

**APPROVED MINUTES** of the Regular Meeting of the City Council of the City of Rye held in City Hall on January 28, 2009 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor  
ANDREW C. BALL  
MACK CUNNINGHAM  
PAULA J. GAMACHE  
CATHERINE F. PARKER  
JOSEPH A. SACK  
Councilmembers

ABSENT: GEORGE S. PRATT

The meeting convened at 7:35 p.m. Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried, to adjourn into Executive Session to discuss real estate matters. No decisions were made. Mayor Otis made a motion, seconded by Councilman Ball and unanimously carried, to adjourn the Executive Session at 8:12 p.m. The regular meeting reconvened at 8:14 p.m.

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 by noting the passing of three notable members of the community. Ted Downing, a former member of the Finance Committee and husband of former City Council Member Bonnie Downing; Chet Coddington, who had been very active with the Rye Nature Center and environmental causes; and John McGillicuddy, a giant in the banking industry. He offered all the families the condolences of the entire City Council.

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

*Assemblyman George Latimer, 47 Wainwright Street*, said he would be holding his annual public hearing on the State budget on Thursday, February 12 from 4-8 p.m. at the Larchmont Village Hall. He asked anyone who was interested to attend, either to just listen or to testify on any issue they believe is important that is built into Governor Patterson's proposed budget. The Governor sent his budget down a month earlier than normal and included in it is not

only a plan for the 2009-2010 full budget year but also a deficit reduction component for the existing budget year of 2008-2009. He said the City of Rye is generally good about budgeting conservatively, anticipating the worst-case scenario, but there may be cuts in this budget that could affect the City budget mid-year if they are adopted. There will also be opportunity to comment on the MTA plan, one aspect of which could affect the City directly by the imposition of a payroll tax. He said the state budget could be viewed online at [www.budget.state.ny.us](http://www.budget.state.ny.us). He said the State budget is structured differently from the City or County budget and it is adopted in a series of votes by department or combinations of departments. Mr. Latimer said that any comments from the public hearing will be shared with the Assembly Ways and Means Committee and passed along to Senator Oppenheimer's office for discussion on the Senate side. He also added that he has submitted in the Assembly the Hotel Tax extension for the bill passed in 2006. It is a three-year extension, which will reestablish the bill until 2012. Councilman Cunningham said that he felt it was critical for the City that the CHIPS funding we receive from the State stays the same. Mayor Otis thanked Assemblyman Latimer for securing funding which the City will use for the sluice gate project and the Friends of the Bird House will use to help purchase that property. Councilman Ball also thanked Mr. Latimer for grant funds, which will be used for the Senior golf/swim program. Additionally, he inquired about the status of a tax relief program, similar to one used in Massachusetts, whereby people who are struggling financially could work off a portion their taxes with municipalities. Mr. Latimer said he would check to see if any new legislation had been introduced. He added that sometimes legislation is imbedded in omnibus bills adopted in the budget. Councilman Sack asked about the status of State legislation that could affect the City's mandatory contribution to the state pension system. Mr. Latimer said it was a discussion at this point rather than legislation and that at this time, there were a series of issues, such as pensions, compensation and Tier structure of employees, on the table that are part of the dialogue at the Leadership/Gubernatorial level with the major bargaining units.

*Bill Lawyer, 15 Hillside Place*, said that the Environmental Advocacy Group has chosen protecting Rye's trees as its issue for 2009 and came to extend an invitation to a community forum that will be held on Tuesday, February 3<sup>rd</sup> at 7:30 p.m. at the Rye Free Reading Room. Councilwoman Gamache suggested that the City Department of Public Works should be involved in any tree planting programs.

*Robert Schubert, 980 Forest Avenue*, came to once again discuss the issue of his pond. He said he had copies of letters from Congresswoman Nita Lowey addressed to Mayor Otis expressing her interest in the damage to his property that have not been answered. Mayor Otis said he had spoken to Congresswoman Lowey's office and provided them the same background information Mr. Schubert has been given. The Mayor reiterated that responses to Mr. Schubert have been given in the past and the facts do not change; the City is not the forum for his remedy, it is with his neighbor. Councilman Ball said that in the past Mr. Schubert has referenced his attorney and asked what his attorney had recommended he do? Mr. Schubert said the attorney told him it would be easy to sue his neighbor but he wants to go after the City.

*David Walker, 460 Milton Road*, said that when the Department of Public Works does a final run through on streets to clean close to the curb, slush is thrown back onto the sidewalks and often turns to ice that must be chopped in order to clear it. He asked if the drivers could possibly go slower, which might decrease the amount of area that is covered by the slush.

4. Public Hearing to amend changes to local law Chapter 191, Vehicles and Traffic, of the Rye City Code by amending Section 191-18, Subsection D(2) prohibiting all-night parking except that parking will be allowed on the westerly side of Theall Road, off the travel portion of said road from a point approximately four hundred thirty-five 435 feet north of its intersection with Osborn Road and running north for a distance of three hundred fifteen 315 feet

Mayor Otis announced that this public hearing was being deferred until February 25, 2009.

5. Public Hearing to adopt a Local Law rescinding Chapter A201 “rules adopted by the Building Inspector with the Consent of Council” and amending Chapter 68 “Building Construction” of the City Code of the City of Rye

Mayor Otis said that the purpose of this local law was to amend the City Code to be consistent with State law. Deputy Corporation Counsel Kristen Wilson said that after speaking with the Building Department, it was determined that it was in the best interests of the City to combine what was Chapter A201 and Chapter 68 and update the regulations to comply with the New York State Building Code. Ms. Wilson said that there was a minor change made from the draft previously available that was emailed to the Council earlier in the day. The minor amendments include the addition of a definition of a “demolition permit”. The Mayor opened the public hearing and asked for any comments from Councilmembers. Councilman Cunningham said because of the change in the draft, he would feel more comfortable holding the public hearing open and not taking a vote at this meeting. Councilman Sack agreed in order to allow people in the construction trade to ask any questions they might have on the proposed law. Councilman Ball said he would not object to continuing the public hearing but said he believed this local law represented a ministerial act that the Council has done in the past in order to be in compliance with State law and that the changes made to the draft were minor. The public hearing was held open until the February 11<sup>th</sup> Council meeting.

6. Authorization for City Manager to enter into a Memorandum of Understanding for remote access to the Westchester County Clerk’s Public Viewer for Land and Legal Records

City Manager Shew said that this would continue a program that is used in the Assessor’s Office. He said a question has been raised as to whether this service could be extended to private law firms. He said that he has learned that private firms can use the service but must purchase it from the County. *John Carey, 860 Forest Avenue*, said that the County charges private firms \$1,200.00 per year for that access, but he believes that since the service is available to the City free of charge it should also be available to residents of the City by the City putting a link on the website. Mr. Shew replied that he had contacted the County Clerk’s Office to inquire about this and was told that the service is licensed from the County for City use only and they sell that licensing to a wide variety of people and will not give the City the discretion to make it public. Mr. Carey urged the City to negotiate with the County to allow the City to offer this service to its residents. Mayor Otis offered to make another call to the County Clerk’s Office. The Mayor

said he would suggest that the Council vote on the authorization but that the Agreement not be executed pending discussions with the County Clerk's Office.

Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried, to adopt the following Resolution:

**RESOLVED**, that the City Manager is hereby authorized to enter into a Memorandum of Understanding with the County of Westchester for access to the Westchester County Clerk's Public Viewer for Land and Legal Records.

7. Authorization for City Manager to enter into an Agreement for Emergency Medical Transport with the Village of Port Chester, the Village of Rye Brook and Port Chester-Rye-Rye Brook Volunteer Ambulance Corps, Inc.

City Manager Shew said this is an exceptionally good service that was established years ago among the three communities and provides excellent emergency medical services to the communities at a competitive price. Councilwoman Parker, the Council liaison to the EMS Board, said that a meeting is scheduled to be held with the Mayor and new Village Manager of Port Chester to determine where they stand on this agreement, and she believed the Council should wait in granting the requested authorization until after that meeting has been held. This item was deferred.

8. Resolution to transfer \$50,000 from contingency to Public Works to purchase salt for storm coverage for the remainder of the winter season

City Manager Shew said the 2009 budgeted amount has been used; with this additional \$50,000, there would be \$15,000 left after the last load. The price of salt has increased and, in good winters, an increase in price does not affect the City but this year has been exceptional. The City has a contract and buys allocations at a specific set price from September to September of each year. It looks like the new contract price will be higher and the City is trying to stock up prior to that time. He added that depending on the weather, staff might come back to the Council for additional money for salt. Staff has been looking at additional methods of keeping the community safe without the use of salt. Councilman Ball said he believed that as late as the second week in December there was \$40,000 left in the 2008 salt budget and wondered if those funds could be salvaged and repurposed without new money being authorized. Mayor Otis asked for a report on how the year ended with respect to those funds. Councilwoman Gamache asked how many inches of snow the \$50,000 would cover. Assistant City Manager Pickup said the amount of salt used depends on the type of storm. Storms where the snow thaws and then freezes utilize more salt.

Mayor Otis made a motion, seconded by Councilman Cunningham, to adopt the following Resolution:

**WHEREAS**, City staff has determined that the amounts required for sale for storm coverage in fiscal 2009 will exceed the amounts provided for in the adopted 2009 budget by \$50,000; and

**WHEREAS**, the General Fund Contingent Account has a balance of \$300,000; now therefore be it

**RESOLVED**, that the City Comptroller is authorized to transfer \$50,000 from the General Fund Contingent Account to the Public Works Department.

**ROLL CALL:**

**AYES:** Mayor Otis, Council members Cunningham, Gamache and Parker

**NAYS:** Councilmen Ball and Sack

**ABSENT:** Councilman Pratt

The Resolution passed.

9. Miscellaneous communications and reports

There was nothing to report.

10. Old Business

Councilman Cunningham said he wanted to propose that the Council receive a report from the Recession Task Force no later than March 31<sup>st</sup> regarding its suggestions and designate members of the City Council to sit in on the discussions as liaisons. Mayor Otis reminded Councilmembers to get written suggestions for areas to be looked at for cost savings to the City Manager to pass on to the Task Force. He also suggested that a member of the Finance Committee should serve as a liaison. The Task Force, since it will be made up of City Department Heads, will meet during the workday. City Manager Shew concurred that receiving written suggestions in advance is helpful.

Councilman Sack asked about the status of the idea of extending the parking meter hours to increase revenue. He proposed setting an agenda item for the next meeting to allow merchants to come in and talk about the idea. Councilwoman Parker said she met with the Merchants Association and they will create a letter from their Board that will go to the restaurants in order to get their feedback. Councilman Ball said that if the Council is considering going forward with this idea it would be helpful if they could receive another copy of Commissioner Connors memorandum on the subject, which gave his perspective on the economics of the suggestion and what it might yield.

11. New Business

Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried to adopt the following Proclamation honoring City Comptroller Michael Genito, who is leaving the City of Rye for the world of academia:

**WHEREAS**, Michael A. Genito has served the City of Rye as Comptroller since 1996 and Assistant City Manager/Comptroller since 2003; and

**WHEREAS**, Michael has exemplified his commitment to his profession by his many accomplishments including being one of the first in the country to earn the Certified Public Finance Officer designation from the Government Finance Officers Association (GFOA) and one of the first to hold the designation of Certified Government Financial Manager (Association of Government Accounting); and

**WHEREAS**, under Michael's tenure as Comptroller, the City has earned many awards including the Award for Excellence in Financial Reporting, the Distinguished Budget Presentation Award and the Popular Annual Financial Reporting Award as well as a Certificate of Achievement from the Chair of the Governmental Accounting Standards Board for early implementation of GASB 34; and

**WHEREAS**, Michael has always performed his work for the City of Rye at the highest level of excellence and quality earning him the respect not only of his colleagues but also of the Members of the Finance Committee and all the Mayors and City Councils he has worked with; and

**WHEREAS**, in addition to his responsibilities as husband to Kathleen and father to Michael, Thomas, John and Kevin and his dedicated service to the City of Rye, Michael has served as an adjunct professor at Pace University and a Research Associate of the Michaelian Institute for Public Policy and Management; and

**WHEREAS**, Michael has decided to pursue his interest in academia full-time by becoming Director of the Institute for Public Policy and Management at Pace University;

**NOW, THEREFORE, I, Steven Otis, Mayor of the City of Rye, on behalf of the City Council, do hereby, honor Michael Genito for his dedicated service to the City of Rye and congratulate him as he enters this new phase in his career.**

City Manager Shew introduced Deputy Comptroller Joseph Fazzino, who was in attendance at the meeting.

Councilwoman Parker said that the County has decided to change the Playland admission policy to "pay one price" and she had concerns on how that would affect Rye residents who enjoy walking through the park. The City Manager has scheduled a meeting with Dan McBride of the County regarding this topic.

12. Draft unapproved minutes of the regular meeting of the City Council held January 14, 2009 and the special meeting of the City Council held January 20, 2009

Mayor Otis made a motion, seconded by Councilman Sack and unanimously carried, to approve the minutes of the regular meeting of the City Council held on January 14, 2009, as amended.

Mayor Otis Made a motion, seconded by Councilman Cunningham and unanimously carried by those members of the Council who had attended the meeting, to adopt the minutes of the special meeting of the City Council held on January 20, 2009, as amended.

13. Adjournment

There being no further business to discuss, Mayor Otis made a motion, seconded by Councilman Sack and unanimously carried, to adjourn the meeting at 9:40 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk