

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on November 17, 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 7:30 p.m. Councilman Jovanovich made a motion, seconded by Councilman Filippi 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 8:20 p.m. The regular meeting convened at 8:24 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 regarding upcoming events and meetings that will be held by local organizations and other issues of interest to City residents.

4. Draft unapproved minutes of the regular meeting of the City Council held November 3, 2010 and the special meeting of the City Council held November 8, 2010

Councilman Sack made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the regular meeting of the City Council held on November 3, 2010, as amended.

Councilwoman Keith made a motion, seconded by Councilman Jovanovich and unanimously carried, to approve the minutes of the special meeting of the City Council held on November 8, 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 that his father had sold the house at 351 Midland Avenue and the contractor the new owner is using is the same one Mr. Amico has complained about in the past regarding his compliance with construction regulations. He asked what will be done by the City to see that the laws are enforced. City Manager Pickup said that as far as he knew, no plans have been submitted to the City yet, and that the City has been clear with the contractor regarding our expectations and does not anticipate a problem.

*Larry Lehman, 10 Chester Drive*, urged the City Council to consider giving control of the portion of Route 1 that runs through Rye back to the State of New York. He said he believed that retaining oversight over the section of the road to be a form of “elitism” that the City can no longer afford. He does not agree that the road will end up looking like the Port Chester and Mamaroneck portions of Route 1 if this is done. The City Manager was asked to provide the Council with a pros and cons list about the proposal.

6. Presentation of the Citizen’s Budget by the Finance Committee

Councilwoman Gamache, liaison to the Finance Committee, presented the report on behalf of the Committee. The report, which will be put on the City website, was prepared by City staff. The purpose is to provide the public with the key points of the budget, in order for them to be able to participate in budget discussions without the need to review the entire document. The key points are:

- the proposed 2011 tax rate is \$142.54 per \$1,000 assessed value or a 2.16% increase over the 2010 rate, which will equate to a tax increase of \$66.34 for the median home with a market value of \$1,140,000 and assessed at \$22,000;
- revenues are budgeted at \$29.6 million, an increase of \$0.9 million or 3.444% from the 2010 adopted budget;
- expenditures are \$30.1 million, an increase of \$140,000 or 0.47% from the 2010 adopted budget;
- a deficit of \$480,470 will help pay for capital items and will be covered by a drawdown from the General Fund;
- the projected year-end 2011 \$2.8 million of unreserved, undesignated balances remaining in the General Fund equals 9.333% of Expenditures vs. the 5% policy requirement.

7. Mayor’s Management Report

- Legal Update

Interim Corporation Council Kristen Wilson reported on the Beaver Swamp Brook Administrative matter. She said that Harrison hired Beth Evans Associates to prepare an evaluation of the criteria set forth in the Environmental Conservation Law that the Department of Environmental (DEC) staff was looking for, and their comments were submitted last week. Two

other proposed petitioners, who reside in Harrison, responded. There was a conference call this week with the Administrative Law Judge (ALJ). DEC staff did not participate in the conference call and Harrison joined in late. There are still unanswered questions. The next step is for DEC to make a SEQRA determination. It is unknown if Harrison's most recent submission was sufficient enough for DEC to make the determination.

8. Consideration to set a Public Hearing to modify selected ticket fines

City Manager Pickup said that if all of the proposed increases go through, there will be a total impact of about \$10,000. City Comptroller Gribbins said that through research it has been determined that many of the subject fines were last increased in 1992 and 1993 and that one fine dates back to 1961. There was also a brief discussion regarding any programs that might be available to help seniors or the disabled shovel their walks after a snowstorm.

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

**WHEREAS**, the Council wishes to amend Rye City Code Sections 191-32 "Penalties for offenses against special parking provisions", 191-33 "Penalties for parking offenses in certain areas", and 191-34 "Penalties for parking offenses generally" and 167-48(C) "Removal of snow and ice by City; costs; penalties" to change the penalties for certain offenses; and

**WHEREAS**, it is now desired to call a public hearing on such proposed increases, 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 to amend Rye City Code Sections 191-32 "Penalties for offenses against special parking provisions", 191-33 "Penalties for parking offenses in certain areas", and 191-34 "Penalties for parking offenses generally" and 167-48(C) "Removal of snow and ice by City; costs; penalties" to change the penalties for certain offenses.**

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 the City Hall, 1051 Boston Post Road, in said City to amend Rye City Code Sections 191-32 "Penalties for offenses against special parking provisions", 191-33 "Penalties for parking offenses in certain areas", and 191-34 "Penalties for parking offenses generally" and 167-48 (C) "Removal of snow and ice by City; costs; penalties" to change the penalties for certain offenses.

Copies of said local law may be reviewed in the office of the City Clerk.

Dawn F. Nodarse, City Clerk  
Dated: November 23, 2010

9. Approval of a Memorandum of Understanding between the City of Rye and the Rye CSEA Local 1000 Department of Public Works Unit

City Manager Pickup said the proposed agreement is for two-years with the CSEA DPW unit which is the unit with the largest number of members. The membership responsibilities include collection of garbage, plowing the snow, road maintenance work, removal of tree limbs and keeping roadways open in emergency situations and maintaining all of the sewer pump stations. The agreement addresses a limited scope. This unit is directly impacted by proposed changes in the 2011 budget. Mr. Pickup said the unit has been very cooperative in working with the City. The wage increase proposal averages out to about 1.5% based on two years. The City feels it is a fair settlement and the Memorandum of Understanding (MOA) has been ratified by the rank and file.

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

**WHEREAS**, the City of Rye and the Rye CSEA Local 1000 DPW Unit have negotiated a new Memorandum of Agreement (MOA) which will replace the agreement which expired on December 31, 2009; and

**WHEREAS**, the CSEA DPW Unit ratified the proposed terms of the MOA; now, therefore, be it

**RESOLVED**, that the City Council approve the two year contract MOA between the RYE CSEA Local 1000 DPW Unit for the contract period of 1/1/10 – 12/31/11.

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.

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

City Manager Pickup said that this item was removed from a previous agenda in order to give the PBA additional time to comment. No comments or additional information was received from the PBA. The device is similar to in-car camera devices that record police activity. It is found that the recordings are useful in determining actual events. It is recommended that the Council approve the proposed change.

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

**RESOLVED**, that the revision to the Rules and Regulations of the City of Rye Police Department, General Order #103.10, “Deployment of Electro-muscular Distuption Device (Taser)”, is hereby approved, as submitted.

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.

11.     Acceptance of Grant Award from Governor’s Traffic Safety Committee in the amount of \$4,500 for participation in the “Selective Traffic Enforcement” program

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

**WHEREAS**, the City of Rye has been awarded a New York State grant in the amount of \$4,500 for participation in the statewide “Selective Traffic Safety Program” (STEP); now, therefore, be it

**RESOLVED**, that the City of Rye accepts the aforementioned grant.

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.

11A. One appointment to the Governmental Policy & Research Committee, for a two-year term, by the Mayor with Council approval

Mayor French made a motion, seconded by Councilwoman Gamache and unanimously carried, to appoint Andrew J. Curtin to the Governmental Policy & Research Committee for a two-year term, expiring on January 1, 2012.

12. Miscellaneous Communications and Reports

Councilwoman Parker reported on issues related to Playland. First, the County is looking to renegotiate the contract with the New England Seafood Company that owns the Pier Restaurant and Tiki Bar to grandfather in the parts of the boardwalk and seashore walkway and pier that the Tiki Bar has been using. The Playland Advisory Group reports that 90% of the issues raised regarding Playland relate to the Tiki Bar. Ms. Parker and Mayor French sent letters to the County asking that they take a hard look at these issues prior to voting on the contract and the County has agreed. There was a brief discussion of issues that might be included in any new contract, such as public order and behavior, access to public areas, the use of a shuttle by the restaurant and noise. Interim Corporation Counsel Wilson said that since the County is looking to expand the current agreement, now would be the time for the Council to raise their issues. Secondly, on November 18<sup>th</sup> there will be a forum co-sponsored by the Playland Strategic Planning Group and the Rye Historical Society regarding Playland at the Library. City Planner Christian Miller will discuss protections that the City has in place related to the waterfront, wetlands laws and zoning. Former City Clerk Susan Morison will do a presentation on the historic aspects of Playland. There will also be an opportunity for residents to break into smaller groups to create lists of what they would like and not like to happen to Playland.

Councilwoman Keith said that the Shared Roadways Committee met last week and they plan to meet with City Planner Miller in order to focus and target what is realistic. They may come back to the Council in January with recommendations. The Sustainability Committee has also met and have begun their work and will partner with City staff. The Traffic and Pedestrian Safety Committee and City Communications Committee will be meeting this week.

Mayor French reported on the Rye Town Park Committee meeting. A Resolution was passed authorizing City Manager Pickup to come up with recommendations and shared services between the City of Rye and Rye Town Park. The Commission will hold a public workshop on Rye Town Park to discuss capital improvements, pricing and parking.

13. Old Business

City Manager Pickup provided the Council with an update of the Pavement Management Report based on what was done in 2010 as well as where the City is based on the current budget proposal that reduces the annual funding to \$400,000. The report contained charts that compare the impact on pavement conditions if a \$500,000 funding level was maintained and the impact over a period of ten years with the amount reduced to \$ 400,000. He said that since the system has been instituted and funding increased by previous Council's the total paving has increased. Councilman Sack said that whenever a roadway is due for repaving, the City should look at any right-of-way opportunities that may be available. Mr. Pickup said that the Shared Roadways work may offer a way to target locations. The Council asked that the Pavement Management List be made available on the website.

14. New Business

There was no new business to be discussed.

15. Adjournment

Councilwoman Keith made a motion, seconded by Councilman Sack and unanimously carried, to adjourn into Executive Session at 9:32 p.m.

Councilwoman Gamache made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn the Executive Session at 10:45 p.m.

There being no further business to discuss, Councilwoman Gamache made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn the meeting at 10:46 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk