

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on April 5, 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

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. Recognition of the Rye Recreation All Star Basketball Team.

Mayor Sack congratulated the Rye City Recreation Basketball Team for winning the Westchester County championship game. He stressed the importance of teamwork, which helped bring the team to success. Mayor Sack then announced the names of each member of the basketball team.

4. General Announcements.

Councilman McCartney announced that the Rye Golf Course was open for business, and the course looks great. He said that the short game area was ready and will be open soon. Councilman McCartney was happy to announce that membership numbers were up for this time of year with 55 new members. On the Recreation front, there is still space within the summer camp programs, as well as the spring programs, which can be found online. Lastly, he announced that Little League Opening Day will be April 22, 2017.

Councilwoman Hurd announced that the Landmarks Committee has withdrawn their application to move Mile Marker 25. She also announced that there was a Chamber of

Commerce meeting on April 5, 2017, which featured a presentation by Bob Burns on the Family Medical Leave Act. She was pleased to announce that Ocean Grill will be opening at Rye Town Park for the season. Councilwoman Hurd also encouraged residents to visit Sarza, a new store located in the Central Business District. She also announced that there would be a presentation from New York Rising before the Council that evening. Lastly, Councilwoman Hurd announced that the Boat Basin was getting ready for spring.

Councilwoman Killian announced that April was National Volunteer Month. She stated that she attended the Volunteer New York breakfast on Friday. She recognized Rye resident, Henry King, who received the Go Green award for his beekeeping work at the Rye Nature Center. Councilwoman Killian encouraged anyone interested in volunteerism to look into Volunteer New York and their efforts.

Councilman McCartney announced that this Saturday, April 8, 2017, is the Easter Egg Hunt at Rye Recreation. He encouraged those with children to attend this annual event. He also assured that the volunteer firefighters that the undergoing PESH issues are a bump in the road. He also stressed the importance of volunteerism for the Fire Department.

Councilman Mecca, adding to Councilman McCartney's comments, announced the Annual Carol Kirby Easter Egg Hunt will be held on Saturday, April 8, 2017 at the Rye Recreation. The gates will open at 10:30 A.M. at the basketball courts. He encouraged those with families to attend.

Councilwoman Tagger-Epstein announced that the Healthy Yard signs have been distributed and she looks forward to seeing them on lawns throughout Rye. She announced that the Rye Sustainability Committee held a home energy and efficiency workshop at the Rye Free Reading Room on Saturday, April 1, 2017. Councilwoman Tagger-Epstein stated that she, Councilwoman Hurd, and Commissioner Corcoran recently attended a presentation by the Anti-Defamation League. She said they were looking forward to partnering with the league and bringing them into the community. She also stated that the City had its first recent Human Rights Commission meeting, and despite having one official appointee, the room was full. Of the topics discussed at the meeting, the Commission expressed concern over the startling fact that over ten percent of children ages 0-4 in Westchester County live in poverty. Councilwoman Tagger-Epstein stated that in response to this statistic, the Commission would like to look further into starting a diaper bank for families in need. The Carver Center will be holding a Baby Shower on April 29, 2017 for young mothers. The Commission and members of the community would like to contribute to that event. Information on donations will be forthcoming.

Mayor Sack announced that unfortunately, Louis Larizza, Jr. passed away on April 2, 2017. Louis Larizza, Sr. has appeared before the City Council many times, including most recently the senior affordable housing project. Mayor Sack expressed his condolences for this devastating time and stated the City Council's thoughts and prayers are with the family. There was a moment of silence.

Councilwoman Killian added that the Mr. Larizza was an important addition to the Port Chester basketball team and to his father's business in the community.

7. Presentation on the New York Rising Reconstruction Program projects.

This item was taken out of order. City Manager Serrano announced that the New York Rising grant representatives and engineers would present to the City Council.

Brian Platt, O'Brien & Gere, introduced Brad Cantor, NYS Governor's Office of Storm Recovery and Peter Johantgen, DASNY. He said that previously the group presented before the Council and gave an overview of the project. Since that time, one phase of the project had been completed. Mr. Platt presented a slide show of the project to the Council. He discussed the excavation of the pond and two primary objectives: to revisit the pond expansion project, and study the operation of the sluice gate.

Mr. Platt discussed the excavation of the pond and demonstrated the results by slideshow presentation. He then discussed comparisons in a before and after analysis. He discussed projected elevations of flood events for I-287 area, Purchase Street area, Highland Road area, and I-95 area.

He then demonstrated photographs of the sluice gate and provided a "before and after" analysis in connection with expansion of the pond.

There was general discussion over sewer issues.

Councilwoman Hurd stated that in 2007, the City had a massive storm that cost \$80 million in damage in Indian Village. As a result, the sluice gate was built to attempt to mitigate major flooding events. For whatever reason, the sluice gate had not been working correctly. She asked Mr. Platt if he thought that a result would be different if the City had a monetary match from the County to double the funding for the project. Mr. Platt responded that it could be considered. She asked Mr. Platt if there would be concrete data presented within the 2017 year.

Peter Johantgen, Project Manager with DASNY, responded that they provide mechanisms to engage engineers to carry out projects. He explained that DASNY's role was to navigate requirements of what comes with the funding. He said that when it comes to engaging a consultant, it is easy in the one sense that there are term contracts, but there is a lot of reporting. Mr. Johantgen discussed the history of compliance issues, among other items. He said that there must be compliance with federal and state requirements.

Bernie Althoff, 34 Mendota, addressed the Council. He confirmed that the City had until the end of 2019 to use the New York Rising funding. He discussed the project in general and the culvert involved and flooding that occurs. He encouraged the construction to begin as soon as possible.

Councilman Mecca commented that he remembered that the flooding has been an issue for a while. He recalled his time on the Flood Advisory Committee and the fact that

these ideas had been on the table for many years. He stressed the importance of gathering the downstream data.

Mr. Platt emphasized the importance of a “step-by-step” approach.

Councilwoman Bucci asked is it possible to accelerate the next step. Mr. Platt responded that it was possible.

Councilwoman Tagger-Epstein said that the City has a lot of data from past studies. There was general discussion about moving forward.

Mayor Sack asked if it was possible for the engineer to return for the June 7, 2017 meeting.

Bob Gay, member of the Flood Advisory Committee, addressed the Council. He stated that he unfortunately learned nothing new from this presentation. He expressed concern that the sluice gate is programmed wrong. Mayor Sack distinguished that it is actually not being used at all at the moment. He expressed that understanding the rate of rainfall is important.

Paul Benowitz, 29 Ellsworth Street, addressed the Council. He recounted the history of flooding and expressed concern over the 50 and 100 year storms with respect to the sluice gate.

Mayor Sack adjourned the issue to June 7, 2017.

5. Draft unapproved minutes of the regular meeting of the City Council held March 15, 2017.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to approve the minutes of the regular meeting of the City Council held March 15, 2017.

6. Issues Update/Old Business.

Mayor Sack announced that with respect to the proposed Starwood development at the former United Hospital site, the City has extended time to file an Article 78 by 30 days. He said that similarly with Playland, there was a decision from the Court that was unfavorable to Rye. This Council has not made a final decision yet on the issue of whether to appeal. Mayor Sack also announced that with respect to Mile Marker 25, the Landmarks Committee has withdrawn their proposal. The City still needs to take steps to preserve it where it is. Mayor Sack asked City Manager Serrano to provide recommendations on how to preserve and protect the stone.

**** Please note that the Tolling Agreement between the City of Rye and Crown Castle has been extended for an additional two-week period. The Public**

Hearings on Crown Castle will be held over; no decision or vote on the Crown Castle matter (Agenda Items #10 and #11) will occur until the April 19, 2017 City Council Meeting.

8. Continuation of the Public Hearing 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 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.

Deirdre Michalopoulos, 375 Oakland Beach Avenue, addressed the Council. She felt it was important to work together. She asked that the Council listen to resident concerns. She stated that Greenwood Union has offered to host a pole. She also mentioned the police station as a possible site, as well as Disbrow and other locations.

Mayor Sack reminded the community that the City does not have control over private land, and that technological concerns need to be considered.

Joe Van Eaton, Best Best & Krieger on behalf of the City, said that with drafting the ordinance, there is a basic choice that is made. There can be tall towers, or smaller nodes. The problem is, with Rye, any place you put tall towers, you will likely have a residential area. The whole point in putting in bigger facilities would be to eliminate DAS nodes. Mr. Van Eaton then said that the goal here is to try and figure out what is viable with the various locations. One location that could be considered is the netting behind the Rye Golf Club. The question will always be what will the people closest to that facility think.

Councilwoman Hurd asked if the current code draft would prohibit something like a slick stick on Greenwood Union.

Mr. Van Eaton responded that it would not prohibit something like that. He said the goal would be to protect even further than the community group proposed. He reminded that currently, there is a 100 foot height limit in the City code.

Josh Cohn, 24 Green Avenue, addressed the Council. He said there is no such thing as a citizen's litigation group. He discussed possible locations and the proposed code.

Diana Page, 86 Halsted Place, asked if the City had the propagation drafts from Verizon. Corporation Counsel Wilson responded that she understood that information would be forthcoming as early as this week. Ms. Page felt that in terms of the law, stealth facilities should be subject to a least intrusive means test. She also discussed the size of the boxes.

Mayor Sack commented that there have been almost 24 straight hours of public comment on the issues that have evolved overtime and the Council is considering all comments and advice.

Mecca commented that new technology of indoor DAS systems have started to permeate the market. This is where the industry is moving.

Leslie Snyder, Snyder & Snyder for Verizon Wireless, addressed the Council. She stated that Verizon submitted comments to the Council with regard to the proposed law. She submitted written comments to the most updated draft.

There was general discussion over a workshop with residential involvement on the issue.

Ben Stacks, 15 Sonn Drive, addressed the Council. He asked if the changes to Chapter 196 would apply to Crown Castle's application. Mayor Sack responded that there has been no answer on that item. He then brought up noise issues and concerns.

Meg Cameron, 5 Martin Butler Court, addressed the Council and expressed concern over the issue. There was general discussion over a possible workshop.

Paul Benowitz, 29 Ellsworth Street, addressed the Council. He asked that if there was a workshop, he be included to represent those who are against towers at Disbrow Park.

Katherine Ernst, 5 Halls Lane, stated support for a workshop. Councilwoman Bucci asked how a workshop would differ from a public hearing. There was general discussion over having a workshop.

Mayor Sack made a motion, seconded by Councilman Mecca, to continue this item to the April 19, 2017 City Council meeting.

Councilwoman Hurd made a motion to hold a special meeting of the City Council on the proposed code amendment on April 17, 2017 at 7:00 P.M.

ROLL CALL

AYES: Councilmembers Bucci, Hurd, Killian, and Tagger-Epstein

NAYS: Mayor Sack, Councilmembers McCartney and Mecca

ABSENT: None

9. 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.

This item was put over to the April 19, 2017 meeting.

9A. Consideration of a Resolution regarding the City of Rye and its policy toward immigrants or citizenship status.

Councilwoman Tagger-Epstein stated that there has been an unease at the federal level with immigration. In line with what many other police departments and other municipalities are doing, the Human Rights Commission has been considering a public policy, to feel that people feel safe to report crimes and call emergency services. The proposed resolution states that the City of Rye Police Department would only question immigration status with the commission of a felony or driving under the influence.

Mayor Sack asked what other departments were doing and why. He said the City currently does not have a policy of immigration enforcement at the Police Department. Other departments throughout the county have less restrictive policies.

Valerie Leishman, 43 Wainwright Street, stated she was in support of the policy.

Tony Piscionere, 363 Boston Post Road, addressed the Council. He stated concern that someone who was driving while impaired by drugs would be protected under the proposed resolution. He also stated concern over the fact that a police officer would not be able to identify an individual based on an administrative warrant.

Allison Relyea, 12 Halsted Place, thanked the Council and Councilwoman Tagger-Epstein for hearing comments on the issue. Much of the concern that people have is that they will avoid calling for emergency services for fear of their immigration status.

Emily Dorin, 62 Palisade Road, addressed the Council. She read a letter from Larchmont regarding their stance on immigration. She stated support for the policy.

Andrea Hesselkiel, 63 Overlook Place, addressed the Council. She stated support for the current policy.

Meg Cameron, 5 Martin Butler Court, stated support for the policy.

Mayor Sack recommended putting the matter over to the May 3, 2017 meeting.

Randy Neuringer, 6 Redfield Street, asked about the process of passing a resolution.

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

There was nothing discussed under this agenda item.

11. Authorization for the City Manager to enter into an Agreement with the County of Westchester for 2017-2018 Prisoner Transportation Services.
Roll Call.

City Manager Serrano explained that this is a routine IMA with the County to benefit local communities, which reimburses our officers to transport the prisoners between the municipal court and Westchester County. This is done every two years.

Councilman Mecca made a motion, seconded by Councilman McCartney, to authorize the City Manager to enter into an agreement with County of Westchester for 2017-2018 Prisoner Transportation Services.

ROLL CALL

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

12. Resolution to amend the Nominations, Elections and Voting Eligibility procedures for the Rye Golf Club Commission regarding a Commission vacancy.

Councilwoman Bucci explained that in case of a vacancy on the Rye Golf Club Commission, a special election would no longer be needed.

Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried, to amend the Nominations, Elections and Voting Eligibility procedures for the Rye Golf Club Commission regarding a Commission vacancy.

13. Consideration of the proposed changes to the Rules and Regulations of the City of Rye Police Department:

- General Order #102.8 regarding the operational guidelines of the Bicycle Patrol Unit
- General Order #103.7 regarding the carry and use of Oleoresin Capsicum (O.C.) Spray
- General Order #103.10 regarding the training, deployment, use and aftercare of Conducted Electrical Weapons
- General Order #115.3 regarding the procedures for the training of new police officers during post-academy training
- General Order #118.2 regarding a new performance tracking software program entitled Guardian Tracking

City Manager Serrano explained that Commissioner Corcoran has been working through each policy to make sure the language reflected organization and professionalism. This item was tabled to the April 19, 2017 meeting.

14. Consideration of a request by the Lustgarten Foundation Cancer Research Institute for use of city streets on Sunday, April 23, 2016 from 9:00 a.m. to 12:00 p.m. for their annual Westchester Pancreatic Cancer Research Walk.

Councilwoman Tagger-Epstein made a motion, seconded by Councilman Mecca and unanimously carried, to approve the request by the Lustgarten Foundation Cancer Research

Institute for use of city streets on Sunday, April 23, 2016 from 9:00 a.m. to 12:00 p.m. for their annual Westchester Pancreatic Cancer Research Walk.

15. Miscellaneous communications and reports.

City Manager Serrano announced that the water use restrictions were still in place, but Suez hopes to relax the restrictions by mid-April. He reminded residents to keep sprinklers off for the next few weeks. He also announced that the Purchase Street Improvement Project is on target with scheduling. The work should be done by the beginning of June 2017 if all goes to plan. He lastly announced that the MTA Central Avenue Bridge should hopefully be finished by fall 2017. Mayor Sack asked City Manager Serrano to formally send a request to State representatives to expedite this process.

16. New Business.

There was nothing discussed under this agenda item.

17. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilman McCartney to adjourn the regular meeting of the City Council and enter into executive session to discuss personnel matters at 11:45 P.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk