

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on December 2, 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

The Council convened at 6:30 P.M. Councilwoman Bucci made a motion, seconded by Councilman McCartney and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters at 6:33 P.M. Councilwoman Brett made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the Executive Session at 7:34 PM. The regular meeting convened at 7:39 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. Resolution for the Mayor and Council to approve the appointment of the Police Commissioner of the City of Rye.

City Manager Serrano stated that this was a proud moment in his tenure to recommend the appointment of a Police Commissioner. The final candidate recommended, Michael C. Corcoran, was the result of a nation-wide search, narrowed down from 24 candidates. The City interviewed several of Mr. Corcoran's references. One reference was a Lieutenant who trained Mr. Corcoran who conveyed that Mr. Corcoran exhibits a high level of integrity as a leader of internal affairs at his current department. Mr. Serrano stated that Mr. Corcoran not only passed the Lieutenant exam, but also the Bar exam. He believes that Mr. Corcoran will be a tremendous asset to the City. Upon the Council's approval, Mr. Corcoran will be ready to start as Police Commissioner on February 1, 2016.

Mayor Sack made a motion, which was unanimously carried by the Council, to accept City Manager Serrano's recommendation to appoint Michael C. Corcoran as Police Commissioner. No member opposed the motion.

Mr. Corcoran addressed the City Council and City Manager, stating that he is honored to be the next Police Commissioner. He further stated it was a very proud day in his 25 year career to lead the Rye Police Department. Mr. Corcoran has been met with nothing but professionalism from the City. He is looking forward to working with the men and women from the City of Rye Police Department, and is hopeful to learn from the other officers. Mr. Corcoran then introduced his family to the community. Lastly, he thanked the Council for their support.

Mayor Sack made a brief comment on process. He stated that the new City Charter provision for the City Manager to make a recommendation to the Council worked very well. In this instance, the City Manager allowed the Council to come into the process, which worked exactly the Council envisioned. He felt that the process has been improved by the change to the Charter.

City Manager Serrano thanked Assistant City Manager Eleanor Militana and Personnel Manager Maryann Cianci for their hard work with the appointment.

Mayor Sack stated that the Council and community look forward to Mr. Corcoran leading the Rye Police Department.

4. General Announcements.

Councilman McCartney announced that unfortunately, Rye Resident Betty Nye passed away at 89 years old. Mrs. Nye had 23 grandchildren and 13 great grandchildren. He thanked Mrs. Nye and her family for their contribution to Rye. There was then a moment of silence.

Councilman McCartney then announced that the annual bonfire and holiday sing along is Sunday at Rye Rec Park. Registration for the Rye Recreation winter programs opens up at December 7, 2015 at 10:00 A.M. He encouraged residents to sign up and reminded them that the registration fills up quickly.

9. 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.

This agenda item was taken out of order.

Mayor Sack announced that the rezoning proposal has been on the Council agenda over many months, and the Council intends to vote on this matter. As the Public Hearing was kept open, Mayor Sack invited any members of the community to speak on this issue.

Robert Van Der Watern, 683 Boston Post Road, thanked the Council for considering his issues and previous letter. He raised two issues for the applicant: first, he expressed concern over landscaping along Boston Post Road, and second, inquired about the probable blasting or rock chipping.

Jonathan Kraut, attorney for the applicant, addressed Mr. Van Der Watern's issues. He stated that the applicant intends on providing a landscape design to the Planning Commission. With regard to rock removal, the applicant plans on any removal well within the confines of the City's new law.

Joseph Murphy, 57 Franklin Avenue, strongly supports the adoption of the zoning change. He is thankful that the Council is entertaining it.

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to close the Public Hearing.

Mayor Sack asked Councilwoman Brett to clarify whether all items previously discussed were incorporated into the proposed zoning amendment.

Councilwoman Brett provided background to the Council and community on this particular zoning change. She stated there was very little opposition from the public on the proposed zoning change. By way of background, the Planning Commission took several months with the applicant to provide a recommendation to the City Council. Upon receiving a recommendation, the City Council has been working with applicant on several issues over the past few months, such as traffic. The Council understands there could be additional traffic issues and as a result, the City's traffic engineer performed further study. The City's traffic engineer updated the Council at the previous Council meeting on November 18, 2015. The Council further asked the applicant to increase some of the setbacks which is now reflected in the proposed amendment. The Council further asked the applicant to adjust the Floor Area Ratio (FAR). The maximum FAR will now be 0.75. Further, the minimum size of a lot per family has increased to 2500 square feet.

Corporation Counsel Wilson reminded the Council that as part of the process, in October 2014, the City of Rye declared itself Lead Agent, and the proposed project was declared a Type 1 action. Currently, the next action is for the Council to take a negative declaration to find there are no significant environmental impacts to move forward.

Councilwoman Brett stated that the new zoning will provide for a capital contribution fee on a per-unit basis.

Corporation Counsel Wilson stated that for the Council to move forward there would need to be a motion will be to adopt a negative declaration regarding type 1 action regarding "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 made the recommended motion, seconded by Councilman McCartney and unanimously carried, to adopt a negative declaration regarding type 1 action regarding “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.”

ROLL CALL

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

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to adopt an amendment to local law “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.”

Prior to the vote, Councilman Slack made a comment. He stated that when the zoning change proposal first came up, he had questions that needed to be answered with respect to the project. Upon considering the tax mix in the City, he is always concerned when we turn commercial property into residential. However, during the site visit, he became convinced that it would be difficult for the current owner to use the property commercially. Councilman Slack recognized Councilwoman Bucci’s earlier point that the property would be difficult to rent. He encouraged the Council to consider issues like that when it considers the Master Plan next year. Councilman Slack further stated that the concerns the Council had on this project were more than adequately answered by the applicant. While there could have been a possible negative effect on the schools and children, Councilman Slack felt comfortable because the School Board and school community did not object to the project during the lengthy Public Hearing. He stated that this Council spent a lot of time dealing with any questions or issues prior to moving forward. He felt the applicant has been very accommodating and responsive to the Council. Councilman Slack then thanked the applicant for the way it conducted this project.

Councilwoman Killian stated that she is thrilled that the community will have a place for seniors to stay in Rye. There are lots of terrific people here and the Council would like to keep them as part of the community. She is happy that there will be more alternatives for seniors.

Mayor Sack stated that this Council has been a process-driven Council to try and always end at the right outcome. The process is important. In this case, the Council was issued a recommendation from the Planning Commission which the Council considered, applied and incorporated public feedback, and ended with a positive outcome. Mayor Sack thanked the applicant for their flexibility through the process.

Alfred Weissman, applicant for this project, stated that he has been around for a long time and served in the Army 71 years ago. He wants the Council to be proud of the project at its opening. The end result will be the best the applicant can possibly give to the City. He wished the Council a Happy New Year.

ROLL CALL

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

Mr. Kraut thanked the Council and Deputy Mayor Brett for her work with both the Council and the Planning Commission. He reminded the Council that this project began with a completely different proposal. The original proposal, a hotel, was another idea that did not work for the City, and the current proposal does work.

5. Draft unapproved minutes of the Budget Workshop held November 16, 2015 and the Regular Meeting of the City Council held November 18, 2015.

Councilman McCartney requested an amendment to the minutes of November 18, 2015, to add the word “discussions” to his comments.

Councilwoman Brett made a motion, seconded by Councilman McCartney, and unanimously carried, to approve the minutes of the Budget Workshop held November 16, 2015 and the minutes as amended of the Regular Meeting of the City Council held November 18, 2015.

6. Issues Update/Old Business.

Councilwoman Brett stated that the Landmark Committee is considering historic districts. There is a proposal that she encouraged the Council to consider and review.

7. Mayor and Council amendments to the proposed 2016 City of Rye Budget.

Mayor Sack proposed an amendment to the budget to reflect a reduction to the 2015 appropriation of the general fund for unassigned fund balance to the five point intersection by \$100,000 and moved for a salary for a fire administrator.

Councilwoman Bucci explained that she and Councilman Mecca have worked with the Fire Department staff to reach the consensus that the Fire Department is in need of oversight. A Fire administrator would be a step in right direction.

Councilman Mecca added that after many meetings with the department, he and Councilwoman Bucci feel that more oversight would be welcome.

Mayor Sack thanked Councilmembers Mecca and Bucci. With regard to the five points intersection project, the Council does feel that the project has benefit, but at this time there are other priorities that need to be accommodated. With budget planning, the Council must face a balance of competing interests. Mayor Sack further stated that at this point, the fine details about the Fire Department Administrator role have yet to be decided, but there is a need for more oversight.

Councilwoman Bucci, seconded by Councilman Mecca, and unanimously carried, moved to amend the proposed 2016 budget to reflect the changes proposed by Mayor Sack to move the \$100,000 appropriation for the five points intersection to that of a salary of Fire Department Administrator.

ROLL CALL

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

8. Public Hearing on the proposed 2016 Budget.

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to open the public hearing for the proposed 2016 budget.

Joseph Murphy made a statement to the Council. He reported that the Senior Advocacy Committee is concerned about Rye seniors during the winter months. They support opening the Rye Reading Room on Sundays and suggest that it be considered in the budget for 2016.

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to continue the Public Hearing to December 16, 2015.

10. Discussion concerning the Pilot Study reducing the speed limit to 25 miles per hour on Stuyvesant Avenue and a recommendation regarding a permanent change in speed limit.

Councilwoman Killian reported as the liaison to the Traffic and Safety Committee. There is a proposal for the City to pursue implementing a Home Rule law to reduce the City-wide speed limit from 30 to 25 miles per hour. The proposed change began when a resident approached the Council about a speed limit reduction on Stuyvesant Avenue. The City proceeded to engage in a pilot study on several roads. The results did not indicate that reducing the speed limit made a difference, but it may have been because it was a test. Councilwoman Killian stated that each resident she has heard from supports this initiative. To implement a lower speed, there would have to be a Home Rule law on the State level. The City has spoken with George Latimer and Steve Otis, who would need to work with the City for the passage of a Home Rule law. Councilwoman Killian further stated that this change may take time, but the City must decide soon whether this is something to be pursued. Councilwoman Killian stated that she would like to see this change happen in the City. There are many children, pedestrians and bicyclists throughout the City. Councilwoman Killian recommended moving forward

support for a speed limit reduction to the State to change the City wide speed limit to 25 miles per hour.

Mayor Sack stated that he would like the Council to vote on a resolution allowing City Manager to pursue this initiative with the State. The City intends on calling on Mr. Latimer and Mr. Otis to help with the speed limit reduction. Mayor Sack suggested that this item be included in the agenda for the next City Council meeting scheduled for December 16, 2015. It is important for there to be public notice that the Council plans on pursuing this.

Councilman Slack stated that there was a memo in the Council packet on this issue. He felt it would be helpful to have a member of the TPS to answer questions raised by the memo.

Mayor Sack suggested putting this matter over to December 16, 2015.

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

Nothing was discussed under this agenda item.

12. Resolution to approve a Memorandum of Agreement between the City of Rye and the City Manager regarding the carryover of accrued sick days.

Councilman Mecca stated that the City Manager requested to carry over sick days from his previous employment. The Counsel asked the Corporation Counsel to draft an agreement loaning City Manager Serrano 36 sick days.

Councilman Slack made a motion, seconded by Councilwoman Brett and unanimously carried, to approve a Memorandum of Agreement between the City of Rye and the City Manager regarding the carryover of accrued sick days.

#### ROLL CALL

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

13. Miscellaneous communications and reports.

Nothing was discussed under this agenda item.

14. New Business.

Nothing was discussed under this agenda item.

15. Adjournment.

There being no further business to discuss, Councilwoman Brett made a motion, seconded by Councilman McCartney, to adjourn the meeting at 8:30 P.M.

Respectfully submitted,

Carolyn E. D'Andrea  
City Clerk