public Hearing to amend local law Chapter 165 , "Signs", of the Rye City Code by adding Section §165-10, "Regulation of banners", to establish regulations for banners on City owned ball field fences and utility poles on City property

This agenda item was tabled until the September 10, 2014 Council meeting.

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

There were no residents who wished to speak under this agenda item.

15. Resolution to approve a Memorandum of Agreement between the City of Rye and the Rye CSEA Local 1000 Department of Public Works Unit.  
Roll Call.

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

**WHEREAS**, the City of Rye and the Rye CSEA Local 1000 Department of Public Works Unit have negotiated a new Memorandum of Understanding which will replace the agreement which expired on December 31, 2011; and

**WHEREAS**, the CSEA DPW Unit ratified the proposed terms of the MOA; now, therefore, be it

**RESOLVED**, that the City Council approve the four-year contract MOA between the Rye CSEA Local 1000 Department of Public Works Unit for the contract period of 01/01/2012 to 01/01/2015.

**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.

16. Adoption of the 2014/2015 tax levy and tax rate for the Rye Neck Union Free School District  
Roll Call.

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

**WHEREAS**, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of \$11,704,783 to be raised on property within the District located in the City of Rye, with established tax rates of \$847.987786 per \$1,000 of taxable assessed value on homestead property and \$1,096.677945 per \$1,000 taxable assessed value on non-homestead property, for the fiscal year beginning July 1, 2014 and ending June 30, 2015; now, therefore, be it

**RESOLVED**, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect said taxes, subject to any further amendments or approvals required by the Rye Neck Union Free School District.

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. Bid Award for the Peterbilt Truck Modification Bidding Specifications (Bid #2-14)  
Roll Call.

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 awards Bid #2-14 (Peterbilt Truck Modification Bidding Specifications) to Truck Builders of Connecticut, the low bidder complying with all the City's specifications, in the amount of seventy-five thousand, seven hundred eighty Dollars (\$75,780.00).

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.

18. Consideration of request for permission to close a section of Purchase Street for the 62<sup>nd</sup> annual celebration of the Halloween Window Painting Contest

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

**RESOLVED**, the City Council hereby approves the request of the Recreation Department for permission to close a section of Purchase Street from the Square House to Purdy Avenue for the 62nd Annual Halloween Window Painting Contest on Sunday October 19, 2014 (rain date October 26) from 8:00 A.M. to 3:00 P.M.

19. Miscellaneous Communications and Reports

There was nothing reported under this agenda item.

20. New Business

There was nothing reported under this agenda item.

21. Adjournment

There being no further business to discuss Councilman Mecca made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the meeting at 12:35 a.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk