

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on October 21, 2015 at 7:30
P.M.

PRESENT:

LAURA BRETT
KIRSTIN BUCCI
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA
Councilmembers

ABSENT: Mayor Sack
Councilman Slack

1. Pledge of Allegiance

Deputy Mayor/ Councilwoman Brett called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Councilwoman Brett asked the City Clerk to call the roll; a quorum was present to conduct official city business.

3. General Announcements by the Council

Councilman McCartney announced that the deadline for the train station parking permit renewal is November 2, 2015. This is a strict rule with no exceptions. He also announced the final Rye Golf Club tournament is this coming weekend, October 24 and 25, 2015, and the course and greens will remain open until the first frost. The Golf Club is looking forward to 2016.

Councilman McCartney thanked the local merchants for cooperating with the recent Recreation Window Painting on Purchase Street for the children of Rye. He also announced there is an upcoming Recreation Commission meeting on Thursday, October 29, 2015 at 6:30 PM concerning the field use policy for Rye Recreation sports. The field use policy has been posted on the city website and attached to the agenda. It will be discussed at the upcoming meeting and referred back to the City Council. Councilman McCartney encouraged residents who would like to have input to attend the meeting.

Councilwoman Brett announced the sad news that former Mayor Ed Grainger had died over the weekend at the age of 92. She reflected on his many accomplishments for the city. He was a founder of the Rye Little League, and partly responsible for purchasing the Rye Golf Club.

Grainger was most well known for his fight against Robert Moses, who wanted to build the Rye/Oyster Bay Bridge. Mayor Grainger served the city well and the community has a lot to thank him for. Following Councilwoman Brett's comments, there was a moment of silence.

4. Draft unapproved minutes of the regular meeting of the City Council held October 7, 2015.

Councilwoman McCartney made a motion, seconded by Councilman Mecca and unanimously carried to approve the minutes of the regular meeting of the City Council held on October 7, 2015.

5. Issues Update/Old Business.

Deer Study Group:

Councilwoman Brett recognized the Deer Study Group for an update on the deer population in Rye. Anne Dooley and Jana Seitz spoke to the Council and thanked them for their interest and concern for the initiative over the past few months, as the overabundance of deer in Rye is a problem. The members of the group reiterated their recommendation for an expert for deer tracking methods to gather baseline data and set up a procedure to be able to assess the process in the future. Ms. Dooley stated that she is happy that the city manager has been in contact with a biologist who has submitted a proposal to the city and will hopefully be on the agenda for the next meeting. They are hopeful that a consultant would be able to start collecting data this fall and continue for a 6-9 month period. The committee stated their appreciation for considering the proposal. The committee distributed a packet to the Council members and suggested that the city adopt a mission statement for the initiative.

Jana Seitz, also of the Deer Study Group, stated that they conducted an interview with Eye on Rye with Mayor Sack, highlighting information on lyme disease and those affected. They were pleased with the program and hope to continue the series, which has 1700 hits online. They hope to continue community initiatives on the issue. In addition, Ms. Seitz stated that Edith Reed had their fall festival last Saturday which included a lyme disease awareness table.

Councilwoman Brett stated that people are concerned about deer and inquired if it was the recommendation of the Deer Study Group to count first and then come up with a deer management plan. Ms. Dooley responded and stated that they should also measure the damage done by the deer. The CDC does a county wide study, but their recommendation would be specific only to the city.

Councilwoman Brett thanked the Deer Study Group. Councilwoman Killian acknowledged that she did watch the program and appreciates it. The Council as a whole thanked the speakers.

Golf Course Matters

Councilman McCartney reported that the City continues to negotiate with TKI (Tessengerlo Kerley, Inc.).

Dog Licenses

Councilwoman Brett noted that in the current year, the city does not charge for the Rye Town Park dog permits, available from 6:00 am to 9:00 am. She suggested that the city look at the issue and consider initiating fees for next year.

6. Continuation of Public Hearing to amend local law Chapter 197, "Zoning", of the Rye City Code by amending Section §197-2, "Districts, A: Residence Districts" to change the zoning designation of a property at 120 Old Post Road from the B-4, Office Building, District to a New RA-6, Active Senior Residence, District; and amending Section §197-86, "Tables of Regulations: Table A, Residence Districts – Area Yard, Height and Miscellaneous Regulations" to add the proposed RA-6 zone.

Councilwoman Brett announced that the Council would be adjourning this matter until November 4, 2015.

Councilman Mecca made the motion to adjourn the matter, seconded by Councilman McCartney, which was unanimously carried by the Council. No members opposed the adjournment.

7. 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 Osborn Road between Theall Road and the Harrison line and on the south side of Osborn Road between Boston Post Road and the Harrison line.

Councilman Mecca made a motion to open the public hearing, seconded by Councilman McCartney.

Councilwoman Killian explained that this is a proposal to ban parking on the north side of Osborn road between Theall and Harrison. There have been safety concerns within the neighborhood, and there is a problem with the sidewalk being flat with the road. She further explained that the other side of the road also came up during general discussions and no one should ever park on that side of the road; currently, that side of the road is not officially designated NO PARKING. She urged the city to consider moving the placement of the double yellow lines for safety reasons. She explained that the Council felt it would be appropriate to make the "No Parking" rule official on the north side of the street.

City Manager Serrano stated the importance of imposing a ban on parking in this case because cars in the traffic lane will not be able to get down the street without the "No parking" in effect.

Councilwoman Brett inquired as to whether there was any opposition to this proposed rule, and Councilwoman Killian responded that there was no opposition, but there was some confusion with placement of the parking signs.

Jane Fitzpatrick, a member of the community, spoke in support of the parking ban on the Rye side of the street as she felt it is otherwise a safety issue. People tend to pull up on the sidewalk to travel down the street and it is dangerous.

Jim Codispoti of 146 Osborn Road asked the Council and city manager if the neighbors would be able to have some input as to the placement of the signs. City Manager Serrano stated that input may be possible if in accordance with State standards.

Councilman Mecca made a motion to close the public hearing, seconded by Councilman McCartney. All were in favor of closing the public hearing.

Councilman Killian made a motion, seconded by Councilman Mecca, to adopt the following resolution:

RESOLVED that local law §191-19, “No parking any time”, of the Rye City Code is amended to prohibit parking on the north side of Osborn Road between Theall Road and the Harrison line and on the south side of Osborn Road between Boston Post Road and the Harrison line.

ROLL CALL

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

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

Councilwoman Brett invited members of the public to speak on issues not appearing on the agenda.

Sue Drouin, 57 Morehead Drive, spoke to the Council about a request for a traffic study in and around the Osborn School. She explained that when she moved to Morehead Drive she started walking her kids to school and soon after realized there was a quicker path to the school, by walking across Boston Post Road. However, after her neighbor’s child was struck by a car, she decided to dedicate herself to making it safe for her children. She explained that she was there representing a large number of neighbors in Rye Gardens and the parent community at Osborn School to ask the Council to give their attention to the worsening problem at this intersection. People cross at the intersection everyday as it is at least 15 minutes faster roundtrip. Another concern is that drivers exiting Osborn’s back lot that turn left are inching into traffic unable to see because traffic is often backed up at Oakland Beach and Boston Post Road, thus obstructing their view of northbound cars. She explained she often sees children and caregivers crossing Boston Post Road and drivers exiting the lot. She is concerned that drivers are driving drastically faster than the post school speed limit sign. She stated that school enrollment has increased by 18.6% since 2004, including a large increase in the Osborn School population, putting added demands on existing resources. She attended the Traffic and Pedestrian Safety meeting at Osborn school on October 8, 2015 to consider all options. As Ryan Coyne, City Engineer, mentioned at the time, his recommendation was to implement the loop road behind the

school to alleviate pedestrian and traffic congestion and safety issues, with the possible addition of more parking at the northwest side of the school along Osborn Road. She stated she agrees that this will help bring a more efficient pick-up plan for children and stated her support for it to be included in the upcoming city budget. She stated she is concerned about the new dismissal plan increasing the number of child pedestrians and children meeting parents on Sonn Drive and Boston Post Road. She stated this area is a high crash, high risk zone for the city that is already in need of counter measures. She encouraged that the city look into an action plan for the safety of pedestrians and vehicles and stated that the community needs a comprehensive traffic study of this area.

Councilwoman Killian suggested that Ms. Duran approach the School Board and request that the Board includes traffic safety measures to be included in its budget. She explained that the City Council does not have jurisdiction over improvements to the school property, and that it would not be allowable by law for the Council to spend money on improvements on school grounds.

Councilwoman Brett clarified and suggested that the residents also lobby the school, who has the authority to make improvements to the requested area.

Councilman McCartney stated that the Council, manager and staff did meet with the school system on traffic safety issues and dialogue will continue to be open.

Members of the City Council reiterated that the city itself could not make improvements on school grounds.

Councilwoman Killian stated that many traffic safety items had been discussed over the years. She stated she would like to revisit the law prohibiting speed bumps at Traffic and Safety Committee meetings.

City Manager Serrano stated that the pedestrians are not properly using the crosswalk and crossing the street outside of the designated crosswalk.

Councilwoman Bucci stated that she is at Osborn School every day and that people cross the road outside the crosswalk every day. She stated that the problem becomes that our children see parents do it and they believe it's safe. There is danger exiting the back driveway, as the driver makes the turn blind if there is traffic obstructing view.

Councilwoman Killian and the City Council encouraged Ms. Duran to attend School Board meetings and voice her concerns.

The Council invited a member of the audience to come speak. Roy Newbold told the Council he was attending the meeting for his Scout merit badge from Rye Troop Pack 2. He recounted a story to the Council from his time at Osborn School and the pedestrian safety. He explained that while he was playing baseball at Osborn School, a young girl was hit by a car as she crossed the street. He stated pedestrians should always look both ways. He also told the Council that he does not cross there.

Councilwoman Brett thanked all the scouts in the audience for attending the meeting.

9. Consideration of referral to the Board of Architectural Review and City Consultant, the Special Permit Application submitted by New Cingular Wireless PCS, LLC (“AT&T”) for modifications to its existing wireless telecommunications facility located at 66 Milton Road.

Corporation Counsel Wilson explained that this is a straightforward process and a lot of the rules have been preempted by federal law.

Daniel Laub of Cuddy & Feder spoke on behalf of New Cingular Wireless/ AT&T. The proposal is to replace three of the existing antennae on Blink Brook Lodge. The improvements would result in faster upload and download speeds, with very minor modifications to the existing structure. He told the Council that federal law has been passed stating that minor modifications must be approved and moved forward expeditiously. He explained that under city code, there is a waiver process of further review of this modification. He further stated that the aesthetic aspect would not be affected by the improvements. Any change would not be visible on the lodge or change the appearance.

Councilwoman Brett asked Mr. Laub if all city approvals must be done within 60 days under the law.

Mr. Laub stated that their approach has been to work with municipalities the best they could within a reasonable time in moving forward. It is possible that they may exceed the 60 day requirement.

Councilwoman McCartney asked if the improvement would improve the AT&T coverage in the city.

Mr. Laub responded that coverage will be improved in terms of faster data speeds. With technological advancements, there is more data now, and existing sites can no longer handle the amount of data. It would improve the LTE coverage to ensure that the customer has enough capacity or speed. He stated the improvements would augment the coverage that’s already there.

Councilwoman Brett clarified that the new antenna would not be taller than the existing structure, and similar in scale and size.

Mr. Laub confirmed that it would be similar in size.

Councilman McCartney confirmed with Mr. Laub that the structures would not be seen from the street.

Corporation Counsel Wilson stated there was no reason the city would not want this, and their hands are legally tied.

Councilman McCartney 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 grants the applicant's waiver and refers the application submitted by New Cingular Wireless PCS, LLC ("AT&T") for modifications to its existing wireless telecommunications facility located at 66 Milton Road the matter to the Board of Architectural Review.

ROLL CALL

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

10. Miscellaneous communications and reports.

There were no miscellaneous communications and reports.

11. New Business.

There was no new business mentioned by the Councilmembers.

Councilwoman Brett invited a new member of the audience to speak. Heather Cabbot Kimlani, co-president of Osborn School PTO stated she wanted to advocate on behalf of the constituents and the community. She asked the Council to consider a traffic study for the Osborn School in the city's capital improvements. She asked that the Council please include them in their planning.

Councilwoman Brett explained that the issue has been studied for several years and the Council is aware that it is a problem. She encouraged the group to make a case to the School Board on the issue.

Ms. Cabbott-Kimlani stated that parents recognize that a study would cost some money but it is an important safety issue. She conveyed that she was happy to hear that the Council is open to working with the School District.

Councilwoman Killian reiterated that the council could not pay for improvements to the back driveway, which is owned by the school.

Ms. Cabbott-Kimlani stated she understood the city could not pay for the improvements on school grounds, but asked the city to help make negotiate with the district.

12. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Killian and unanimously carried, to enter into executive session to discuss

legal and personnel matters at 8:30 P.M. It was indicated that the Council would not be reopening the public meeting.

At 10:15 P.M., Councilman McCartney made a motion, seconded by Councilwoman Killian and unanimously carried, to exit executive session and adjourn the meeting.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk