

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on January 25, 2017, at 7:30 P.M.

PRESENT:

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

ABSENT:

None

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Bucci and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman Mecca 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 7:45 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 Commissioner of Public Safety of the City of Rye.

Mayor Sack was proud to announce that pursuant to a referendum vote, the City amended the Charter to provide for a Public Safety Commissioner, who will oversee the Police and Fire Departments as a cohesive unit. Mayor Sack announced the appointment of Commissioner Michael Corcoran.

City Manager Serrano was happy to report that the Commissioner position in Rye was one of the few in the State of New York. He thanked the City Council, the Fire Department and the Police Department. He said he was happy that the community saw the benefit of this position through referendum. City Manager Serrano said that Commissioner

Corcoran has proven himself to be a man of integrity hard-working leader who exceeded all expectations, and gained a lot of respect from the departments and the community. City Manager Serrano said he was honored and privileged to recommend the Michael Corcoran for the position of Commissioner of Public Safety.

Councilwoman Killian stated she was grateful to Commissioner Corcoran for his work, specifically with the schools and Rye ACT and numerous other initiatives in the short time he has been here.

Councilman McCartney said that great leadership is a rare thing, but when you see it, you know it. He was very proud to see both the Police and Fire Departments at the meeting supporting Commissioner Corcoran and the City of Rye.

Councilman Mecca said that the process to implement the Commissioner of Public Safety position had taken more than a year, and he was glad to see that the public supported it through referendum. He agreed that Commissioner Corcoran was the right person for the job.

Councilwoman Hurd said that the idea of a Public Safety Commissioner was not something she jumped at eagerly, but knowing that the City was considering Mr. Corcoran made her change her mind about it and see it as a positive addition. She stated that Commissioner Corcoran has impressed her and has taken a strong leadership role. She thanked him for his service.

Councilwoman Tagger-Epstein said that being the newcomer is a challenge, and therefore she needed to follow the leadership of Councilmembers Bucci and Mecca on this item. At first she said that she was hesitant about the position, but spending time with Commissioner Corcoran and knowing his ethics and values and unbelievable commitment to the city, she said she knew it was the right thing and Rye will absolutely benefit from this.

Councilwoman Bucci said that she was so impressed that all of the officers and firefighters were present at the meeting to support Commissioner Corcoran. She said that it spoke volumes about his strong leadership. She told Commissioner Corcoran that he had the full support of the Council.

Mayor Sack said that it is great that the City has the right person and the right position and congratulated Commissioner Corcoran.

Councilman Mecca made a motion, seconded by Councilwoman Bucci, to approve the recommendation that Michael Corcoran be sworn in as the Commissioner of Public Safety.

ROLL CALL

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

ABSENT: None

City Clerk D'Andrea administered the oath of office to Commissioner Corcoran to faithfully discharge the duties of Commissioner of Public Safety.

Commissioner Corcoran addressed the Council. He thanked the Council and City staff for trusting him with this important position in moving the City forward. He thanked Lt. Scott Craig for his support and hard work each and every day. He was proud to be appointed to the position in which he will lead both Police and Fire Departments as the Commissioner of Public Safety. He stated that he strongly valued the service of the firefighters and the fire chiefs. He was hopeful to reinvigorate recruitment efforts, in which coordination between departments will be instrumental. Commissioner Corcoran said that he was so humbled by the attendance of both departments at the meeting. He recounted that 30 years ago, he was trained as a firefighter in the Navy, and said that success is a journey, not a destination. He thanked the Mayor and Council, specifically Councilwoman Bucci and Councilman Mecca. He also thanked City Manager Serrano and Assistant City Manager Militana in spearheading the effort to create the position and bring the departments together. He said he was so excited to be working with the Fire and Police Departments and is so proud of what they do. He vowed to always will act in the best interests of the City. He felt that pride, integrity, respect, accountability and leadership were the most important attributes of having a successful department. He said that he and the departments were proud to fly the flag of public safety and proud to serve the citizens of Rye each and every day. Lastly, Commissioner Corcoran introduced and thanked his family for their support.

There was then a five minute recess.

4. General Announcements.

Councilwoman Tagger-Epstein announced that recently there was an event at the Jay Heritage Center, they hosted their second Hort Lunch event, which utilized what we may see as weeds and turned them into delicious food, in an effort to create awareness with sustainable food. She also announced that there will be an upcoming Sustainability meeting at the Rye Nature Center, discussing how to talk to landscapers about "going organic." She also stated that she and Councilman McCartney were working together on the City's Firearm Safety Committee, and that each week they would educate the community with facts to prevent firearm accidents. She reported on a study published in the Journal of Pediatrics that found that 1.69 million children are living in homes with loaded and unlocked firearms. She reported on other startling statistics among minors living in households with loaded guns, which has led to the finding that 89% of accidental shooting deaths occur with minors.

Councilman Mecca announced that the Planning Commission had a meeting on January 24, 2017, but is currently going through a quiet period. He will report if anything comes up in the future.

Councilman McCartney encouraged those interested in a Rye Golf Club membership to register online or in person for the 2017 season. On behalf of the Recreation Department,

he reported that a consultant has been hired to study and propose comments for the Disbrow Park Master Plan. There will be public hearings in the near future. He also asked the community to be safe in yielding within roundabouts.

Councilwoman Killian announced that the First Annual Winter Social will be held for the Rye Fund for Education on January 27, 2017 at 7:30 P.M. at Whitby Castle. She also announced that she recently attended an event on Teens, Tobaccos, E-Cigarettes and other related items, in which she learned that one person dies every six seconds from a tobacco-related death and 20% of all U.S deaths are from tobacco, and there is a misconception that e-cigarettes are deemed “OK” by teenagers and young adults. She also stated that nicotine delays absorption of alcohol in the system. Councilman McCartney commented that e-cigarette batteries are dangerous and poorly manufactured.

Councilwoman Hurd announced that there will be a public hearing held on the United Hospital proposed site on January 31, 2017 at 7:00 P.M. There will also be a traffic workshop on the issue held on February 6, 2017.

Mayor Sack noted the passing of Sharon Lawyer, longtime Rye resident. There was a moment of silence. He also announced that Frances Dyer also passed away, who was very involved at Resurrection Church in Rye. There was a moment of silence.

Mayor Sack reported that with regard to Save the Sound, the litigation has been ongoing for over one year. The legal bills have been significant in this matter. He stated there will be a court conference before Judge Seibel in Federal Court on February 10, 2017. He explained that there is a County law that allows only 150 gallons per person per day to go through the sewage treatment. Mayor Sack also briefly discussed “I & I” (Inflow and Infiltration). He stated that the City is hopeful for a conclusion this year.

5. Draft unapproved minutes of the regular meeting of the City Council held December 21, 2016 and January 11, 2017.

Councilman McCartney made a motion, seconded by Councilwoman Hurd and unanimously carried, to approve the draft minutes of the regular meeting of the City Council held December 21, 2016 and January 11, 2017.

6. Issues Update/Old Business.

Councilwoman Killian asked about the status of the website redesign. City Manager Serrano responded that an RFP would be drafted in one month.

Councilwoman Hurd asked for a future update on the New York Rising grant.

7. Consideration to set a Public Hearing for February 1, 2017 to amend the Rye City Code: (a) local law Chapter 133, “Noise”, by amending Section §133-4, “Points and method for measuring intensity of sound” to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, “Streets and Sidewalks”, to

add a new Article IV “Placement of Permanent Facilities in the Rights of Way”, Sections §167-66 through §167-71, to regulate placement of devices in the right of way; and (c) local law Chapter 196, “Wireless Telecommunications Facilities”, by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.

Corporation Counsel Wilson stated that these amendments cover three aspects of City Code, considering, Noise, Rights of Way, and Telecommunications. She discussed aspects of the law as it stands currently, with the likelihood that the City would need language to contemplate a change in technology for the future to best protect the City. She explained that this agenda item would set the public hearing for February 1, 2017 which will be likely held open for public comment.

Mayor Sack stated that the goal was to strengthen Chapter 196 to meet today’s challenges and standards with evolving technology. He said this is part of the City’s effort to address the placement of wireless facilities in the City of Rye. He stated that the City is continuing discussions with Crown Castle, and ultimately is trying to make both the current right-of-way agreement and Code stronger.

Josh Cohn, 24 Green Avenue, addressed the Council. He took issue with the fact that the hearing is only one week away, and asked for more time. He also stated that the draft is difficult to find on the City website and asked for it to be placed in an easier location to find.

Councilman Mecca asked if the proposed amendments would apply to Crown Castle, and Corporation Counsel Wilson said it would.

Councilman Mecca made a motion, seconded by Councilwoman Killian and unanimously carried to set a Public Hearing for February 1, 2017 to amend the Rye City Code: (a) local law Chapter 133, “Noise”, by amending Section §133-4, “Points and method for measuring intensity of sound” to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, “Streets and Sidewalks”, to add a new Article IV “Placement of Permanent Facilities in the Rights of Way”, Sections §167-66 through §167-71, to regulate placement of devices in the right of way; and (c) local law Chapter 196, “Wireless Telecommunications Facilities”, by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.

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

There was nothing discussed under this agenda item.

9. Bid Award for the Theodore Fremd Infrastructure Project contract (Contract #2016-18).  
Roll Call.

City Manager Serrano explained that this project includes replacing the sewer line on Theodore Fremd. In accordance with the Affordable Housing agreement with the County, the County will be paying for this major improvement.

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

**RESOLVED**, that Contract #2016-18 be awarded to the low bidder, Bradhurst Site Construction Corp., in the amount of One Million, Thirty Nine Thousand, Nine Hundred and Thirty dollars (\$1,039,930) as recommended by the City Engineer and Anthony Zaino, Director of Design, Westchester County Department of Planning.

**ROLL CALL**

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

9. Bid Award for the Theodore Fremd Infrastructure Project contract (Contract #2016-18).  
Roll Call.

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

**RESOLVED**, that Contract #2016-18 be awarded to the low bidder, Bradhurst Site Construction Corp., in the amount of One Million, Thirty Nine Thousand, Nine Hundred and Thirty dollars (\$1,039,930) as recommended by the City Engineer and Anthony Zaino, Director of Design, Westchester County Department of Planning.

**ROLL CALL**

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

10. Resolution to transfer \$40,000 from the Contingent Account to the Dearborn Avenue Seawall Project for repair of the Dearborn Avenue seawall.  
Roll Call.

City Manager Serrano explained that the damage to the City's portion of the wall was more substantial, and that after being studied by the City's engineers, it would be in the best interests of the City to facilitate immediate repairs to the City's portion.

Mayor Sack explained that the City's position is that it would be prudent to fix the City's end of the wall, which is expected to help the wall last for a long time. The Town of Rye wants to tear down the wall and build a new one, but this could cost the City upwards of \$400,000.

Councilman McCartney made a motion, seconded by Councilman Mecca, to authorize the transfer of \$40,000 from the Contingent Account to the Dearborn Avenue Seawall Project for repair of the Dearborn Avenue seawall.

ROLL CALL

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

11. Consideration of a request by the Rye Little League to approve a parade to kickoff Opening Day of the 60<sup>th</sup> Little League Season on Saturday, April 22, 2017 beginning at 12:00 p.m.

All were in favor of granting a request by the Rye Little League to approve a parade to kickoff Opening Day of the 60<sup>th</sup> Little League Season on Saturday, April 22, 2017 beginning at 12:00 p.m.

12. Consideration of a request by the Rye YMCA for the use of City streets for the 29<sup>th</sup> Annual Rye Derby on Sunday, April 30, 2017 from 9:00 a.m. to 2:00 p.m.

All were in favor of granting a request by the Rye YMCA for the use of City streets for the 29<sup>th</sup> Annual Rye Derby on Sunday, April 30, 2017 from 9:00 a.m. to 2:00 p.m.

13. Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to approve a parade to commemorate Memorial Day to be held on Monday, May 29, 2017 from 9:45 a.m. to 10:15 a.m.

All were in favor of granting a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to approve a parade to commemorate Memorial Day to be held on Monday, May 29, 2017 from 9:45 a.m. to 10:15 a.m.

14. Miscellaneous communications and reports.

Councilwoman Hurd asked about the process for starting a new parade for the 4<sup>th</sup> of July.

Councilwoman Tagger-Epstein stated that she met with the Senior Advocacy Committee, who are planning a Senior Summit and currently looking tentatively at a May 3, 2017 date at Whitby Castle. She asked residents to stay tuned for concrete details.

Councilwoman Hurd announced that she attended the Annual Meeting of the Rye Free Reading Room, featuring local author Sam Weinman, which was a wonderful event. She thanked Chris Shoemaker for moderating the event.

15. Old Business.

There was nothing discussed under this agenda item.

15A. Two Appointments to the Playland Advisory Committee for a Three-Year Term.

Mayor Sack made a motion, approved by the Council, to re-appoint Lloyd Emanuel and Bill Myers to the Playland Advisory Committee, with terms ending January 1, 2020.

16. New Business.

There was nothing discussed under this agenda item.

17. Adjournment.

There being no further business to discuss at the regular meeting, Councilman Mecca made a motion at 8:52, seconded by Councilwoman Tagger-Epstein, to adjourn the regular meeting of the City Council and recess into executive session to discuss personal matters.

Respectfully submitted,

Carolyn E. D'Andrea  
City Clerk