

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on November 3, 2010 at 8:00 P.M.

PRESENT:

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

ABSENT: None

The Council convened at 7:34 p.m. Councilman Jovanovich made a motion, seconded by Councilwoman Gamache and unanimously carried to immediately adjourn into executive session to discuss attorney/client matters. Councilwoman Gamache made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn the executive session at 8:10 p.m. The regular meeting convened at 8:18 p.m.

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

Announcements were made by Councilmembers regarding dates for upcoming meetings, events and ceremonies sponsored by the City, County or private organizations that may be of interest to City residents.

Mayor French acknowledged the presence of Assemblyman George Latimer, congratulated him on his reelection and invited him to address the meeting. Mr. Latimer said that now was the ideal time to identify any Home Rule Bills that the Council believes are needed for Rye. He does not require that the Council pass a resolution, but only requires a letter from the Mayor or City Manager reflecting the wish of the Council for legislation to be drafted. He

added that the State Budget should be proposed to the Legislature on or about January 15th and suggested that if there were any assumptions that the Council must make in adopting the City's budget that would require input from the State, he would try to get information in advance, if possible. He said he would continue to seek input from local officials when the State budget is released. He also said he appreciated the input from the City Manager and Council members on State grants for the Sluice Gate and Bird Homestead that were moving slowly in the State. He was able to advocate on behalf of the City and is told that the grant process has begun to move faster. Mayor French said the Council might reach out to Assemblyman Latimer regarding the State process in connection with a Playland FAQ being prepared. In light of the recent exorbitant water rate increases received without notice by City residents who receive their water from the Westchester Joint Water Works, Councilman Sack asked Assemblyman Latimer if new legislation could be adopted that would require that residents receive notice of such increases, and call for regulation of Public Benefit Corporations under the Public Service Commission (PSC). Mr. Latimer said he would meet with Councilman Sack and look for direction from the Council on any actions they would wish him to take.

4. Draft unapproved minutes of the regular meeting of the City Council held October 20, 2010

Councilman Sack made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on October 20, 2010, as amended.

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

Barbara Beals, 131 Purchase Street, spoke about parking permits for residents of Highland Hall in the City-owned lot on Highland Road. She said she had heard that permits for the lot were not being renewed for residents of Highland Hall. City Manager Pickup said there was a cap in that lot for the number of all/day all/night permits, which will only be issued one per unit. If there is need for a second permit, it will only be an all night permit, which requires that the car is removed from the commuter lot by 7:00 a.m. He said he understands that some residents find the need to move their car by 7:00 a.m. to be inconvenient, but the City must balance the needs of residents with those of the commuters. He added that the City has sent a letter to the Management Company asking them not to market apartments with the idea that there is guaranteed all/day all/night parking available.

6. Mayor's Management Report
● Legal Update

Interim Corporation Counsel Kristin Wilson reported on the following matters:

- Schubert v. Planning Commission, et al. This Article 78 proceeding is pending before Judge Barbara Zambelli in Westchester County Supreme Court. The City has served its reply papers in further support of its motion to dismiss. The matter is now fully submitted.
- Beaver Swamp Brook. The Department of Environmental Conservation (DEC) has asked the Town of Harrison for further information on how "Project Homerun" as amended

meets certain legal standards under the Environmental Conservation Law. Ms. Wilson said she believes the DEC staff is trying to make as complete a record as possible.

7. Consideration to set a Public Hearing to repeal Chapter 76 “Dogs” and replace it with a new Chapter 76 “Dogs”, now that the State has relinquished enforcement to the City

City Manager Pickup said that the State has relinquished their responsibility for licensing of dogs to the local municipalities, which requires the current law to be updated.

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

WHEREAS, the Council wishes to repeal Chapter 76 “Dogs” of the Code of the City of Rye and replace it with a new Chapter 76 “Dogs”; and

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

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on December 1, 2010 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 such proposed local law.

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

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law to repeal Chapter 76 “Dogs” of the Code of the City of Rye and replace it with a new Chapter 76 “Dogs”.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 1st day of December, 2010 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 a proposal to repeal Chapter 76 “Dogs” of the City of Rye and replace it with a new Chapter 76 “Dogs”.

Copies of said local law may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: November 19, 2010

8. Public Hearing on the proposal to increase the fees on meters and pay stations

City Manager Pickup said that two suggestions that came out of the budget discussions that began in March were to increase the day rate for meters used by commuters from \$3.00 to \$4.00 per day and to change the rate for parking at pay stations in the Central Business District from \$.25 per half hour to \$.25 per twenty minutes. Revenue from these proposed changes have not been incorporated into the budget.

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

Public Comment:

Gerry Seitz, 141 Kirby Lane, said he believed the best idea was to increase user fees from non-Rye residents and the City should look at all opportunities to address costs by making user costs as high as possible. He said parking is limited and belongs to the community. Although not a part of this agenda item, Mr. Seitz also suggested that the fees for Merchant Parking Permits should be increased. He said that Rye residents should not be subsidizing merchants at the cost of parking in the downtown and encouraged the Council to consider this in budget discussions.

Robin Jovanovich, 647 Milton Road, suggested that the City put a camera on the corner of a building at the entrance or exit to parking lots #1 and #2 in order to send out tickets to people who enter and exit these lots the wrong way.

Sally Wright, 633 Milton Road, representing the Chamber of Commerce, said that the merchants want the residents to be able to park and shop downtown, but also need their staff to be able to park, and that increasing merchant parking fees would defer them from obtaining permits. She said there should be more enforcement in the lots to encourage employees to park farther away and purchase permits. She added that the current proposed rate increase for the pay stations for the shoppers is more palatable, but the merchants are not in favor of the proposal to increase Merchant Permit fees.

Bill Lawyer, 15 Hillside Place, spoke in favor of the proposed increases, saying parking is a limited resource that will be abused if adequate fees are not charged.

Council Comment:

- The City must recognize that it is in competition with other communities that offer free parking and must not develop a reputation of being unfriendly to shoppers and merchants.

- Both shoppers and staff should be encouraged to walk and bike into town, especially in the warmer weather.
- Would merchant employees be willing to park at Playland and take a bus to town? (Ms. Wright indicated that although a good idea it was not realistic.)
- If the fee for merchant permits is too high, it may become too burdensome for people to work here.
- This public hearing is not about merchant parking fees, which may be discussed as part of the budget workshop process.
- If commuter permits were increased, why isn't it fair to increase merchant permits. It should be considered a cost of doing business.
- It should be determined what the amount of the merchant permit fee should be in order to deter employees from feeding the meters all day.
- Parking should be at market rate.
- Other shopping areas such as Rye Ridge or Costco that don't charge for parking are in direct competition to the City.
- Going forward there should be more of a cost/benefit analysis done regarding increasing fees.
- Will these fees be part of the annual fee schedule discussion? (Yes)

City Comptroller Gribbins was asked to provide an estimate on how much more revenue would result from adopting the proposed resolution. She said that the increase in pay station fees could yield an additional \$113,000 and the increase in parking meter fees at the Metro North lot could yield an additional \$4,300.

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

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

RESOLVED, that effective January 1, 2011 there will be an increase in the rates charged for commuter meters from three dollars (\$3.00) per day to four dollars (\$4.00) per day; and be it further

RESOLVED, that effective January 1, 2011 there will be an increase in the rates charged at pay stations from 30 minutes for twenty-five cents (\$.25) to 20 minutes for twenty-five cents (\$.25)

ROLL CALL:

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

The resolution was adopted by a 6-1 vote.

9. Resolution authorizing the City Manager to enter into an agreement with Complus Data Innovations, Inc. to outsource the collection of parking ticket payments

City Manager Pickup said that in response to comments from the Council at a previous meeting, City Comptroller Gribbins sent out a Request for Proposal (RFP) to seven firms and received one response. City Comptroller Gribbins said that the City has benefited from the process. A proposal was received from Complus Data for a three-year contract, which will reduce the City's cost to process the parking ticket collections by \$85,000 in 2013 as compared to the cost in 2010. The terms call for the outsourcing to be implemented in 45 days of the date the contract is signed. The cost will be 17% of all tickets collected, plus postage on delinquent notices and Complus will buy the ticket stock. Complus provided references and Ms. Gribbins spoke with several of them, who indicated they have been very satisfied with Complus and the services they provide.

Council comment:

- Why didn't other vendors reply to the RFP? (They were not able to offer the services and meet the terms.)
- Is the new deal with Complus a better deal than the prior one due to possible competition from other vendors? (The additional competition was helpful, but it is a better deal because it is a three-year contract and Complus has implemented some in-house changes since the original deal was negotiated that have helped cut the cost.)
- How are the savings reached from collecting more money or spending more money? (The City will spend less money for collecting the tickets.)
- Corporation Counsel should review the contract.
- Will the person in the Finance Department be moved to a different department? (The position will be eliminated and positions will be adjusted based on contract rights of persons with like titles.)
- Is there a way that Complus's numbers on tickets can be audited? (They will provide a report showing ranges of ticket numbers issued and collected.)
- People like having a person in City Hall that they can come to.
- If people can still get the discount for paying online that they would get from coming into City Hall, the change is acceptable.

Gerry Seitz asked what percentage of tickets results in payment to the City. City Manager Pickup said 94%, but the City periodically writes off some tickets as bad debts after several years. He added that Complus will only be paid for paid tickets.

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

RESOLVED, that the City Manager is hereby authorized to enter into an Agreement with Complus Data Innovations, Inc. to outsource the collection of parking ticket payments as a cost-saving measure.

ROLL CALL:

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

The resolution was adopted by a 6-1 vote.

10. Resolution authorizing the City Manager to enter into a Memorandum of Agreement with the Committee to Save the Bird Homestead to manage the Meeting House

City Manager Pickup said that a follow-up meeting was held with representatives of the Save the Bird Homestead Committee (the Committee), Councilmembers Parker and Filippi and himself and modifications were made to the proposed Memorandum of Agreement (MOA) which addressed concerns raised by the Council at the previous meeting. A clause was added that added a contingency to the project, at the City's expense, in order to guarantee that the project will move forward if unforeseen damage was found. An additional clause establishes the City's right to bring in a building agent, who will work with the Committee on the restoration. Additional language was also added specifying that the City encourages the Committee to reach out as much as possible to incorporate volunteer effort into the renovation process.

Council comment:

- An RFP process should be expanded to reach other not-for-profits who might be interested in developing the site. Other groups have expressed interest.
- There may be other donors willing to donate even more than \$50,000, without the strings of a 50-year lease. There is a donor who has expressed interest in giving the \$75,000 without any strings attached.
- Other more established not-for-profit organizations might be better at raising money than the Committee.
- There is still money outstanding to the City for the purchase of the Bird Homestead.
- The Bird Homestead purchase money is unrelated and should not be tied to the Meeting House.
- If other not-for-profits are interested, why haven't they contacted the City? (City Manager Pickup said he had preliminary meetings with two organizations. One is no longer interested in the space and the other has not come back with a written proposal.)
- The long-term lease is necessary in order to obtain grants.
- The Council needs to act quickly in order to save the State funding.
- Any proposals received should have been in a Council packet.
- The City needs to look forward and a group has come forward offering to help.
- This agenda item should be put over for another meeting to allow other organizations who have expressed interest time to come forward with proposals. The Junior League of Westchester has expressed interest.
- The Council has been discussing this property for months. Why aren't the other interested organizations at this meeting?

- The Committee should agree to terminate the agreement at the end of five years if they cannot raise the money they hope to raise.

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

RESOLVED, that the City Manager is hereby authorized to enter into a Memorandum of Agreement with the Committee to Save the Bird Homestead to manage the Rye Meeting House.

ROLL CALL:

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

The resolution was adopted by a 6-1 vote.

11. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department

This agenda item was deferred to the next meeting.

12. Resolution to establish a City of Rye Sustainability Committee

Councilwoman Keith said that the goal of sustainability is to enhance the quality of life and protect the environment in Rye. It is hoped that this will be a fully-integrated community activity.

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

WHEREAS, the residents of the City of Rye (the “City”) are working towards becoming a more sustainable City; and

WHEREAS, the City would like to identify ways for Rye to be a more sustainable community while at the same time implementing practices that are also economical; and

WHEREAS, as recommended in the “Sustainability Plan for Rye” presented to the City Council on or about September 27, 2010, the City desires to continue reviewing ways in which it can become a more sustainable City; and

WHEREAS, The City wants to have a temporary committee to provide guidance to the City Council, as well as other boards and committees within the city, to implement more sustainable practices that also provide a cost savings to the City,

NOW, THEREFORE, BE IT RESOLVED, that the City of Rye Sustainability Committee is hereby established; and be it further

RESOLVED, that the members of the Committee shall be appointed by the City Council and that one member shall be designated by the Mayor as Chairman; and be it further

RESOLVED, that the Committee shall have the following duties and powers:

1. Establish Committee rules and procedures for meetings;
2. Evaluate and make recommendations to the City regarding the best sustainable practices for the City along the theme of “Going Green to Save Green”;
3. Provide cost benefit analyses regarding implementing some of the proposed sustainable practices;
4. Reach out to the community and other user-groups regarding the benefits of sustainable practices;
5. Work on finalizing and/or updating a sustainability plan for the City.

13. Nine appointments to the Sustainability Committee by the Mayor with Council approval

Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried, to appoint Mimi Bateman, Paul Berte, Suzanne Clary, Sara Goddard, Melissa Grieco, Marci Raab, Analise Stack, Birgit Townley and Gretchen Kaye-Crowley to the City of Rye Sustainability Committee. Mayor French designated Sara Goddard as Chair of the Committee.

14. One appointment to the Recreation Commission to fill a term expiring on January 1, 2011, by the Mayor with Council approval

Mayor French made a motion, unanimously approved by the Council, to appoint Caroline Surhoff to the Recreation Commission to fill a term expiring on January 1, 2011.

15. One appointment to the Board of Assessment Review for a five-year term expiring on September 30, 2015, by the Mayor with Council approval

Mayor French made a motion, unanimously approved by the Council, to appoint Robert Byrne to the Board of Assessment Review for a five-year term expiring on September 30, 2015.

16. Miscellaneous Communications and Reports

Councilwoman Parker reported that there will be a forum on November 18th held by the Playland Strategic Planning Group and the Rye Historical Society on Playland. The next meeting of the Group will be November 29th. At the last meeting of the Strategic Planning Group held on October 26th, a presentation was made by Howard Kahn, a consultant to the amusement park industry, regarding successful models for an amusement park. Two models in particular were discussed (1) a large amusement park entity such as Six Flags and (2) parks that are family-owned and operated and have been for generations. Many parks have turned to the water park model which is less expensive to run. Playland is a state park and if any of the property were to go through the alienation process, there would be a defeasement fee of \$11 million on tax free bonds that have been issued in the past. Mayor French added that a resident meeting had been held regarding Playland and residents have been coming up with ideas they would like to see at Playland and that there have been questions about what protections are in place. He said that the City has local zoning authority through the Local Waterfront Revitalization Program (LWRP). He also encouraged residents to go the meetings mentioned by Councilwoman Parker.

Councilwoman Keith noted that the Shared Roadways Committee would be meeting on November 10th. They are working to come up with the next set of pedestrian safety projects for the City to consider, such as ‘Complete Streets’.

17. Old Business

The City Clerk provided a brief update on the General Election, which had been held the day before.

Mayor French asked City Manager Pickup for an update on the water lines on the Boston Post Road. Mr. Pickup said that the actual cleaning and lining is completed and they are now in the process of filling in the holes that have been created and restoring the right-of-way. The project will probably last through Thanksgiving.

Councilman Filippi said that work is done by City staff that the public does not always see in order to get projects completed.

Councilwoman Keith asked for an update on the Central Avenue Bridge. City Manager Pickup said the project has been tied in with the Theodore Fremd Wall project but has been submitted and that the City inquires about it every week. Ms. Keith also asked what the City could do about citizen complaints about cleaning up downtown. Mr. Pickup said that there is ongoing maintenance in the downtown. The City has cleaned up the parking lots, painted the lines and cleaned the sewer lines. The trees in the downtown are trimmed every two years and the City is diligent about monitoring the trees regarding safety issues. He said there is always a concern about the downtown when there is high level of activity for events such as Window Painting on a weekend. He added that Sunday is a difficult day for the City to operate cost effectively. Councilman Jovanovich asked if another trash receptacle could be put on Elm Place.

Councilman Sack said that the use of cameras for traffic enforcement makes sense. He said he would like to see an agenda item to approve the use of cameras on traffic signals for red lights. City Manager Pickup said that if the Council was interested they would need to do a

Home Rule Message to be sent to the Legislature for action. Red light cameras are currently only designated for municipalities of a certain population level. Councilwoman Keith asked what the return on investment was on Red Light Cameras. Mr. Pickup said the literature was not conclusive. Ms. Keith also asked about the possibility of a Home Rule Message to change the law requiring drivers to yield to pedestrians in crosswalks to requiring drivers to stop for pedestrians in crosswalks. Interim Corporation Counsel Wilson said that any proposed legislative items for the City of Rye should be discussed now and forwarded to Assemblyman Latimer. City Manager Pickup noted that the Government Policy and Research Committee is working on the idea of changing the Gross Receipt Tax, which would also require a Home Rule Message.

18. New Business

There was no business to be discussed under this topic.

19. 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 10:45 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk