

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on October 6, 2010 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
RICHARD FILIPPI
PAULA J. GAMACHE
PETER JOVANOVIĆH
SUZANNA KEITH
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: None

1. Pledge of Allegiance

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

2. Roll Call

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

3. General Announcements

- The next Rye Town Park Commission meeting will be held on October 19th at 6:00 p.m. in City Hall.
- The Council will hold a Town Hall meeting at The Osborn on October 25th at 7:00 p.m.
- The Playland Strategic Planning Group will be scheduling a walk-through at Playland. Anyone interested in participating should contact Councilwoman Parker.

Other announcements were made regarding information, accomplishments and activities of other organizations and groups in the City. The City Clerk also provided a brief report on the new online system for commuter parking permit renewal.

4. Draft unapproved minutes of the regular meeting of the City Council held September 15, 2010

Councilwoman Keith made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the regular meeting of the City Council held on September 15, 2010, as amended.

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

Jim Amico, 350 Midland Avenue, said he believed the stop sign experiment on Purchase Street was working great. He suggested the City look at other intersections in the City to see where stop signs might be needed. He also asked when the stimulus project on Midland Avenue would be completed. City Manager Scott Pickup said he believed the speed signs would be completed this week. Mr. Amico also expressed concern about activities of the construction company performing work on Midland Avenue and said there was a need for more oversight. City Manager Pickup said the City would look into it.

Heather Patterson, a local artist, invited the Council to the first annual Pier Boardwalk Arts and Music Festival that will be held at Playland from 10:00 a.m. to 6:00 p.m. on Saturday, October 9th.

Frank Corsaro, 10 Red Oak Drive, congratulated the Council and those responsible for building the sidewalks on Oakland Beach Avenue.

6. Mayor's Management Report

- 2011 Budget Process Summary

City Manager Pickup said ten major items had been identified that are driving budget concerns for 2011. Progress has been made through conversations the Council has held with some of the user groups. There will be other issues that the Council will have to address relating to fees in this year's budget process. There are also structural long-term concerns that must be looked at, some of which will require executive session discussions. The upcoming budget will have both internal and external impacts on just about every level of what is done in the City. This year's budget presentations will focus on pertinent programs and issues. He added that there have been some updates on major revenues, which seems to be good news so far. He and City Comptroller Jean Gribbins feel that they have met most of the goals that were discussed in March.

- Legal Update

Interim Corporation Counsel Kristen Wilson reported on the following matters:

- Beaver Swamp Brook: A conference call was held with Harrison, interested parties, the Department of Environmental Conservation (DEC) and the Administrative Law Judge (ALJ) last week. The City will continue to try to work with Harrison and encourage a technical meeting with the engineers for both sides. The City will also submit a response to Harrison's most recent submission next week.
- Osborn v. City of Rye: This matter is still pending in the Appellate Division, Second Department.
- Schubert v. City of Rye: The motion to dismiss in this matter is still pending in Federal Court before Judge Karas.

7. Update from the Committee to Save the Bird Homestead on the Rye Meeting House proposal

City Manager Pickup began with an update on the status of the pending grants for the purchase of the Bird homestead. A meeting was held with Assemblyman George Latimer, who will try to move the process forward with the Ways and Means Committee in Albany. The City is fully submitted to the other agencies for the other outstanding grants and is currently waiting for notice and disbursement.

Anne Stillman, President of the Committee to Save the Bird Homestead (the Committee), said that she has spoken with the agency handling the Save America's Treasures Grant and they are agreeable with the Committee's proposal to take over operation of the Rye Meeting House, but certain steps must be followed. Ms. Stillman and City Manager Pickup responded to questions and comments from the Council about the Committee's proposal.

- The Committee should provide the Council with financials detailing what the Committee hoped to accomplish with \$100,000, as well as financials on the Committee itself. (The Committee has raised \$135,000 over the past year and several donations and pledges have come in since their proposal was initially made to the Council. Donations come in to the Committee and there will be one operating budget for both properties, with specific capital projects targeted for fund raising.)
- How does the Committee raise funds? (Membership drives, solicitation letters, grant writing and special events.)
- What does City staff think about the proposal? (Staff is appreciative of the Committee's work because the Meeting House project is not a priority capital project for the City.)
- The Council needs information on how much money the Committee will need to sustain the upkeep of the Bird Homestead and the Meeting House over a five or ten year period in comparison to how much they expect to get. (The operating budget for the Bird Homestead is very low because the staff is all volunteer. The budget for the Meeting House would be similar. The Committee believes it can get the Meeting House into usable condition for \$100,000. Other projects would be done through fundraising.)
- This proposal is a good opportunity to get something accomplished at the Meeting House in a quicker time period.
- Representatives from the Council, the Committee and City staff should sit down and work out the details of an agreement that will come back to the Council for a vote.
- Will the Committee have to follow the same laws as the City in working on the property? (The City will still own the building so New York State guidelines must be met.)

Mayor French summarized by saying the Committee would provide the Council with more financial details and the Bird Homestead Memorandum of Understanding (MOU) would be reviewed in order to set parameters for an MOU on the Meeting House. Councilman Fillipi and Councilwoman Parker will work with Ms. Stillman and City Manager Pickup and report back to the Council at the October 20th meeting.

Dan Kelly, Kathleen Malone, Jack Zahringer and Candice Riegelhaupt all offered their support for the Committee's proposal.

8. Public Hearing to amend Local Law Chapter 191, Section 39, Parking Time Limits and fees, to remove the setting of fees from Local Law

City Manager Pickup said staff would like to create a section where all fees and charges are listed in order to be able to make changes without going through the local law and public hearing procedure each time. This would allow staff the opportunity to present fee changes to the Council prior to the budget season. The proposed local law would allow this to be done with parking fees.

Councilman Filippi made a motion, seconded by Councilwoman Gamache and unanimously carried, to open the public hearing.

Council questions and comments included:

- Will adopting this system open the Council to legal exposure? (No, it is just an easier way to control fees.)
- This would make it easier for the Council to review and change fees.
- How would it work? (It would be similar to the capital projects presentation. A full presentation would be made to the Council, probably in early November, with a recommendation for fees and charges.)
- Taking away the need for a public hearing to change a fee could disenfranchise some people. (The Council can always hold a public hearing on fee changes.)
- The annual fee discussion would be a part of the budget discussion.
- Could the draft law be changed to include language requiring a public hearing to change fees. (It could be a policy but is not a requirement under state law.)

The public hearing was kept open.

9. Public Hearing to amend Local Law Chapter 191, Vehicles and Traffic, Section 191-47 C, D, and E, Parking application, fees and location to clarify the language regarding City municipal parking places

City Manager Pickup said the proposed local law would update sections in the Code to clarify specific areas in municipal parking lots that would require the display of parking permits in order to make enforcement easier.

Councilman Filippi made a motion, seconded by Councilwoman Parker and unanimously carried, to open the public hearing.

There was no one from the public who wished to speak on the proposed local law.

Councilman Jovanovich made a motion, seconded by Councilwoman Keith and unanimously carried, to close the public hearing.

Councilman Jovanovich made a motion, seconded by Councilwoman Keith, to adopt the following local law:

CITY OF RYE

LOCAL LAW NO. 8 of 2010

A local law to amend Chapter 191, Vehicles and Traffic, Section 191-47 C, D and E, Parking application, fees and location of the Code of the City of Rye as follows:

Section 1.

§191-47 Parking application, fees and location.

[Amended 6-15-1955; 4-18-1956; 10-5-1960; 12-5-1962 by Ord. No. 12-1962; 12-3-1969 by Ord. No. 6-1969; 3-19-1975 by Ord. No. 1-1975; 1-21-1976 by Ord. No. 4-1976; 11-19-1980 by Ord. No. 5-1980; 2-15-1984 by L.L. No. 5-1984 Editor's Note: This local law also provided that former §§[191-41](#) through [191-49](#) be renumbered to become §§[191-40](#) through [191-48](#), respectively. ; 4-6-1988 by L.L. No. 5-1988; 11-2-1988 by L.L. No. 17-1988; 12-15-1993 by L.L. No. 12-1993; 3-1-1995 by L.L. No. 3-1995; 12-18-1996 by L.L. No. 17-1996; 6-18-1997 by L.L. No. 6-1997; 12-20-2000 by L.L. No. 19-2000; 11-29-2006 by L.L. No. 11-2006]

- C. Any merchant or other person employed within 1000 feet of a municipal parking place desiring to park all day shall, upon application to the City Clerk and payment of the annual fee, receive a merchant tag or license permitting him/her to park his/her motor vehicle in a municipal parking place. The merchant tag or license for that vehicle must be displayed on the driver's side of the vehicle's rear window. The merchant permits will not be honored on public streets or in the following parking spaces:

Car Park	Space Numbers
1	1-2; 20-23; 43-46; 70-71
2	80-84; 158-160; 197-199; 200-202; 222-225; 233; 237-243
3	315-332
4	488-519; 530-531
5	550-557

- D. Residents of the City of Rye desiring an all-day/all-night parking permit shall, upon application to the City Clerk and payment of an annual fee, receive a tag or license entitling him/her to park his/her motor vehicle. The municipal parking place closest to the applicant's place of residence will be assigned to the applicant. The proper parking tag or license for that vehicle shall be displayed on the driver's side of the vehicle's rear window.
- E. Residents of the City of Rye desiring an all-night parking permit shall, upon application to the City Clerk and payment of an annual fee, receive a tag or license permitting him/her to park his/her automobile or other vehicle. The municipal place closest to the applicant's place of residence will be assigned to the applicant.

Section 2. This law will take effect immediately upon filing with the New York State.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,
Keith, Parker and Sack
NAYS: None
ABSENT: None

The local law was adopted by a 7-0 vote.

10. Resolution authorizing the City Manager to expand the contract with Complus Data Innovations, Inc. to outsource the collection of parking ticket payments

City Comptroller Gribbins said that expanding the contract with Complus Data Innovations, Inc. to outsource the collection of parking ticket payments, which is currently done by the City Finance Department, would save the City approximately \$55,000 in administrative costs by 2013. Cost savings are generated by eliminating a position in the Finance Department effective March 31, 2011, which will be proposed in the 2011 Budget. The City is at the end of its current supply of tickets and it will take six to eight weeks to receive a new supply, so the new process could be implemented by the beginning of 2011. There will be no change in the discount for payments made within two business days if a violator has received less than three tickets in a twelve month period. The process of sending out notices for unpaid tickets will not change. Complus will also notify the New York State DMV not to renew the registration of violators under the New York State Scofflaw Program. Violators will now have the following options to pay a ticket: (1) mail the payment to the address on the back of the ticket; (2) calling a phone number and paying by credit card; or (3) paying on line. Violators can call Complus at a toll free phone number with any questions.

Council comments and questions included:

- How will people deal with tickets issued by mistake? (They can choose an option on the back of the ticket indicating they wish to contest the ticket and it will be sent to Court for the Judges to review; there will be a plea form on line; or they can just go to Court on Thursday or Friday morning.)
- Could this extension of the contract be tried for just a year? (The outsourcing of the ticket payment collection part of the contract with Complus could be done that way. If the decision is made to bring it back to the City, it will require hiring an employee to perform the function again.)
- How do we reconcile that the tickets issued are being paid? (Complus will provide the City with whatever reports are needed.)
- Can police officers be issued the same type of hand-held devices as the PEO's? (It could be made part of the contract.)
- More information is needed about Complus and their employees.
- How much does Complus receive? (A percentage of the tickets collected as well as the fees for software and processing.)

- A Request for Proposal (RFP) should be done to see if there are other companies who can provide the entire service at a better cost.
- The enforcement and collection process will be more efficient with the new system.
- The Council needs to understand the credibility of the vendor and explore other possibilities before voting.
- There needs to be a way of verifying what tickets are written and processed.

City staff were instructed to prepare an RFP for parking ticket processing.

11. Consideration of setting the 2011 Budget Workshop schedule

Councilman Filippi made a motion, seconded by Councilwoman Keith and unanimously carried to adopt the following Resolution:

RESOLVED, that the following schedule is adopted for the 2011 Budget process:

Monday, November 8: Presentation of the Budget

Monday, November 15: Budget Workshop

Wednesday, November 17: Budget questions addressed during regular Council meeting

Monday, November 22: Budget Workshop

Wednesday, December 1: Public Hearing on the Budget

Wednesday, December 15: Adoption of the Budget

12. Bid Award for Police Uniforms (Bid# 4-10)

City Manager Pickup said that there are specific requirements regarding body armor in the bid. One of the bidders was not able to meet those requirements. The recommendation is to award the bid to the company meeting those requirements.

The bid tab is as follows:

**BID #4-10
POLICE UNIFORMS**

NAME OF BIDDER New England Sportswear, Inc.	New England Sportswear
SECURITY	Certified Check
ISSUE ITEM	PRICE
Blauer Style #8561P7 Trousers, Color Navy, Braid Navy	\$ 68.00
Blauer Style 8810 (Men's) – BDU pants	\$ 57.00
Blauer Style 8810W (Women's) – BDU pants	\$ 45.00
Long Sleeve Shirt, Blauer, French Blue Heather - Style #8900	\$ 43.00
Short Sleeve Shirt, Blauer, French Blue Heather - Style #8910	\$ 37.00
Long Sleeve Shirt, Blauer, French Blue Heather (Women's) - #8900W	\$ 39.00
Short Sleeve Shirt, Blauer, French Blue Heather (Women's) - #8910W	\$ 34.00
Long Sleeve Shirt, Blauer, White – Style #8900	\$ 39.00

Short Sleeve Shirt, Blauer, White - Style #8910	\$ 34.00
Black Turtlenecks, Elbeco #7702 with RPD Monogram	\$ 23.00
V-Neck Commando Sweater, Blauer #200 – Black	\$ 49.00
V-Neck Commando Sweater, Blauer #210XCR - Black, With Windstopper Liner	\$110.00
Cruiser Jacket, Blauer #9010Z	\$213.00
Lightweight Bomber Jacket, Blauer, Black & Orange	\$115.00
Raincoat & Raincap, Blauer Style #9690 with Stencil	\$115.00
Cap - Sentry #C1001 (Winter or Summer)	\$ 34.00
Tie, 2 ¼" x ¼", 100% Wool Knit, NYSPD Style With Choke Proof Metal Clip	\$ 9.00
Cool Mesh T-Shirts – Color White	\$ 21.00
Gortex Trooper Style Winter Hat, Blauer #9111	\$ 20.00
Point Blank Body Armor – Model BIIA;; Lev IIA – Male	\$560.00
Point Blank Body Armor – Model BIIA; Lev IIA - Female	\$560.00
Point Blank Vision Ballistic Vest Cover	\$120.00
Uniform Dress Blouse/Formal Blouse as per Specifications on Page 3 of Bid Proposal	\$165.00
White Dress Gloves	\$ 2.00
Olympic New York Zip Sleeve Jacket - #ONY673 – Color Royal Blue	\$165.00
Olympic Cycling Pants - #OCP588 – Color Black	\$ 90.00
Olympic Cycling Pants with Liner - #OCP588 – Color Black	\$100.00
Olympic Ultraflex Shorts - #ULT189 – Color Black	\$ 68.00
Sam Browne Shoulder Strap	\$ 29.00
Sam Browne Gun Belt	\$ 70.00
Safariland SSIH Holster	\$150.00
Safariland Magazine Pouch – Double	\$ 40.00
Safariland Handcuff Case	\$ 30.00
Safariland Night Stick Holder	\$ 6.00
Safariland Keepers	\$ 4.00
Safariland Key Ring	\$ 10.00
Safariland Mace Holder	\$ 24.00
Safariland Nylon Gun Belt	\$ 35.00
Safariland Nylon Holster	\$135.00
Safariland Nylon Cuff Case	\$ 30.00
Safariland Nylon Magazine Pouch – Double	\$ 30.00
Safariland Nylon Handcuff Case	\$ 29.00
Safariland Nylon Keepers	\$ 5.00
Collar Insignia, Silver R.P.D., 2 Pair per Officer, 3/8" Shirt, ½" Outer Garment	\$ 15.00
Collar Insignia, Gold, D.E.T., 1 Pair per Detective, 3/8" Shirt	\$ 15.00
Collar Insignia, Gold, R.P.D., ½" Outer Garment (2 Pair per Lt/Sgt/Det)	\$ 15.00
Collar Insignia, Gold Rank for Shirts (2 Pair per Lt/Sgt)	\$ 15.00

Personalized Name Plates:	
Gold	\$ 13.00
Silver	\$ 13.00
Sgt. Chevrons on Shirts and Outer Garments where Required	\$ 6.00
Hash Marks - All Officers as Required, Priced per Mark	
Blue/White on Black - P.O./Sgt	\$ 3.00
Gold/White for Lieuts., Shirts	\$ 3.00
Gold/Black for Lieuts., Outer Garments	\$ 3.00
Tailoring Cost per Garment for Chevrons/Hashmarks	\$ 0.00

THE FOLLOWING ITEMS MAY BE SUBSTITUTED AT THE PURCHASER’S SOLE DISCRETION:

Perfection style 1775DN (ECO) Men’s Matrix Series Cargo Pocket Trousers	\$50.00
Perfection style 1775DN (ECO) Women’s Matrix Series Cargo Pocket Trousers	\$50.00
Long Sleeve Shirt, Perfection, French Blue – Style #1525FB	\$46.00
Long Sleeve Shirt, Perfection, French Blue (Women’s) – Style #L1525FB	\$46.00
Short Sleeve Shirt, Perfection, French Blue – Style #1825FB (ECO)	\$42.00
Short Sleeve Shirt, Perfection, French Blue (Women’s) – Style #L1825FB (ECO)	\$42.00

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

RESOLVED, that Bid #4-10 for Police Uniforms is hereby awarded to New England Sportsware, Inc., the lowest bidder whose bid meets specifications.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich, Keith, Parker and Sack
 NAYS: None
 ABSENT: None

The Resolution was adopted by a 7-0 vote.

13 Resolution to declare certain equipment as surplus
Roll Call.

Councilwoman Keith made a motion, seconded by Councilman Jovanovich to adopt the following Resolution:

WHEREAS, the Superintendent of Rye Recreation has determined that the equipment listed below is no longer useful to the City; now, therefore, be it

RESOLVED, that the aforementioned equipment be declared surplus and disposed in a manner determined by the City Comptroller to be in the best interests of the City.

List of Equipment:

Halloween items:

- Electric chair coffins,
- Mummy,
- 600' romex with 30 outlet boxes
- 65 wood panels,
- Strobe lights,
- Black lights,
- Motion detectors,
- Fog machines,
- Costumes and props,
- Skeletons,
- Assorted rubber body parts

Additional item:

- Game table

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,
Keith, Parker and Sack
NAYS: None
ABSENT: None

The Resolution was adopted by a 7-0 vote.

14. One appointment to the Board of Appeals to fill a term expiring on January 1, 2013, by the Mayor with Council approval

Councilwoman Parker made a motion, seconded by Councilwoman Keith and unanimously carried, to appoint David Cutner to the Board of Appeals to fill a term expiring on January 1, 2013.

15. One appointment to the Government Policy & Research Committee, one for a two-year term, by the Mayor with Council approval

Mayor French made a motion, seconded by Councilwoman Keith and unanimously carried, to appoint Elaine DiCostanzo to the Government Policy & Research Committee for a two year term expiring on January 1, 2012.

16. Consideration of a request by the Rye Chamber of Commerce to close a portion of Purchase Street on Sunday, November 28, 2010 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe*

Magic event

Councilwoman Parker made a motion, seconded by Councilwoman Keith and unanimously carried, to adopt the following Resolution:

RESOLVED, that the request of the Rye Chamber of Commerce to close a portion of Purchase Street on Sunday, November 28, 2010 from 10:00 a.m. to 3:00 p.m. for the Mistletoe Magic event is hereby approved.

17. Miscellaneous Communications and Reports

Councilwoman Keith said that as a result of the presentation by a subcommittee of the Conservation Commission/Advisory Council (CC/AC) on a Sustainability Plan for the City, the Council is looking to form a Committee. She encouraged anyone who wants to be involved to contact her or Sara Goddard. She also reported that the new Shared Roadway Planning Working Group for Pedestrian and Biking Safety was holding their first meeting this evening. Additionally, Ms. Keith asked if the City should be holding a public hearing on the proposed changes to Playland. Councilwoman Parker said that all the meetings of the Playland Strategic Working Group were open to the public and when there were specific options available, public hearings may be held in order to receive public feedback.

18. Old Business

Councilman Sack said he thought the City should put out an RFP for the operation of the Rye Meeting House. He said he believed whoever operates the building should be required to meet certain benchmarks. City Manager Pickup said that the time involved in the RFP process could present a problem with the timeframe for receiving approvals from the State and Department of Interior relative to the Save America's Treasures Grant. Mr. Sack also asked about the status of the old street signs that have been replaced. City Manager Pickup said they were being saved at the Department of Public Works.

City Manager Pickup said he had provided the Council with additional information relative to a question raised at a previous meeting about amending the Fence Law. He said it included issues that were raised by staff and if the Council wanted to pursue the issue, it could be discussed at another Council meeting. Mayor French said that two Councils have dealt with fence height in the past and he believed the Council had other more pressing issues to deal with at the moment.

Mayor French asked Interim Corporation Counsel to prepare a fact sheet for the public regarding the changes to the Solicitation Law.

19. New Business

Councilman Jovanovich asked Interim Corporation Counsel Wilson to provide the Council with an opinion relative to the citizenship requirements for people serving on Boards and Commissions. He said he believed that people who live in the community and want to participate should be able to, even if they are not citizens.

Councilman Filippi asked if the Council should consider raising the commuter parking fee for non-residents again next year. City Manager Pickup said he believed it would be difficult to go back to Metro-North with that proposal because they prefer uniform pricing in their lots.

Mayor French said that he, Councilwoman Parker and City Manager Pickup had met with the Army Corps of Engineers, the Mayor of Rye Brook and members of the Rye Flood Action Committee. He asked that an update on that meeting be included under the Mayor's Management Report at the next Council meeting. The Mayor also noted the passing of Tom Kennedy, a member of the Golf Club Commission, and extended condolences to the family.

20. Adjournment

There being no further business to discuss Councilman Sack made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the meeting at 10:53 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk