

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on September 14, 2016 at 7:30 P.M.

PRESENT:

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

The Council convened at 6:30 P.M. Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman McCartney made a motion, seconded by Councilwoman Bucci 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.

Mayor Sack congratulated the Rye High School Football Team for its recent win against Harrison, making three years in a row.

City Clerk D'Andrea announced that commuter parking renewal has opened and is due on October 31, 2016 with no exceptions.

Councilwoman Tagger-Epstein congratulated SPRYE on holding its 5th anniversary benefit. She also congratulated Rosemary and Vine for a wonderful write up in the New York Times, which she felt was a testament to the great restaurants in this City. She stated she was excited about the Rye Sustainability Committee presentation. She encouraged everyone to fill out the short survey for healthy lawns.

Councilman Mecca reported news from the Rye Fire Department. In July 2016, Dan DeCarlo and Hal Aiken, career firefighters, retired. The City had an opportunity to replace them with two career firefighters from Port Chester, Ryan Iarocci and Cea Fong. Councilman Mecca welcomed them to the City. He also discussed a recent Fire Department drill with Con Ed to become familiar with various procedures. Further, Councilman Mecca reported that in August 2016, the Rye Fire Department responded to 102 calls. He also encouraged residents to update their alarm companies on any changes to contact information.

Councilman McCartney stated that the Rye Rotary Club is sponsoring their first annual charity fundraiser on September 27, 2016, a golf outing at the Apawamis Country Club. The event will honor Michael Corcoran. All funds will go to charitable causes. On the Rye Golf Club front, everything is quiet and in good shape. Councilman McCartney also mentioned that the Rye Recreation Fall Programs are open for sign-up on the website. There are one-day programs available when school is not in session.

Councilwoman Killian reminded the community that the weekend preceding Columbus Day, the Rye School District has a four day weekend, followed by a five day weekend for Columbus Day. She also announced that the Rye ACT (the community's Drug and Alcohol Coalition) has exciting news, having received a grant from the federal government. The grant received will allow the community group to spend \$1.3 million on initiatives for the next ten years. Councilwoman Killian explained that the Rye ACT is comprised of 12 coalition members. This money will help alleviate the budget of the schools, the Rye YMCA, Rye Youth Council and other groups who fund anti-drug and alcohol initiatives. There were many people who worked on the grant, and Councilwoman Killian thanked Nancy Pasquale specifically for her hard work.

Councilwoman Hurd announced that the next Chamber of Commerce meeting will be held at 8:30 A.M. at Morgan's Fish House on October 5, 2016. Relatedly, she announced that the downtown construction project will begin next week on Smith Street. She also stated that the Taste of Rye will be held on Saturday, September 24, 2016 from 3:00 to 5:30 P.M. Tickets may be purchase at Julia B. Sotheby's office. Councilwoman Hurd also reminded the community that the Rye Free reading room will be hosting Novel Nights and other events this fall. Lastly, she stated that the engineering firm retained on the New York Rising grant will make a presentation on October 5, 2016 at 7:00 P.M. in Council Chambers.

Mayor Sack followed up with the announcements made on the progress of Rye ACT and said that the Council and City have made drug and alcohol prevention a priority. He reported that an arrest was recently made of an individual within the City on possession with intent to sell. Mayor Sack stated that enforcement is a key point in the discussion on prevention, among education and treatment.

4. Draft unapproved minutes of the Presentation of the CIP held August 1, 2016 and the regular meeting of the City Council held August 3, 2016.

Councilman McCartney recommended an amendment to the August 3, 2016 draft minutes to insert the words "value impacts" at the top of Page 6.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried by the Council, to adopt the draft minutes of the Presentation of the CIP held August 1, 2016 and the regular meeting of the City Council held August 3, 2016, as amended.

5. Presentation and Update from the Rye Sustainability Committee.

Sarah Goddard, Rye Sustainability Committee, introduced the presentation and update of from the Rye Sustainability Committee to the Council. Everything that we do is done within the framework of the Rye Sustainability Plan. Linda McKay, Rye Sustainability Committee, made a statement about energy. She distributed a handout regarding the New York Solar Summit which she attended June 20, 2016 in NYC. She stated she represented Rye, a “climate smart community.” Ms. McKay stated the Committee also had a meeting with a commercial solar provider to continue to talk to them about a large scale project for Rye. There is also a zero emissions initiative happening in Rye.

Gretchen Crowley, Rye Sustainability Committee, discussed the “Green Screen,” an initiative through film discussing important environmental topics. There have and will be speakers at each film to discuss the various environmental topics. The audience has been comprised of hundreds of Rye residents, neighboring communities, students and faculty. Ms. Crowley recalled the first Green Screen film presentation in 2011, regarding the effects of plastic bags. Since that film, Rye became the first community in Westchester to ban single-use plastic bags. She discussed the other films that have made an impact on the community. She discussed last year’s film regarding the laws on idling and car emissions, “Idle Threat.” She stated that the Committee looks forward to seeing everyone at the next Green Screen.

Lori Fontanes, co-chair of the Rye Healthy Yard Program, a subcommittee of the Rye Sustainability, addressed the Council. She stated that since its inception in 2014, there has been lots of progress with the Rye Healthy Yard program, but more can be done. There has been means presented to residents and commercial entities. She was happy to report that the sub-committee has partnered with multiple organizations throughout Rye.

Melissa Brown-Grieco made a presentation about trees. In order to replace some of the lost trees throughout the City, the Sustainability Committee in partnership with the CCAC is planning on fundraising to purchase, plan, and maintain the trees. All trees will be native species to the City. This fund could be set up, but the Committee is looking forward to working with staff to see the best placement of these trees.

Sarah Goddard stated that it would be up to DPW and the City for tree placement but they would be happy to help identify specific locations. Ms. Goddard stated that since the sustainability plan is complete, the Committee is looking to the community to enhance that plan. They are excited about community outreach. Ms. Goddard said that when people think of what the Committee does, they would like to get the message across that they are here for the community. Ms. Goddard presented the website page of the Sustainability Committee to the Council and community. She encouraged the community to fill out the survey on the website. She mentioned that she knows that the City will be redoing the Master Plan and encouraged the Committee to include the sustainability plan.

Councilwoman Killian stated that she has been so grateful for the tremendous work done by the Sustainability Committee over the past several years.

Councilman McCartney encouraged the public to read the Sustainability Report, which he felt was one of the best publications put out by the City.

20. Consideration of a request by the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October, 2016.

This item was taken out of order. Lisa Domenici Faries stated that October is Breast Cancer Awareness Month, at which time, the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club groups tie pink ribbons throughout the City to raise awareness of breast cancer. The application before the City is to hang the ribbons within the City's right-of-way.

Mayor Sack made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried by the Council, to grant the request by the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October, 2016.

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

This item was taken out of order. Kent Iarocci, 5 Charlotte Street, addressed the Council. He expressed concern over Haviland Lane and Purchase Street. He presented a three-step plan over a vehicle and pedestrian safety issue. He asked that a white line be painted for vehicles, second a sign put up that says stop here on red, and lastly he would like to see a traffic signal on a pole behind the white pillar as vehicles are exiting Haviland Lane. He said that the costs are minimal, considering possible benefits. He further stated that this would prevent pedestrian injury and accident.

Mayor Sack referred this matter to the Traffic and Pedestrian Safety Committee. Councilwoman Tagger-Epstein agreed to add it to the upcoming agenda. Mr. Iarocci thanked the Council.

6. Issues Update/Old Business.

Mayor Sack stated that with regard to United Hospital site, the Village of Port Chester has issued the FEIS but has not yet taken any action on it. It may be the subject of a Port Chester agenda item in October. The City of Rye will have a presence there to make comments on the FEIS. We have already submitted written comments to the Village of Port Chester.

Mayor Sack then discussed the litigation with the Westchester County regarding the issues at Playland. The return date for litigation is September 28, 2016. Mayor Sack hopes to resolve the issues with the County.

Mayor Sack then discussed the FLSA lawsuit regarding the previous employees at the Rye Golf Course. The litigants have been certified as a class, some of which appeared at City Hall prior to the City Council meeting. Mayor Sack stated that the City is hopeful that there will be a mutually-agreeable resolution. He said that the City is dealing in good faith and there is a hope to have a conclusion in the near future.

Mayor Sack then commented that with respect to the Thruway property that the City is considering purchasing, there continues to be positive discussion with Rye Country Day School.

Mayor Sack provided an update on the tax litigation and Seaside Johnny's in Rye Town Park. The City of Rye prevailed in the Appellate Division and the Town of Rye will be filing an appeal to the Court of Appeals. Mayor Sack also said that one entity has responded to the RFP for the Rye Town Park restaurant site which is the current operator, Seaside Johnny's.

Councilwoman Hurd stated that the placement of Benjamin Franklin Mile Marker 25 is up for discussion, as to whether it will remain or be moved at a future date. She also stated that the second issue which relates to the Landmarks committee is the possibility of replacing the current signs at the entrances to the City of Rye. The Landmarks Committee believes that the historic nature of the City should be highlighted on these signs. Councilwoman Hurd said that she is looking for input on the issue from the Council to see whether this is appropriate.

Mayor Sack agreed that the sign issue should be discussed and was interested in gathering community input.

Councilman McCartney stated that a few years ago, the Rye Little League approached the Council about the issue of selling advertising space at Disbrow Park to raise money for the league. He stated that this action required a Home Rule to be passed in New York State for this to be done legally under state law. Councilman McCartney stated that he was happy to report that this was passed on the state level. He reviewed the specifics required by the law.

8. Public Hearing regarding the request from Mr. and Mrs. Kenneth Mealey to remove a portion of Richard Place at the location of 19 Richard Place from the City's Official Map.

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

Mr. Kenneth Mealey, 19 Richard Place, addressed the Council. He stated that they were requesting that the City remove a portion of Richard Place, which would help fix the anomaly of their oddly-shaped lot located at 19 Richard Place. Mr. Mealey stated the intent was to fix the anomaly in good faith. Councilman McCartney commended the Mealeys on their paperwork, and Councilwoman Tagger-Epstein made a statement of support about their preparedness and need in this matter.

Councilman Mecca made a motion, seconded by Councilwoman Killian, to close the public hearing.

Councilman McCartney made a motion, seconded by Councilwoman Tagger-Epstein, to grant the request from Mr. and Mrs. Kenneth Mealey to remove a portion of Richard Place at the location of 19 Richard Place from the City's Official Map.

ROLL CALL

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

9. Public Hearing to amend local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-19, "No parking any time", to prohibit parking on the east side of Hewlett Avenue and the north side of Osborn Road.

Councilwoman Killian made a motion, seconded by Councilwoman Tagger-Epstein, to open the public hearing.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein, to continue the public hearing at the next meeting of the City Council on October 5, 2016.

13. Resolution to transfer \$150,000 from the Contingency account to the Legal Department to fund legal services.
Roll Call.

This item was taken out of order. City Manager Serrano stated that there are various needs for this transfer due to legal fees for the litigation with the County, Save the Sound, and others.

Mayor Sack said that Rye is being sued by Save the Sound, an organization who wants to limit the amount of water that is entering the sewage stream. One of the problems is that Inflow and Infiltration (I&I) occurs when sewers, which are so old, crack and groundwater goes into to the sewer system. He explained that the lawsuit will cost money to defend.

There was general discussion about both Save the Sound and the litigation with the County.

Councilman McCartney made a motion, seconded by Councilman Mecca, to authorize the transfer \$150,000 from the Contingency account to the Legal Department to fund legal services.

ROLL CALL

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

14. Resolution to increase the retainer with Best Best & Krieger to assist the City in the Crown Castle matter regarding wireless telecommunications.
Roll Call.

City Manager Serrano stated that the firm Best Best & Krieger and their engineer have been providing review and research on the issue to provide guidance to the City on the applicant of Crown Castle for DAS nodes placements within the right-of-way.

Corporation Counsel Wilson said that \$50,000 might be prudent, as a change in the City code could be necessary. There was general discussion about reviewing the details of the work on a step-by-step basis.

Councilman McCartney made a motion, seconded by Councilman Mecca, to approve a \$50,000 increase to the retainer for Best Best & Krieger to assist the City in the Crown Castle matter regarding wireless telecommunications.

ROLL CALL

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

10. Continuation of the Public Hearing regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

Chris Fisher, Cuddy & Feder, on behalf of Crown Castle, made a statement to the Council. He stated he had recently attended a telecommunications conference. He discussed the need of adequate telecommunications and service. Specifically, he discussed first responders and how they need to be connected in case of an emergency. He said that Crown is the means to an end, an infrastructure provider. Mr. Fisher stated that there has been a needs assessment discussed.

Mayor Sack said that there have been many communications since the August 2016 meeting of the City Council. Procedurally, there has been an agreement to extend the “shot clock” timeline to November 2016. Corporation Counsel Wilson confirmed that an agreement had been made to extend this timeline. There was general discussion about making public information available.

Chris Fisher, Cuddy & Feder, stated that the firm received a letter from Mr. Van Eaton, and a letter of response will be provided and filed with the City Clerk. Mr. Fisher stated that after reviewing the letter submitted from Zarin and Steinmetz, he disagrees with many of the specifics.

There was general discussion about a letter received from Zarin and Steinmetz that had been circulated to many residents throughout the City.

Eileen Iorio, 24 Crescent Avenue, thanked the Council. She stated that from the last meeting, Deputy Mayor Killian mentioned the Home Depot case. Ms. Iorio stated that she wanted to know how that case equates to this one. Councilwoman Killian responded that they are not

similar, but that she was creating the parallel between the duties of the Council and how at times, the fiduciary needs of the City need to be weighed above one's personal feelings.

Kate Khanna, 1003 Forest Avenue, discussed the impact on property values. She discussed a 2014 study of 1,000 homes. She stated that 94% of those surveyed would pay less for a home near a cell tower. She discussed the survey further. Councilman Mecca stated that there are 8 nodes existing within the City of Rye. He asked her to identify the homes within 500 feet and if, indeed, these houses have lost value.

Kate Emanuel, 12 Sharon Lane, stated that she could provide Mr. Mecca with that information. She stated she cares deeply about the community and worries about the installation of DAS nodes with relation to property values. As a real estate agent, she feels that homeowners buy in Rye due to the investment. .

Carolyn Cunningham, 18 Soundview Avenue, stated that in the late 1990s and early 2000s, she served as Deputy Mayor. She stated that due to the Telecommunications Law being enacted, she and the Council at the time drafted Rye's City Code Chapter 196, to contemplate the technology and help the community. She believes the City should be operating under Chapter 196.

Charlotte Hansen, 717 Forest Avenue, addressed the Council. She stated that she created a survey that was distributed. She reviewed the survey's results with the Council.

Dan Richmond, 81 Main Street, Ste. 415, White Plains, New York, of Zarin and Steinmetz, stated that the firm had been retained by several Rye residents. He stated that they are seeking to work with the Council on this issue. He reviewed a letter that he had sent to the Council regarding their opinions on Crown Castle and the application. He stated he was worried about a possible precedent set.

Benjamin Stacks and Kim O'Connor, 15 Sonn Drive, addressed the Council. He stated that in 2011, there was a node placed in their backyard pursuant to the right-of-way use agreement. They were upset to find out about the addition of nodes, being that there is significant noise emitted from the nodes and a stigma involved. He was surprised to find out that the node in his backyard was the closest that any node was to a home in Rye. He invited the Council to observe the node at their house.

John Mayo Smith, 3 Fairlawn Court, addressed the Council. He stated that he created a survey for the Northeast, which generated 1500 responses. Many responded that they would pay between 6 and 10% less on the purchase of their home with the existence of nodes. He stated there was a perception issue. He stated he felt this was a government taking.

Trish Agosta, Rye resident, addressed the Council. She stated that Crown Castle's interests were adverse to the residents. She asked the Council create a citizens' group for community input. She asked for the Council's support.

Dan Richmond, Zarin and Steinmetz stated that the letter than was sent to the Council was not an invitation to litigation, but a start to a dialogue.

Chris Fisher, Cuddy and Feder, addressed several points that were brought up during the public hearing.

Lisa Sandler, 51 Franklin Avenue, asked why the experts were being hired now, rather than before.

7. Continuation of the Public Hearing to amend local law Article 21, "Financial Procedures", Section §C21-9, "Bond Resolutions", of the Charter of the Rye City Code, to eliminate the City's discretionary debt limit.

Councilwoman Bucci stated the City is considering raising the debt limit. She said that the Council is in the process of deciding the specifics of the limits. There was general discussion about the different scenarios that could be considered by the Council.

Mayor Sack recommended putting the matter over to the next meeting.

Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to continue the public hearing on October 5, 2016.

12. 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 introduced the issue and stated that Dan Raub of Cuddy & Feder, representing AT&T, is applying to the Council for modifications to its existing wireless telecommunications. Mr. Raub stated that to accommodate for 4G networks, the technology needs to be altered at the site. They were planning on swapping out three antennae and altering some radio units.

Mayor Sack made a motion, seconded by Councilman Mecca and agreed by the majority, to refer 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 to the Board of Architectural Review.

15. Bid Award for the Rye Golf Club Roof Replacement contract (Contract #2016-12).
Roll Call.

City Manager Serrano stated that there are five roofs in need of replacement at the Rye Golf Club.

Councilman McCartney made a motion, seconded by Councilman Mecca that Contract #2016-12 be awarded to the low bidder, BBR Contracting Corp., in the amount of three hundred eighty-seven thousand dollars (\$387,000.00) as recommended by the Rye Golf Club General Manager.

ROLL CALL

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

16. Bid Award for the Rye Golf Club Greens Expansion and Practice Area contract (Contract #2016-14).
Roll Call.

Councilman McCartney explained that the greens and practice area at the Rye Golf Club will be expanded and enhanced to improve conditions on the course.

Councilman McCartney made a motion, seconded by Councilwoman Bucci, that Contract #2016-14 be awarded to the low bidder, XGD Systems, in the amount of four hundred twenty thousand nine hundred ninety-eight dollars and ninety-five cents (\$420,998.95) as recommended by the Rye Golf Club General Manager.

ROLL CALL

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

17. Resolution ratifying the appointment of one member to the Emergency Medical Services Committee for a three-year term expiring on June 30, 2019.

Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to ratify the appointment of John Colangelo, Port Chester resident, for a three-year term expiring on June 30, 2019.

18. Consideration of the proposed revision to the Rules and Regulations of the City of Rye Police Department General Order #120.8 regarding the Drug Testing Policy.

Councilman McCartney made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the proposed revision to the Rules and Regulations of the City of Rye Police Department General Order #120.8 regarding the Drug Testing Policy.

19. Resolution to declare certain City of Rye equipment as surplus.
Roll Call.

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

WHEREAS, the City has been provided with a list of City equipment identified as being obsolete or will become obsolete during 2016, and,

WHEREAS, the Rye Boat Basin has recommended that said equipment be declared surplus, now, therefore, be it

RESOLVED, that said equipment are declared surplus, and, be it further

RESOLVED, that authorization is given to the City Comptroller to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and
Tagger-Epstein

NAYS: None

ABSENT: None

21. Consideration of a request by the Jarden Corporation for use of city streets on Sunday, September 25, 2016 from 7:00 a.m. to 6:00 p.m. for their annual Westchester Triathlon.

Mayor Sack made a motion, seconded by Councilman McCartney and unanimously carried, to approve the request from Jarden Corporation for the use of City streets on Sunday, September 25, 2016 from 7:00 A.M. to 6:00 P.M. for their annual Westchester Triathlon.

22. Miscellaneous communications and reports.

There was nothing discussed under this agenda item.

23. New Business.

There was nothing discussed under this agenda item.

24. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to adjourn the regular meeting of the City Council.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk