

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, November 4, 2009, at 8:00 p.m. in the Council Room of City Hall.

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. Residents may be heard who have matters to discuss that do not appear on the agenda.
4. Report from the City Manager on the acceptance of a quit claim deed between the Hannan Place Homeowners Association and the City of Rye.
5. Miscellaneous communications and reports.
6. Old Business.
7. New Business.
8. Draft unapproved minutes of the regular meeting of the City Council held October 21, 2009.
9. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, November 18, 2009. A special meeting of the City Council will be held on Monday, November 9, 2009 for the presentation of the 2010 Budget.



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Manager

DATE: October 27, 2009

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Report from the City Manager on the acceptance of a quit claim deed between the Hannan Place Homeowners Association and the City of Rye.

FOR THE MEETING OF:

November 4, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A new sidewalk from Johnson Place to the Mamaroneck Line is one of the Safe Routes to School Pedestrian Improvements approved under TIP Amendment #876084. A survey indicated that the City needed to acquire up to 2,995 feet of Hannan Place Homeowner Association land in order to meet the sidewalk separation and width requirements. A formal quit claim deed must be executed by simple majority by the homeowners for the additional property.

This deed has been reviewed by Corporation Counsel.



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Clerk

DATE: October 27, 2009

CONTACT: Dawn F. Nodarse

AGENDA ITEM: Draft of the unapproved minutes of the regular meeting of the City Council held on October 21, 2009, as attached.

FOR THE MEETING OF:

November 4, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Approve the Unapproved Minutes of the regular meeting of the City Council held on October 21, 2009.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on October 21, 2009 at 8:00
P.M.

PRESENT:

STEVEN OTIS, Mayor
ANDREW C. BALL
MACK CUNNINGHAM
PAULA J. GAMACHE
CATHERINE F. PARKER (Arrived at 8:06 p.m.)
JOSEPH A. SACK
Councilmembers

ABSENT: GEORGE S. PRATT

1. Pledge of Allegiance

Mayor Otis called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor Otis asked the City Clerk to call the roll; a quorum was present to conduct official city business.

Announcements

Mayor Otis began the meeting with several announcements:

- Commuter parking renewals have been mailed out in their customary orange envelopes. The deadline for returning them to the City Clerk's Office is Friday, November 6th at 5:00 p.m.
- Congratulations to the Rye Garnets football team for their victory over Harrison. The victory puts the team in the playoffs.
- Congratulations to the Rye High School band for their excellent performance at the Rye-Harrison game.
- Both congratulations and condolences were offered to Cable TV Coordinator Nicole Levitsky on the birth of her son Joseph and the loss of her sister Jackie in the same week.
- Best wishes to JoAnn Rispoli of the Planning Department, who is recovering from a procedure on her back.

3. Presentation by the American Red Cross regarding emergency response capabilities

John Ravitz, Chief Executive Officer for American Red Cross in Westchester County gave a brief overview of the work of the Westchester Chapter. They have three core missions:

1. Response - Respond to any natural or man-made disasters that happen in Westchester with volunteers and staff to transition victims into becoming survivors as quickly as possible.
2. Training - Provide training so people can have the skills they might need to save a life such as basic first aid, CPR, aquatic training for life guards and babysitting.
3. Preparedness - Disasters can't be predicted but people can be better prepared by "getting a kit, making a plan and being informed."

Dan Iradi, Director of Response, spoke about the role of the Red Cross in responses. He said that whenever there is a disaster, no matter the size, the Red Cross is there to provide relief by providing a roof over people's heads and access to food, clothing and necessary medications. The organization is 96% volunteers who are trained to work in shelters and provide relief to disaster victims. The Red Cross symbolizes "hope and comfort". Professional and volunteer responders are also trained in psychological first aid. The Westchester Chapter is asking the City Council to work with them to promote volunteering for The American Red Cross in the City of Rye. Their phone number is (914) 946-6500. They will engage anyone in any level of volunteerism they wish and train people in all areas of disaster relief. They work closely with the Westchester County Department of Emergency Services and Office of Emergency Management as well as local first responders.

The Council thanked Messrs. Ravitz and Iradi for their presentation; saying they were a valuable resource and asset to Westchester County and asked that a link for the Red Cross be put on the City website.

4. Residents may be heard who have matters to discuss that do not appear on the agenda

Prior to the first resident speaking, Mayor Otis reported that he had a conversation with School Board President Josh Nathan regarding traffic and pedestrian safety issues raised at the last Council meeting. He said they discussed setting up a joint workshop that would include Police Commissioner Connors, School Superintendent Dr. Shine, City Manager Culross, Assistant City Manager Pickup, Brian Dempsey, Chair of the Traffic and Transportation Committee and whatever members of the Board of Education and City Council were available. The discussion would be anything related to traffic and safety issues around the schools, with the primary topic being particular issues and physical impediments at Osborn School.

Bob Zahm, 7 Ridgewood Drive, said he was here to discuss the issue of pedestrian safety and provided the Mayor and Council with a document he had prepared in follow up to the comments he made at the October 7th meeting. He said he believed action was needed in three areas: enforcement, investment in capital spending and legislation to change existing City ordinances. He presented information he had gathered on "hot points" that included: line of sight and safety issues in the downtown; missing and unmarked crosswalks and the locations he

believed they should be; examples of poorly maintained sidewalks, and access and entry issues at Osborn School. He urged the City when planning future projects to prevent obstructions in right-of-ways and walkways. He said he believed it would be helpful to know the statistics for enforcement of moving violations and jaywalking over the last five years because this could promote a data objective driven rather than emotional driven discussion of what needed to be done. He said he would take his concerns to the Traffic and Transportation Committee but requested that the City follow up on the matter.

Council comment included:

- The Traffic & Transportation Committee has expanded sight line areas by removing parking spaces near crosswalks around some schools, in particular the area around Resurrection School.
- Engineers are trying to find solutions to right-of-way obstruction issues where there are space issues.
- There is a demand for enforcement in multiple areas at the same time and staff is trying to determine how best to manage it.
- A data driven discussion would be good.
- There should be a discussion of what actually constitutes jaywalking.

Elizabeth Zahm, 7 Ridgewood Drive, said that she brings her concerns about traffic and safety around the schools to the Council not to criticize what they are doing but to criticize the apathy of the citizenry who do not bring their concerns to the Council. She said she would not waste her time coming to speak to the Council if she didn't believe they had a track record of making the community safer for pedestrians and traffic. Ms. Zahm added that she believed the dialogue with the schools should be expanded to find out why people behave the way they do.

Jim Amico, 350 Midland Avenue, spoke about several traffic related issues:

- Was a petition necessary to obtain the removal of parking spaces around Resurrection School? He was told to get a petition from neighbors seeking a no parking zone on Midland Avenue from Ellis Court to Goldwin Street. (The principal of Resurrection sent a letter to the Traffic & Transportation Committee (T&T) requesting they look into the situation. Mr. Amico was advised to get a petition because the most recent no parking change that was implemented by the City Council was on Mead Place, which was initiated by a petition from the neighbors. A petition from neighbors is helpful because it allows the Council to look at impacts on neighbors. There are many interrelated issues on Midland Avenue that are being looked at and require engineering analysis, more than the 100 yards around Mr. Amico's property. His request is being considered by T&T.)
- The intersection of Theodore Fremd Avenue and North Street was recently milled and repaved but has not been remarked yet and is dangerous. (It is a County subcontractor; it will be followed up on.)
- He believes the sign in his yard sends the proper message about enforcement by the Police Department.
- Why did Scott Pickup say \$100,000 was given to Midland Avenue when in the past the amount has been stated as \$85,000? (There are two money issues. \$85,000 is for

physical improvements to the area, but the Council has also asked for speed indicators, which are outside the boundaries of the Palisades intersection improvements and bring the cost up to around \$100,000.)

- Why did the crosswalk go up quickly near Old Post Road but not on Midland Avenue? (An engineering study had already been done on the Post Road from Mamaroneck to the High School as well as a study by the Temporary Traffic Safety Committee that indicated a crosswalk at Old Post Road area was a high priority.)
- He feels he doesn't get answers to his questions and emails regarding issues he has raised. (Not every issue that is raised can receive a quick answer. Some issues are more complex and obstacles must be vetted by professionals. Where there is a solution that can be done, it is implemented. The speed of response could possibly be better but the quality of response is a matter of opinion. People get more progress and response if things are not made so personal.)
- How many accidents have been caused by the mid-block stop signs on Wappanocca Avenue? (Many people go through the stop signs on Wappanocca because they do not expect them to be there; they are not where they should be and many people in the community feel they are not very effective.)
- What changes have been made to schools other than to Rye High School and Middle School? (Look at the reports done in 2000 and 2007 and speak to the Chair of T&T. Adjustments were made at all schools in 2000 as a result of a joint study made by the City and School District. The report was revisited in 2007 and further adjustments were made. It is an evolving situation.)

Ray Tartaglione again spoke about issues on Hen Island. He gave the Council a copy of Chapter 5 of the New York State Property Maintenance Code that was provided to him by the City Building Inspector. He took issue that Section 502 Exception for owner-occupied, one-family dwellings, allowed for the collection of water from a roof to be piped into a house. He quoted from Section 505.1 General Water System, which he said mirrors the City and County Codes, and requires connection to public or approved private water systems. Councilman Ball said there is a difference between what is allowed and what is required and since there are no definitions in the sections provided, he would like to know if there is any seasonal implication to the term dwelling unit or what was meant by an approved private water system. Mayor Otis asked Mr. Tartaglione to provide a memorandum to the Council regarding his interpretation of the Code and the Building Inspector and legal staff will look at the questions and provide a written answer based on their interpretation of the Code. Mr. Tartaglione quoted from a letter from the County Health Commissioner to the Board of Directors of Hen Island regarding potential safety issues, including an open pit, at an abandoned cottage on the island. Mayor Otis said the City would raise the issue with the attorney for the Association.

Michael Clay Johnson who owns a campsite at Hen Island, said he has looked at Building Codes recently and that Mr. Tartaglione quotes from Section 108-25 of the City Building Code regarding potable water but he believes that Section 108-4 regarding non-applicability would apply to Hen Island because the cottages there would be considered temporary housing. He quoted a definition of dwelling units in the New York State Building Code and said he did not believe the cottages on Hen Island qualified but instead might qualify under the definition for hunting and fishing cabins. He said people on Hen Island have been collecting rain water off

their roofs for many years but do not drink it or brush their teeth with it. They drink bottled water. He added that the County has provided each campsite owner with a sign that says "do not drink the tap water". Mayor Otis asked Mr. Johnson to provide the City Manager with copies of the sections of laws he read. Mr. Tartaglione disagreed that houses on Hen Island should be considered campsites. He said they are summer residences and homes.

5. Consideration to set a public hearing for November 18, 2009 regarding the New York State Capital Assistance Program for flood mitigation for the Sluice Gate project

Mayor Otis said that \$400,000 of the \$2.2 million for the Sluice Gate project has been secured from the New York State Capital Assistance Program due to the efforts of Assemblyman George Latimer.

Councilman Ball made a motion, seconded by Councilman Sack and unanimously carried, to adopt the following Resolution:

WHEREAS, the New York State Dormitory Authority requires that a public hearing be held regarding the proposed flood mitigation improvements to the Bowman Avenue Spillway in order to receive a New York State Capital Assistance Program grant for the Sluice Gate project; and

WHEREAS, it is now desired to call a public hearing on such proposed improvements, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. A public hearing will be held by the Council of said City on November 18, 2009 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning the proposed flood mitigation modifications to the Bowman Avenue Spillway.

Section 2. Such notice of public meeting shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on the proposed flood mitigation modifications to
the Bowman Avenue Spillway**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 18th day of November, 2009 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be

afforded an opportunity to be heard concerning the proposed flood mitigation modifications to the Bowman Avenue Spillway.

Information relating to this matter is available for inspection at the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: November 6, 2009

6. Consideration of setting the 2010 Budget Workshop schedule

City Manager Culross said that the proposed schedule is based on what was done last year but said that the subjects for workshop discussions could be adjusted after the budget presentation on November 9th. He said the workshops would start at 7:00 p.m.

<u>Day and Date</u>	<u>Departments/ Activities</u>
Friday, November 6	Budgets are delivered to Council
Monday, November 9	Special City Council Meeting for presentation of 2010 Budget
Thursday, November 12	Public Works/Capital Projects and B&V
Monday, November 16	Police Department/Fire Department
Wednesday, November 18	Rye Free Reading Room/Rye Golf Club/ Boat Basin
Monday, November 30	Recreation Department/Rye Youth Council/ Rye Nature Center
Wednesday, December 2	Council Meeting- Public Hearing on budget
Wednesday, December 16	Council Meeting- Vote on 2010 budget

Mayor Otis said there has been a suggestion that the public hearing be moved from December 2 to December 9 if another workshop was necessary; but he added that the Council could make that decision at the November 18th meeting. Councilwoman Parker asked that parking meter revenue be included as a workshop discussion item. Councilman Cunningham requested that the sponsor of any Building and Vehicle (B&V) request be at that workshop, particularly the Fire Department.

7. Acceptance of Grant Award from Governor's Traffic Safety Committee in the amount of \$8,640 for participation in the "Buckle Up New York" program
Roll Call

Councilman Cunningham made a motion, seconded by Councilwoman Gamache, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to accept a Grant Award from the Governor's Traffic Safety Committee in the amount of \$8,640 for participation in the "Buckle Up New York" program.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Gamache, Parker
and Sack

NAYES: None

ABSENT: Councilman Pratt

8. Miscellaneous communications and reports

Councilman Cunningham invited everyone to the Haunted Park that will be held on Friday and Saturday, October 23 and 24 at Rye Rec. He said he had recently attended an interesting tour of Rye Town Park and the Pavilion building, which once housed the Rye Town Police Department. He said hopefully more grant money will be received to restore the building.

Mayor Otis said that the Rye Historical Society Walking Tour of the Rye Town Park/Playland area had been rescheduled to Sunday, October 25.

Councilwoman Parker said that the annual Halloween Window Painting event that had been rained out last weekend would be held on Sunday, October 25. She also reported that she had attended the recent meeting of the Port Chester/Rye/Rye Brook Emergency Ambulance Corp. for their budget presentation and there will be no increase over last year.

- 9 Old Business

There was no old business to be discussed.

10. New Business

There was no new business to be discussed.

11. Draft unapproved minutes of the regular meeting of the City Council held October 7, 2009

Mayor Otis made a motion, seconded by Councilwoman Gamache and unanimously carried, to approve the minutes of the October 7 regular meeting, as amended.

12. Adjournment

There being no further business to discuss, Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried, to adjourn the meeting at 9:55 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk