

***APPROVED MINUTES*** of the Regular  
Meeting of the City Council of the City of Rye held in  
City Hall on May 20, 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

Prior to the regular meeting a site walk of the proposed Historic District (Agenda Item 6) was held from 6:30 p.m. to 7: 25 p.m. All members of the Council were present with Councilwoman Killian joining at approximately 6:40 p.m. Several other people were in attendance including members of the Landmarks Advisory Committee. Sheri Jordan, Director of the Rye Historical Society, commented on where the proposed boundaries are drawn and described how and why the boundaries were proposed. She referred to the Arcade building, the area down Elm Place and Locust Avenue, and School Street. She mentioned that the “downtown” area is not simply Purchase Street but also the feeder streets leading to Purchase Street.

Members of the public raised questions regarding whether only the value of the “historic” improvements would be eligible for the “taxation exemption” or would the entire structure be eligible for the exemption (even if part of it was not “historic”). Different rooflines were discussed and the process of designating a building/structure as “historic” was reviewed. The Mayor raised the question regarding the significance and/or desire to include the multi-family houses along Locust in the proposed boundaries of the historic district. Architect Rex Gedney explained how the houses along Locust could be “renovated” to remain historic whereas others may not be deemed “historic” and would not be entitled to apply for the tax exemption. Near School Street, Sheri Jordan explained the history of School Street, where the original schools were located, including Resurrection, and the migration history of the early immigrants. General discussion took place regarding the authority to designate structures/buildings “historic” and whether it should be Landmarks Advisory Committee or City Council. Structures meeting the 100 yr. old threshold were also identified.

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 various events and activities that may be of interest to residents.

4. Draft unapproved minutes of the regular meeting of the City Council held May 6, 2015 and the Special Meeting of the City Council held May 12, 2015

Councilwoman Brett made a motion, seconded by Councilman Slack and unanimously carried, to approve the minutes of the regular meeting of the City Council held on May 6, 2015, as amended and the special meeting held on May 12, 2015.

5. Issues Update/Old Business

There was nothing discussed under this agenda item.

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

Mayor Sack said that prior to the commencement of the regular meeting the Council took a walking tour led by members of the Landmarks Committee (see above) to look at the contours of the proposed district and samples of structures that might qualify for the tax exemption. Councilwoman Brett said the tour of the proposed district gave a clear idea of what is and isn't included and to discuss what kinds of renovations would qualify under the law. Ms. Brett added that she felt it was important to designate a historic district but was flexible as to the size of the district and whether the designation of properties should be referred to the Council. Mayor Sack said that based on the tour there may need to be alterations made to the proposed local law. Councilwoman Killian and Councilman Mecca both endorsed the size of the proposed historic district but did not think that decisions related to the district should come before the Council. Councilman McCartney said that the Council should be encouraging historic restorations and that the Council should have a role in the process. It was also mentioned that some buildings in the district would not qualify due to their age. Councilman Slack pointed out that there is nothing currently in the law that restricts the tax deduction to buildings based on age.

*Paula Slater, 35 Orchard Drive, said she believed that a historic district was a great idea.*

Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the public hearing to the June 10, 2015 City Council meeting.

- 6A. Consideration to set a Public Hearing for June 10, 2015 to amend to amend local law Chapter 133, "Noise" of the Rye City Code by amending Section §133-8, "Construction work restricted to certain hours and days" to set a moratorium on mechanical rock removal

Mayor Sack said that a study group was appointed in November to look into the issue of rock chipping and report back to the Council with recommendations to tighten the regulations and restrictions. The group has been working hard to raise all the issues and develop consensus around the recommendations that will be presented to the Council. In the meantime, it may be prudent to freeze things and impose a moratorium until the Council is ready to adopt a local law. The proposal is for a six month moratorium on any rock chipping or mechanical excavation that would last longer than 30 days. Councilman Slack updated the Council on the progress of the Rock Chipping Committee. One item being discussed is a recommendation to limit the duration of rock chipping and the proposed moratorium would put a limit into effect while the law is worked on and public hearings are held. As currently proposed, for any rock chipping project that has not yet commenced, the builder/owner would have to provide notification to the City on the day they will commence and then will have 30 calendar days to finish the project, without the imposition of penalties, which could include fines, imposition of a stop work order, or imprisonment. Councilman Mecca added that imposing a moratorium would give the Council the time to get the law right the first time. Councilwoman Killian asked for clarification of how the enforcement of the moratorium would work.

Members of the public also commented, including: *Carolyn Cunningham, Irwin Lefkowitz, Emily Hurd, Gaston and Arlene Alegre and Leslie Winters*. All were in favor of the proposed moratorium and urged the Council to make the regulations as stringent as possible. Questions were raised about what would be done for properties that cannot finish chipping within the allotted timeframe; reducing the hours that chipping would be allowed; what would be done about areas where there are multiple projects that may require rock chipping; and where complaints would be directed when the building department is not open.

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

**WHEREAS**, the Council wishes to consider amending Chapter 133, "Noise" by amending §133-8, "Construction work restricted to certain hours and days" of the Code of the City of Rye in order to set a moratorium on mechanical rock removal; 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 10, 2015 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 to be known and cited as the Mechanical Rock Removal Moratorium of the City of Rye**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 10th day of June, 2015 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 the proposed local law to be known and cited as the Mechanical Rock Removal Moratorium of the City of Rye.

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

Dawn F. Nodarse  
City Clerk  
Dated: June 3, 2015

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

*Joseph Murphy*, Chair of the Rye Senior Advocacy Committee announced that the Senior Directory has been completed. There are two copies in the Library, one is at the Recreation Department and another is for the Council. The Council asked that the document be put on the City website.

8. Authorization for the City Manager to enter into an Agreement with the County of Westchester for 2015-2016 Prisoner Transportation Services  
Roll Call

This agenda item was deferred.

9. Resolution to authorize expenditure of police donation funds for the purchase of police boots or shoes  
Roll Call.

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

**WHEREAS** the City Manager and Police Commissioner have approved a request of the Rye Police Benevolent Association (“PBA”) dated May 12, 2015 to purchase dress boots/shoes in the amount of \$3,800 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 PBA; now, therefore, be it

**RESOLVED**, that the City Comptroller is authorized to transfer \$3,800 from the police donations account to increase 2015 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.

10. Consideration of a request by the Rye Chamber of Commerce for the use of City Car Park #2 on Sundays from May 24, 2015 through December 6, 2015 from 8:30 a.m. to 2:00 p.m. for the Rye Farmers Market

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 approves the request of the Rye Chamber of Commerce for the use of City Car Park #2 on Sundays from May 24, 2015 through December 6, 2015 from 8:30 a.m. to 2:00 p.m. for the Rye Farmers Market.

11. 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 23, 2015 through Saturday, July 25, 2015 from 9:00 a.m. to 5:00 p.m.

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 approves the request of the Rye Chamber of Commerce for use of City streets and sidewalks for the Annual Sidewalk Sale to be held on Thursday, July 23, 2015 through Saturday, July 25, 2015 from 9:00 a.m. to 5:00 p.m.

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

Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to appoint Brendon Hartman to the Boat Basin Commission to fill out a term expiring on January 1, 2016.

Councilman Slack made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn into executive session to discuss attorney/client privileged matters related to a FOIL appeal at 9:05 p.m. Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried to adjourn the executive session at 9:34 p.m. The regular meeting reconvened at 9:35 p.m.

12A. Appeal of denial of FOIL request by Timothy Chittenden

Councilwoman Brett said that Timothy Chittenden had requested a series of the City Council's confidential packets and was provided with records that contained redactions. He is appealing the redactions.

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

**RESOLVED** that the appeal of the redactions made to documents provided in response to a FOIL request submitted by Timothy Chittenden for "All official, unofficial and confidential city council packets and all other materials transmitted or distributed to the Rye City Council since March 30, 2015" is hereby decided as follows:

- With respect to the April 3, 2015 City Council packet, no redactions were made, therefore, there is no appeal to consider.
- With respect to the April 10, 2015 City Council packet, the appeal is denied in part and granted in part. The City Manager's letter was redacted initially under Public Officer's Law (POL) §87(2)(b). The City Council will change the basis of the redactions to the first sentence to POL §87(2)(g) and the basis of the redactions to the final sentence to POL §87(2)(c). The redactions to a portion of a sentence that was mistakenly

redacted will be removed and the record provided to the requestor without the redaction.

- With respect to the April 17, 2015 City Council packet, the appeal is granted in connection with the redaction of item #3 from the confidential list and in connection with two emails which were redacted in their entirety. The emails will be provided to the requestor with a portion of one email redacted under POL §87(2)(b).
- With respect to the April 24, 2015 City Council packet, several items were redacted including information that was not FOILable under POL §87(2)(b). The appeal will be denied with respect to that information and the Council also believes that the entire letter could have been denied under §87(2)(g) as an inter-agency communication. The appeal is granted with respect to an email dated 4-24-2015. A memorandum regarding transitions that was denied under POL §87(2)(g) will be upheld and the Council believes that the entire document could have been exempt under POL §87(2)(g).

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.

13. Miscellaneous Communications and Reports

Mayor Sack asked for an update on repairs to a pothole located near Citibank. Interim City Manager Militana said she would find out if ConEdison or United Water was responsible for making the repair.

Councilwomen Brett and Killian reported on their attendance at a meeting with the County that was held in order to hear the City Council's perspective on the contract with Standard Amusements for the operation of Playland.

14. New Business

There was nothing reported under this Agenda item.

15. Adjournment

There being no further business to discuss Councilwoman Brett made a motion, seconded by Mayor Sack and unanimously carried, to adjourn into executive session to discuss the City Manager search and not return to public session at 9:50 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk