

APPROVED MINUTES of the Regular
Meeting of the City Council of the City of Rye held in
City Hall on May 6, 2015 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

Sheri Jordan, Director of the Rye Historical Society, welcomed everyone to the annual ceremonial meeting in the Square House, which served as Rye's Municipal Hall from 1904 to 1964.

Mayor Sack said that what brings people back to this meeting is their love for Rye, public service and each other. He likened the meeting to a class reunion, all star game and family gathering. The Mayor welcomed Eleanor Militana, to her first meeting as Interim City Manager. Ms. Militana acknowledged department heads, many of whom were in attendance:

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

Mayor Sack offered thanks to the City staff and said that they make the Council look good and make Rye work the way it does.

Commissioner Pease announced the death of George DeFilippo, a former member of the Police Department. Mayor Sack noted the Mr. DeFilippo had also served the City as a member of various boards and commissions.

Councilwoman Killian said she enjoys this meeting and offered her thanks to the City staff and members of the Traffic and Pedestrian Safety Committee, Sustainability Committee and Finance Committee where she serves as Council liaison. Councilman McCartney said the sense of volunteerism is what makes Rye great. He added that he enjoys working with the Recreation and Golf Commissions. Councilman Slack said that what makes being on the Council special is they have the duty and responsibility to determine what laws should be. Councilman Mecca offered his thanks to those who serve on the Committees and also to the Board of Fire Wardens who help to run the Fire Department. Councilwoman Bucci said she was honored to be part of this meeting; that she believed in the importance of volunteerism and that the City has a talented and dedicated staff. Councilwoman Brett said she found the Square House meeting inspirational and that she leaves it with a renewed energy and passion for her job. She also offered thanks to the members of the Planning Commission and Flood Advisory Committee.

Mayor Sack noted the passing of former Mayors Fred Hunziker and Warren Ross since the last Square House meeting and asked any former members of the Council in attendance to offer their remembrances. Former Councilwoman Carolyn Cunningham called Mayor Ross smart, thoughtful, fair and interested in bipartisanship. She noted that Mayor Hunziker had originally been against the senior housing at Rye Manor but had eventually become the point person for the project. Former Councilman John Alfano called Mayor Hunziker "quite a guy". Former Mayor John Carey said he could not have been beaten by a nicer guy in his bid for a third term as Mayor than Fred Hunziker. Former Mayor and current State Assemblyman Steve Otis noted that Warren Ross was a proponent of getting more information to the public and said that both he and Mayor Hunziker served Rye well. Former Councilwoman Pat Levine called Mayor Hunziker's support for the Rye Manor project a positive decision.

Former Mayor Doug French said that he misses this meeting and misses seeing the results of public service and the City staff. He added that there is no place like Rye. Former Councilman Jim Flick said that the words "poignant" and "inspirational" best describe this meeting. Former Councilman and current City Court Judge part-time Robert Cypher spoke about the City Court staff and the professional manner in which they deal with the public. Former Councilman and current State Senator George Latimer said that it was a wonderful experience to serve on the Council and said that the Council is bigger than everyone but everyone makes a contribution. Former Councilman Peter Jovanovich said that he learned everything he knows about government from the City staff.

Several members of Board and Commissions also spoke. Greg Gavlick of the Boat Basin Commission spoke about George DeFilippo, calling him an asset to the Commission who was always the first to volunteer for a special committee and saying that he will be missed. Jack Zahringer and Maurio Sax of the Landmarks Committee said they were trying to show Rye history. Bernie Althoff of the Flood Advisory Committee advised people to work on serious problems when volunteering on committees. Bob DiMaggio of the Rye Golf Club Commission said he loves the atmosphere of the Rye Golf Club and wants to help make the club a better facility. Elinore White thanked the Council for continuing the conversation on Rye Town Park

saying more people are enjoying the park. Kate Conn of the Rye Cable and Communications Committee said it was an honor to serve on the Committee and said there was a great community of people interested in using the services of RyeTV. Tracy Stora of the Conservation Commission Advisory Council said the committee was busy working on wetlands and talking about land use projects. Joe Murphy of the Rye Senior Advocacy Committee called the Committee part of Rye. John Barrett of the Board of Architectural Review said it was a great honor and opportunity to be appointed to the Board.

Mayor Sack also acknowledged other people in attendance at the meeting including Sis D'Angelo, Ralph Vallone, Vikki Farrington, Ken Knowles, Jerry Coleman and George Szczerba.

Mayor Sack said that everyone brought their best to this meeting and always brings their best for Rye. The ceremonial portion of the meeting ended at 8:30 p.m.

Prior to beginning the regular portion of the meeting in Council Chambers, a ceremony unveiling Mile Marker 26 (Agenda Item 3) was held in the lobby of City Hall.

The regular Council meeting commenced at 9:05 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. The unveiling of Mile Marker 26

A ceremony was held in the lobby of City Hall prior to the beginning of the regular meeting.

4. General Announcements by the Council

Announcements were made regarding various events and activities that may be of interest to residents. Mayor Sack noted the passing of Fred Talento and requested a moment of silence.

5. Draft unapproved minutes of the Special Meeting of the City Council held April 22, 2015, the regular meeting of the City Council held April 22, 2015 and the Special Meeting of the City Council held April 29, 2015

Councilman McCartney made a motion, seconded by Councilwoman Brett and unanimously carried, to approve the minutes of the special meeting of the City Council held on April 22, 2015, the regular meeting of the City Council held on April 22, 2015 and the special meeting of the City Council held on April 29, 2015.

6. Issues Update/Old Business

Councilwoman Brett reported on the following applications before the Planning Commission:

- 120 Old Post Road Rezoning Request – The Planning Commission is working on a recommendation memo for the Council regarding this request to rezone the property for senior housing. Ms. Brett asked if this item could be put on the agenda for the next meeting.
- Senior Affordable Housing site at Theodore Fremd Avenue and North Street – Lou Larizzo, the developer, presented his plan which calls for a four-story building with parking on the first floor and three floors of apartments. The Commission is almost at the stage where they can set a public hearing.
- Second Street development – This property located near the Rye Grill and Bar is being renovated as of right to have apartments and a restaurant. The developer did not receive variances they had requested to allow them to do additional work.

Councilwoman Killian asked for an update on the area on Theodore Fremd Avenue where orange cones have been placed. Interim City Manager Militana said she would look into it and report back. Ms. Killian also reported that she had received a call from the New York Thruway Authority, who had been contacted by State Senator Latimer, regarding questions she raised at the last meeting about the condition of the area on Midland Avenue between the entrances to I-95 and I-287. They will work on cleaning the area where they have jurisdiction.

Councilman McCartney spoke about the enforcement of the off-leash law in Rye Town Park, which requires a permit from the City Clerk. Mr. McCartney also noted the State requirement that all dogs must have a license, which also can be obtained in the Clerk's Office.

7. Public Hearing to amend local law Chapter 177, "Taxation", Article XII, "Exemption for Historic Districts" by adding Section §177-82, "Historic Districts", to designate portions of downtown Rye as one historic district to allow property owners to apply for the real property tax exemption

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

Councilwoman Brett provided background for the proposed local law. The City is being asked to consider adding a Historic District, which is part of a law enacted in 2013 to provide tax exemptions for historically sensitive renovations to historic properties, in order to allow properties in the district to be eligible for the exemption. Currently the only properties eligible are landmarked properties. The exemption only covers the amount of newly assessed taxes and phases in the increases over a ten-year period. Corporation Counsel Wilson said that the Council will be considering creating the first historic district but only properties in the district that are deemed historic can apply for the exemption as long as the renovations are approved by the Landmarks Advisory Committee.

Rex Gedney, representing the Landmarks Committee, made a presentation regarding the proposal. He noted the “checks and balances” in the local law which requires that application for the exemption must be made prior to any work being done plus review by the Landmarks Committee and then the Board of Architecture Review who would issue a Certificate of Appropriateness. He said the legislative intent is to provide property owners of structures of historical significance a concrete incentive to restore and improve the properties while maintaining the character of the original structure. The Landmarks Committee is requesting approval of a Historic District located around the Central Business District, which has the highest concentration of older structures, and contiguous neighborhoods. The proposed Historic District has the support of the Chamber of Commerce and the Historical Society. Sheri Jordan Director of the Historical Society spoke about the significance of the proposed Historic District and said that many of the homes that were built to house immigrants were located on the side streets off Purchase Street. Mark Keegan, President of the Rye Historical Society, said the Board passed a Resolution in support of the creation of the Historic District. Jerome Coleman of the Landmarks Committee noted that when the Council passed the original law in 2013 it did not contemplate the Council approving what constitutes a historic structure.

Mayor Sack asked if the Landmarks Committee has considered making a recommendation to the City Council that would be effectuated by the Council. There was a discussion among the members of the Council regarding the process for approving tax exemption decisions with respect to properties within a designated historic district. Points raised included: having the City Council approve the tax exemption decision of the Landmarks Committee would create an additional approval level that might make the process more difficult for the property owner; land use decisions are normally made by the City’s land use boards; a decision to grant a tax exemption should not be made by an advisory committee that is not answerable to the citizens and, therefore, after the Landmarks Committee provides its approval and determines that the changes proposed to a property within a historic district comply with the standards set within the law to receive a tax exemption, the City Council should then make the decision whether a tax exemption is appropriate; the City Council is the elected body tasked with making decisions with respect to taxation and money issues and that obligation is so engrained that there is a roll call vote for all monetary matters; decisions made by land use boards affect the taxable value of a structure and the Board of Assessment Review also has the power to make decisions on taxes so it is not necessary for this to come before the Council; the Assessor will make the decision on what the value of the property will be.

There was also a discussion concerning the scope of the proposed historic district. In this regard, a suggestion was made that a walking tour of the proposed historic district might be

helpful. The tour will be held at 6:30 p.m. prior to the May 20th Council meeting. There was also a discussion regarding the definitions of alteration, repair and rehabilitation contained in the original law. Corporation Counsel Wilson will redraft the law with amended definitions. A suggestion was made that the City Assessor should advise the Council as to what would generate added value to a property.

Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried to continue the public hearing until May 20th.

- 7A. Home Rule Resolution supporting A7265(Otis)/S5072(Latimer) extension of the City of Rye Hotel Occupancy Tax
Roll Call

Interim City Manager Militana said that the Hotel Occupancy Tax, which brings revenue to the City, needs to be extended every three years.

Councilwoman Brett made a motion, seconded by Councilwoman Killian, to adopt a Home Rule Message supporting A7265 (Otis)/S5072 (Latimer) extending the City of Rye Hotel Occupancy Tax until September 1, 2018.

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

Adele Centanni, 14 Greenleaf Street, asked for an update on the rock chipping study. Councilman Slack said that there is not a set timeframe for a recommendation because some issues were raised regarding alternate ways of removing rock that members of the Rock Chipping Committee and City staff were looking into. The next step would be for them to report back to the Committee.

9. One appointment to the Boat Basin Commission, by the Council, to fill a term expiring on January 1, 2016

This appointment was deferred.

- 9A. One appointment to the Sustainability Committee

Mayor Sack made a motion, unanimously approved by the Council, to appoint Linda Mackay to the Sustainability Committee.

9B. One appointment to the Board of Architectural Review

Mayor Sack made a motion, unanimously approved by the Council, to appoint Michael Harrington to the Board of Architectural Review to fill out a term expiring on January 1, 2016. Councilman Mecca disclosed that Mr. Harrington was his son-in-law.

10. Resolution ratifying the appointment of one member to the Emergency Medical Services Committee for a three-year term expiring on June 30, 2017

Mayor Sack made a motion, unanimously approved by the Council, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby approves the appointment of Michael Borrelli as the Community Representative to the Emergency Medical Services Committee from the Village of Rye Brook for a three-year term expiring on June 30, 2018.

Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn into executive session to discuss attorney/client privilege matters and receive advice of counsel with regard to a FOIL request at 10:40 p.m. Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried to adjourn the executive session at 10:46 p.m. The regular meeting resumed at 10:47 p.m.

10A. Appeal of denial of FOIL request by Timothy Chittenden

Mayor Sack said that a FOIL request had been submitted by Timothy Chittenden asking for “All correspondence addressed to Police Commissioner Pease dated March 23, 2015 and all correspondence from Pease with regard to any March 23, 2015 correspondence”. The FOIL request was denied pursuant to Public Officers Law §87(2)(b) and an appeal was filed relative to that decision.

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 of the denial of a FOIL request submitted by Timothy Chittenden for “All correspondence addressed to Police Commissioner Pease dated March 23, 2015 and all

correspondence from Pease with regard to any
March 23, 2015 correspondence”

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. Miscellaneous Communications and Reports

There was nothing reported under this Agenda item.

12. New Business

Councilman McCartney said the Council has been receiving requests from former Mayor Carey regarding the CERT program. He offered to look into it and report back to the Council.

13. Adjournment

There being no further business to discuss Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the meeting at 10:50 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk