

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on March 9, 2016 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor  
KIRSTIN BUCCI  
EMILY HURD  
JULIE KILLIAN  
RICHARD MECCA  
TERRENCE McCARTNEY  
DANIELLE TAGGER-EPSTEIN  
Councilmembers

ABSENT: None

The Council convened at 7:00 P.M. Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the Executive Session at 7:30 P.M. The regular meeting convened at 7:35 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.

Councilwoman Tagger-Epstein thanked the DPW for their efforts in responding quickly to damage from the recent storm. She reported that the residents were very happy with the response provided by the City. Councilwoman Tagger-Epstein also commended Rye and Rye Neck High School students for their impressive productions of “Shrek” and “Into the Woods.”

Councilman Mecca stated that there was a Planning Commission meeting on March 8, 2016. There has been nothing to date to report to the Council.

Councilman McCartney stated that the Rye Golf Club discounted membership application is due March 15, 2016. On Friday, March 11, 2016, the City Clerk will be at the Golf Club between 10:00A.M. and 12:00P.M. to notarize the release forms for those who are interested in taking advantage of the discounted membership. Councilman McCartney also

reported about the Recreation Department and reminded the community that summer camp registration has opened, and encouraged anyone interested to visit the website for more information. He also stated that the Rye Rotary's recent fundraiser, "Crazy Legs" was a success. There were 80-90 people in attendance, with over \$10,000 raised for need-based scholarships. Further, Councilman McCartney reported that the Rye Smoke Shop is closing. He encouraged residents to visit the shop prior to its closing. On March 19, 2016 between 6:00 and 8:00 P.M., there will be a gathering for the Smoke Shop at the Rye Library.

Councilwoman Killian discussed the Council's coffee event held on March 5, 2016. There were many items discussed at the event, such as the new City Manager and new Police Commissioner. New construction and water flow were also discussed, as well as the Marina and the issue of dredging. Further, a resident addressed the snow ordinance parking in the winter months between 3:00 and 6:00 A.M. The resident suggested that the Council relax the strict rules about snow ordinance parking. Councilwoman Killian recommended that the Council send this issue to the Traffic and Pedestrian Safety Committee for their comments. Lastly, there was discussion regarding commuter parking. Councilwoman Killian asked the City Clerk to look into the rate at which the City oversells the lot. The City Clerk commented that often times, there are open parking spots near the Avon end of the Metro North Commuter Lot.

Mayor Sack stated that with regard to United Hospital, the City needs to inquire as to how the smaller project near the United Hospital site may contribute to the traffic implications for the project. The City Manager will reach out to the City's traffic engineer on this issue.

Councilwoman Hurd reported that Sustainable Port Chester will meet on March 10, 2016 at 7:00 P.M. at the Knights of Columbus in Port Chester. Councilwoman Hurd also announced that the Westchester Children's Museum is opening its doors. Lastly, she reported that the Rye's Got Talent event, sponsored by the Rye Lions Club, is Saturday, March 12, 2016 at the Rye Country Day School.

Greg Faughnan of the Rye Lions Club came to speak about the Rye's Got Talent show on Saturday, March 12, 2016 at 7:00 P.M. at the Rye Country Day School. There will be professional judges and 17 contestants, with 12 acts from Rye. The ticket price is \$15, with a discounted rate of \$5 for students and \$7 for seniors. The winner of the competition will win \$250. All remaining proceeds will go to benefit Guiding Eyes and vision services for the blind. Tickets may be purchased at the Rye YMCA, and at the door the night of the event. The Lions Club is looking forward to the show.

Councilwoman Hurd announced that Restaurant Week in Rye is being held between March 7 and March 20, 2016. She also mentioned that the Rye Farmers Market will start up again on May 2, 2016. Councilwoman Hurd lastly discussed the new restaurants arriving on Purchase Street.

Mayor Sack announced that the Council Chambers renovations will be completed at the next Council meeting of March 30, 2016.

4. Approval of the election of one new member to the Rye Fire Department.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to approve the election of Adam Rudolph-Math to the Poningoe Hook and Ladder Company.

5. Draft unapproved minutes of the regular meeting of the City Council held February 24, 2016.

Councilman Mecca made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the minutes of the regular meeting of the City Council held February 24, 2016.

6. Issues Update/Old Business.

Councilwoman Hurd reported on the Floor Area Ratio (FAR) requirements in surrounding communities. She mentioned that Larchmont does not have an FAR. She then inquired about the Master Plan and whether the Council could be updated on the hiring of a consultant.

Mayor Sack responded that there will be a public forum on the issue of the Master Plan. The date and time will be confirmed, but the meeting will likely be held on Tuesday, March 29, 2016.

Councilwoman Killian asked the City Manager about the status of possible rock removal from the right-of-way adjacent to private properties throughout the City. City Manager Serrano responded that there will be a report forthcoming to the Council concerning possible options.

Mayor Sack stated that with regard to the Thruway property across from Rye Country Day School, the City is considering acquisition of this land once again. The City is currently at the early stage of this process and will be considering potential partners. Mayor Sack reminded the Council and community that there will be a joint meeting with the Rye City School District School Board on Saturday, April 9, 2016.

7. Public Hearing to amend local law Chapter 177 "Taxation" of the Code of the City of Rye by adding Section 177-82(A)(2) "Hidden Spring Lane Historic District" as a separate Historic District

Councilwoman Hurd made a motion, seconded by Councilwoman Bucci and unanimously carried, to open the Public Hearing to considering amending local law Chapter 177 "Taxation" of the Code of the City of Rye by adding Section 177-82(A)(2) "Hidden Spring Lane Historic District" as a separate Historic District.

Jack Zahringer, Chair of the Landmarks Advisory Committee, addressed the Council. He stated that the scope of the Landmarks Committee is to preserve Rye's historic character.

He suggested the Council consider the portion of the code that discusses demolition. Mr. Zahringer also discussed Hidden Spring Lane, and stated that it was once the home of historic figure Jared Peck and home to the first site of the Apawamis Golf Club.

Councilman Mecca inquired as to whether this amended legislation would change the designation of historic houses from 100 years to a different timeline.

Corporation Counsel Wilson clarified that only the central business historic district has a 100-year requirement. She further clarified that the amendment to Chapter 177 before the Council deals solely with amending tax incentives for preservation, should homeowners within Hidden Spring Lane wish to avail themselves of the tax incentives attached to preservation efforts. The homeowners may choose to opt out of the incentives without penalty.

Councilman Mecca clarified that if homeowners want to stay within historic aesthetic confines, the homeowner could take advantage of the available tax incentives. However, this does not inhibit the rights of the property owners who do not choose historic preservation for their structures.

Corporation Counsel Wilson explained the tax formula included within Chapter 177.

Councilwoman Hurd explained that the tax incentive would only apply to City taxes, and not School or County taxes.

Mr. Zahringer mentioned that there are other areas within Rye that the Committee would consider for historic district candidates, such as Loudon Woods, Grace Church Street and Apawamis Avenue.

The Council discussed Hidden Spring Lane's status as a private street.

Jerome Coleman of Hidden Spring Lane, addressed the Council. He stated that he is a member of Landmarks Committee. He stated that Hidden Spring Lane as a private lane has provided a benefit for the City, as the road is privately maintained.

Mayor Sack stated that since this amendment is the first of its kind for a residential area, it would be best to put the matter over for consideration one more meeting.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to extend the Public Hearing to March 30, 2016.

8. Resolution regarding Confidential Information to Council Members-elect.

Richard Slack, 365 Grace Church Street, made a statement to the Council. As a former member of the Council whose term ended in December 2015, he stated that he felt strongly that Councilmembers-elect should not be involved in confidential sessions, to avoid a waiver of the attorney-client privilege. He further stated that the amount of litigation and

sensitive issues created a risk. Mr. Slack commented that the primary reason he supports the law is that those elected will not be invited to executive sessions where there is attorney-client privilege.

Councilwoman Hurd commented that it is the goal of the resolution to memorialize procedure, as there was a recent break in many years of past practice.

Mr. Slack responded that it is important to consider what is right for the City at the time.

Councilwoman Killian commended this Council and the past Council for their dedication to a focus on good governance. She thanked Mr. Slack for his comments and dedication to the Council.

Mayor Sack made a motion, seconded by Councilwoman Hurd, to adopt the following Resolution 2016-13:

**RESOLUTION OF THE CITY OF RYE  
REGARDING CONFIDENTIAL INFORMATION  
TO COUNCIL MEMBERS-ELECT**

WHEREAS, individuals who are elected to the City Council in November by law do not take the oath of office and do not become fiduciaries of the City until the commencement of their terms in January; and WHEREAS, new Council members-elect have much information, both publicly available and non-privileged confidential, to learn and digest both before and after actually being sworn in; and

WHEREAS, duly-sworn Council members often receive confidential material, including from the City Manager and Corporation Counsel, in the performance of their fiduciary duties; and

WHEREAS, to encourage optimum performance in their new roles after they take office, it may be beneficial for Council members-elect to also become privy to non-privileged confidential material before they take office; and

WHEREAS, the City Council often conducts discussions in Executive Session pursuant to the Public Officers Law; and

WHEREAS, the City Council sometimes, depending on the circumstances, invites certain individuals, including City staff members and members of the public, to attend non-privileged portions of Executive Sessions;

NOW, THEREFORE, BE IT RESOLVED, that it is the desire of the City Council to have such non-privileged confidential information be made available to Council members-elect, provided that these recipients execute a document indicating that they agree to assume such fiduciary responsibilities, to disclose any conflicts of interest, to sign a Conflict of

Interest form, to maintain and produce any personal e-mails regarding City-related issues, and to be subject to any other similar requirements of a full-fledged Council member, including being subject to FOIL; and

BE IT FURTHER RESOLVED, that the City Council may at its discretion continue to invite certain individuals, including Council members-elect, into Executive Sessions as the Council may deem helpful and appropriate.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and Tagger-Epstein  
NAYS: None  
ABSENT: None

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

There was nothing discussed under this agenda item.

10. Appointments to Boards and Commissions, by the Mayor with Council approval.

**A) Two appointments to the Board of Appeals for a three-year term.**

Mayor Sack made a motion, unanimously approved by the Council to reappoint Anthony Piscionere and appoint Scott Beechert to the Board of Assessment Review for a three-year term ending on December 31, 2019.

B) One appointment to the Conservation Commission/Advisory Council for a three-year term.

This item was deferred.

C) Four appointments to the Flood Advisory Committee for a three-year term.

This item was deferred.

D) Eight appointments to the Rye Cable and Communications Committee for a three-year term.

This item was deferred.

E) Two appointments to the Rye Playland Advisory Committee for a three-year term.

This item was deferred.

**F) One appointment to the Rye Senior Advocacy Committee for a three-year term.**

Mayor Sack made a motion, unanimously approved by the Council to appoint Hal Schwartz to the Rye Senior Advocacy Committee for a three-year term ending on December 31, 2019.

G) Two appointments to the Rye Town Park Advisory Committee for a three-year term.

This item was deferred.

H) Four appointments to the Traffic & Pedestrian Safety Committee for a three-year term.

This item was deferred.

11. Miscellaneous communications and reports.

There was nothing discussed under this agenda item.

12. New Business.

There was nothing discussed under this agenda item.

13. Adjournment.

There being no further business to discuss within the public meeting of the City Council, Councilman Mecca made a motion at 8:40 P.M., seconded by Councilman McCartney and unanimously carried, to adjourn the meeting.

Respectfully submitted,

Carolyn E. D'Andrea  
City Clerk