

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on December 15, 2010 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
RICHARD FILIPPI
PAULA J. GAMACHE
PETER JOVANOVIK
SUZANNA KEITH
CATHERINE F. PARKER (arrived at 8:10 p.m.)
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

Mayor French announced that appointments to Boards and Commissions would be made in January and asked anyone interested in serving to email their resume to him a mayor@ryeny.gov.

4. Draft unapproved minutes of the Regular Meeting of the City Council held December 1, 2010

Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the Regular Meeting of the City Council held on December 1, 2010, as amended.

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

Robert Zahm, 7 Ridgewood Drive, asked for an update on the crosswalk at Old Post Road and the Playland Access Drive. He asked if it was scheduled to be repainted and, if so, when it would be done. City Manager Pickup said there are some County issues and said he would provide a status update.

6. Continuation of 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

The public hearing remained open from the prior meeting. There were no members of the public who wished to be heard 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 Gamache, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 10 2010**

**A local law to amend Chapter 76, Dogs, of the
Code of the City of Rye as follows:**

Section 1.

- § 76-1. Purpose.**
- § 76-2. Certain dogs exempt.**
- § 76-3. License fees.**
- § 76-4. Redemption of dogs seized.**
- § 76-5. Running at large prohibited.**
- § 76-6. When leash required.**
- § 76-7. Removal of feces left by dogs.**
- § 76-8. Penalties for violations of this Chapter.**

GENERAL REFERENCES

Animals — See Ch. 157, Sanitary Regulations, Art. I.

§ 76-1. Purpose.

The purpose of this local law is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack damage.

§ 76-2 Certain dogs exempt.

Any dog harbored within the City of Rye which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a non-resident of New York State and

licensed by a jurisdiction outside the State of New York, shall for a period of thirty (30) days be exempt from the licensing and identification provisions of this local law.

§ 76-3 License Fees.

All licensing fees are set forth in the Fee Schedule adopted by the City Council. Excepted from payment of the license fee are applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police and therapy dogs. In addition, dogs owned by one or more seniors, 65 years of age or older, shall be exempt from the City's licensing fees. All dog licenses shall carry with it an additional fee of \$10 as authorized by § 110 (4)(a) of the New York State Agriculture and Markets Law.

- A. All dogs in the City of Rye must be licensed by the City Clerk by the age of 4 months and the owner(s) of such dog(s) must present a current Certificate of Rabies at the time of licensing or the renewal of an existing license. In the alternative, the owner must submit a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required.
- B. All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue. Licenses are not transferable.
- C. Fees and requirements for licensing of dogs:
 - a. The fee for a spayed or neutered dog shall be set by the City Council in the Fee Schedule. It shall include a state assessment pursuant to § 110-3 of the New York State Agriculture and Markets Law, and additional funds for enumeration as provided for by § 110(4)(a).
 - b. The fee for an unsprayed or unneutered dog shall be set by the City Council in the Fee Schedule. It shall include a state assessment pursuant to § 110-3 of the New York State Agriculture and Markets Law, and additional funds for enumeration as provided for by § 110(4)(a).
 - c. Enumeration Fee: If the City Council determines the need for a dog enumeration, a fee set by the City Council in the Fee Schedule shall be assessed to all dogs found unlicensed or not renewed at the time enumeration is conducted.
 - d. The City of Rye does not allow the licensing of dogs by a shelter. The shelter must notify the adoptive owners of their responsibility to license any dog who will be living within the City of Rye. The shelter must provide the City of Rye with a list of adoptive owners monthly.
 - e. All dogs must wear identification at all times. Show dogs are exempted from the identification requirement of § 111 of the New York State Agriculture and Markets Law during participation.
 - f. Notification of a change in dog ownership or that a dog has been lost or stolen must be given to the City of Rye within 30 days of such event.

§ 76-4 Redemption of dogs seized.

The owner of any dog impounded shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, provided that the owner produces proof the dog is

licensed and identified and pays fees as set forth in the Fee Schedule adopted by the City Council.

§ 76-5 Running at large prohibited.

No person owning, harboring or having the custody and control of a dog shall permit such dog to be at large in the City of Rye, elsewhere than on the premises of the owner, except if on the premises of another person with the knowledge and assent of such other person.

§ 76-6 When leash required.

The owner, harborer or person having the custody and control of a dog in the City of Rye which is not on the premises of the owner or upon the premises of another person with the knowledge and assent of such person shall control and restrain such dog by a chain or leash not exceeding eight feet in length.

§ 76-7 Removal of feces left by dog.

Any person who owns, harbors or has the custody of any dog shall remove promptly any feces left by such dog at any place within the city except upon private property with the consent of the owner of such property; provided, however, that this provision is not applicable to a blind person while actually using a guide dog licensed as such pursuant to the Agriculture and Markets Law. In no event shall any feces be deposited in storm or sanitary sewers or drains.

§76-8 Penalties for Violations.

Every person found to have violated this chapter shall be liable for a civil penalty –of not less than \$25 nor more than \$50 for a second such determination within one year after the date of the prior violation, such person shall be liable for a civil penalty of not less than \$50 nor more than \$75; and upon a third or subsequent determination within one year after the date of first violation, such person shall be punished by a penalty fine of not less than \$75 nor more than \$100

Section 2. This law will take effect on January 1, 2011.

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.

7. Continuation of Public Hearing to amend Local Law Chapter 167, Section 48C, Removal of snow and ice by City; cost; penalties, and Local Law Chapter 191, Vehicles and Traffic, Section 191-32 through 191-35, Penalties for parking offenses, to modify selected parking ticket fines

The public hearing remained open from the prior meeting. The only member of the public wishing to speak on the proposed local law was *Robert Zahm*. He asked if the objective of the law was to increase compliance or increase revenue and what statistics were used to determine the objective. He said he believed any statistics used should be made public. He said it was important to have a plan for enforcement based on statistics.

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

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

**CITY OF RYE
LOCAL LAW NO. 11 2010**

A Local Law 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.

Be it enacted by the Council of the City of Rye as follows:

Section 1. § 191-32. Penalties for offenses against special parking provisions, of the Code of the City of Rye is hereby amended to read:

Every person convicted of a violation of Article VII or Article VIII or any order, rule, regulation or special direction made thereunder shall be punished by a fine of not less than \$50 nor more than \$200 or by imprisonment for not more than five days, or by both such fine and imprisonment. Failure to pay such fine on or before the appearance date or upon conviction shall result in an additional charge equal to the imposed fine. Failure to pay the fine within 45 days of the appearance date or date of conviction shall result in an additional charge equal to three times the initial fine. Failure to pay the fine and additional charges within 75 days of the appearance date or date of conviction will result in the assessment of an additional administrative fee equal to 40% of the total of the fines and late charges then due.

Section 2. § 191-33. Penalties for parking offenses in certain areas, of the Code of the City of Rye is hereby amended to read:

Every person convicted of a violation of Article III or any order, rule, regulation or special direction made thereunder, occurring along Forest Avenue between Cornell Place and Sanford Street and along the streets east of Forest Avenue between Cornell Place and Sanford Street, inclusive, shall, for the first conviction thereof, be punished by a fine of not less than \$50 nor more than \$200. Failure to pay such fine on or before the appearance date or upon conviction shall result in an additional charge equal to the imposed fine. Failure to pay the fine within 45 days of the appearance date or date of conviction shall result in an additional charge equal to three times the initial fine. Failure to pay the fine and additional charges within 75 days of the

appearance date or date of conviction will result in the assessment of an additional administrative fee equal to 40% of the total of the fines and late charges then due.

Section 3. § 191-34. Penalties for parking offenses generally, of the Code of the City of Rye is hereby amended to read:

Except as otherwise provided in §§ 191-32 and 191-33, every person convicted of a violation of Article III or any order, rule, regulation or special direction made thereunder shall be punished by a fine of not less than \$50 nor more than \$200. Failure to pay such fine on or before the appearance date or upon conviction shall result in an additional charge equal to the imposed fine. Failure to pay the fine within 45 days of the appearance date or date of conviction shall result in an additional charge equal to three times the initial fine. Failure to pay the fine and additional charges within 75 days of the appearance date or date of conviction will result in the assessment of an additional administrative fee equal to 40% of the total of the fines and late charges then due.

Section 4. § 167-48. Removal of snow and ice by City; costs; penalties, of the Code of the City of Rye, is hereby amended to read:

A. In addition to any penalty that may be imposed for any violation of § 167-47 hereof, if the sidewalk in front of or adjacent to any building or lot of ground as aforesaid shall not be cleaned of snow or ice or covered with ashes, sand or some other similar material before the expiration of the time hereinabove specified for cleaning or covering the same, then and in that event the City may proceed to so clean or cover the said sidewalk as provided in § 167-47 hereof, and the cost or expense of doing said work shall be ascertained and a report thereof shall be forthwith filed in the office of the Clerk of said City.

B. Cost of work a lien on premises. The cost of said work, as the same shall appear from the report on file in said City Clerk's office, may be sued for and recovered from said owner, lessee, occupant or other person having charge of said building or lot of ground by the said City and shall be a lien upon premises abutting said sidewalk so reported to have been cleaned or covered as aforesaid. If the said cost is not paid on or before the first day of April next following, the amount thereof shall be levied as part of the tax to be collected upon the premises against which said cost shall be a lien as aforesaid. The same shall be included within the completed tax roll and collected as part of the taxes against the said premises.

C. Penalties. Any person violating any provision of § 167-47 hereof shall, upon conviction thereof, be liable to a fine for each offense of not less than \$50 nor more than \$100. Each day such violation is permitted to continue shall constitute a separate offense. The provisions of this section shall be inapplicable to snow deposited on the sidewalk by the City in the course of plowing streets.

Section 5. This local law will take effect on March 1, 2011.

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.

After adopting the local law, the Council voted on fee increases which would increase parking fine revenue by \$10,000 over the 2011 proposed budget.

Councilwoman Gamache made a motion, seconded by Councilman Filippi, to adopt the following fee schedule for violations:

Parking in a handicapped zone	\$150.00
Parking in front of a fire hydrant	\$150.00
Beach area parking	\$ 75.00
Overnight parking during snow ordinance	\$ 75.00
Parking in a crosswalk	\$ 75.00
Not shoveling snow	\$ 50.00

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,
 Keith, Parker and Sack

NAYS: None
ABSENT: None

The fee schedule was adopted by a 7-0 vote.

8. Continuation of Public hearing on the proposed 2011 Budget

The public hearing remained open from the last Council meeting. The following categories were discussed:

Recreation

Mayor French said that the Recreation Department budget is \$2.8 million with a current cost recovery of \$900,000. The Department was asked for an additional \$230,000 return, either by reducing costs or increasing fees. *Bart DiNardo*, Chair of the Recreation Commission, said that the Department had attempted to meet the Council's challenge by increasing some fees and eliminating programs. He expressed the concern of the Recreation Commission that if fees are increased it will stop people from participating in the programs. He expressed concern that the \$10 increase in the field surcharge would not be put in the separate fund that is currently utilized to improve fields. He added that people expect to receive recreation services for their taxes and might prefer an increase in taxes rather than an increase in fees. He also noted that the Recreation Commission had worked with the Finance Committee and will consider some of their recommendations going forward.

Council comment:

- The Council should consider the services that Rye offers. Maybe a ¼% tax increase is more equitable than increasing user fees.
- How will the \$15 field surcharge be managed? (The \$5 originally charged will continue to remain as is. The \$10 increase will be handled separately. The needs for the fields exceed the revenues collected.)
- Recreation program users might rather pay an increased tax but non-users may not agree with that. Taxpayers are already subsidizing Recreation programs by over 50%.
- Fees are being raised all over the City this year; many just to catch up to what they should be. Going forward the increases should be inflationary.
- Government can't be all things to all people. The City must decide what its core mission is.
- The Recreation Commission should look into forming a "Friends of" organization to help subsidize the costs of recreation programs.
- The City must examine the relationship between the user groups and the City.

Robert Zahm also spoke about Recreation. He said the best thing for taxpayers would be not to pay recreation fees but to get the programs through their property taxes, which are deductible. He suggested that at some point it might make sense to privatize the Recreation Department.

Police

Members of the public commenting on the Police Department included *Franco Campaginone and Lt. Robert Falk from the Police Department, Charmaine Neary, Tim Tolve, Sam Dorn, Lindsey Hanley, Jim Amico, Michael Marchand, Bart Dinardo and, Doug Schwartz.* Their comments included:

- There was no research done prior to the decision being made to cut one of the lieutenant positions.
- The Youth Officer has created good relationships with the police, and parents don't want to see that position and the DARE Program cut.
- The season for the Marine Officer should not be reduced.
- The proposal to reduce spending on police uniforms and training is unfair and will prevent the members of the Department from being prepared.
- Uniformed services should be looked at differently than other parts of the budget
- The Police Department affects everyone.
- Changes to the DARE program will be detrimental to Rye.
- The money spent on DARE and the Youth Officer is money well spent and cutting it would be a mistake.
- The Police Commissioner should be eliminated rather than a lieutenant.
- What will be saved by eliminating DARE? (The City is working with the Schools to modify the DARE program. Teachers have expressed a desire to have teaching time restored. The proposal is to reduce the program from the current 17 hours to eight hours.)
- Police officers are needed on the streets.
- When jobs are combined, something has to give. Look at how the proposed changes will affect the community.

- Proper supervision and good training reduces liability. It is important that the department is current.
- It is important to have people with responsibility and experience.
- \$150,000 will not be saved by the proposed reorganization in the Department; it will only be around \$20,000.
- It is more timely and expensive to replace experienced personnel in the Department.
- Untrained police officers make mistakes.

Council comments included:

- Detective Wood will still be the Youth Officer.
- The amount allotted for training is still higher than what has been utilized on average per year over the last three years.
- The Council has not had enough dialogue regarding the decision to cut a lieutenant position.
- There should be more opportunities found for the police to train if they want to and, therefore, the training budget should not be reduced.
- Manpower is not being reduced in this budget, but the budget document should be changed to accurately reflect the reallocation of responsibilities.
- Why are there no percentages in the budget for positions? (It is how payroll is allocated in the police patrol cost centers.)
- Additional training needs could be handled by coming back to the Council for additional funding as needed.
- The Council should be confident in the proposals made by the City Manager.
- The only department the Council asked for a workshop on this year was the Golf Club.
- There should be a Police Department workshop next year.

Pavement Management

Patrick McCarthy said that lowering the amount of funding for pavement management is a false savings because it will cost more for extensive repairs if the pavement repair schedule is not kept up. He suggested that repaving streets in the downtown should be bonded so there is more money available to pave the rest of the City.

Additionally email messages had been forwarded to Mayor French prior to the meeting by Tom Wynne supporting the City Manager's proposals regarding the Police Department, and echoing the Council's concerns about the labor costs at the Library, and Arthur Stampleman expressing concern that the Council's desire to keep the tax rate as low as possible should not be done through the retirement of the City Engineer or reduction of funds for the library.

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

9. Resolution to adopt the 2011 Budget and establish the 2011 tax levy and 2011 tax rate Roll Call.

Mayor French suggested that the Council vote to adopt the 2011 Budget as originally proposed and then vote separately on amendments against that budget.

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

WHEREAS, on November 8, 2010 the 2011 Tentative Budget was presented to the City Council, and

WHEREAS, since November 8, 2010 the City Council has discussed possible amendments to the 2011 Tentative Budget, now, therefore, be it

RESOLVED, that the tentative budgets and fee schedules as amended for the General Fund, Cable TV Special Revenue Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund and Building and Vehicle Maintenance Internal Service Fund, are hereby adopted for the fiscal year ending December 31, 2011, and be it further

RESOLVED, that the City Council does hereby certify to the City Comptroller the 2011 City of Rye tax rate of \$142.54 per \$1,000 taxable assessed valuation and the 2011 City of Rye tax levy of \$19,767,085, and be it further

RESOLVED, that the City Council does hereby direct the City Comptroller to apportion and extend against each taxable property listed upon the assessment roll at the tax rate certified in this resolution to produce the tax levy certified in this resolution, and to render tax notices for, and receive and collect, the assessments heretofore authorized and approved.

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. Resolution to adopt a Budget Amendment of a 1.19% reduction of the adopted increase of the tax rate of 2.16%, which would result in a tax rate increase of 0.97%
Roll Call.

The Council voted on a series of Budget Amendment proposals to alter the tax rate of 2.16% adopted by Agenda item 9 above.

Councilman Sack proposal an amendment that would reduce the adopted 2.16% increase by 2.19%, resulting in a tax rate decrease of 0.03%.

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

WHEREAS, on December 15, 2010 the 2011 Tentative Budget was adopted by the City Council, and

WHEREAS, since November 8, 2010 the City Council has discussed possible amendments to the 2011 Tentative Budget, now, therefore be it

RESOLVED, that the adopted budget and fee schedules as presented in the 2011 Adopted Budget be amended as follows:

Increase General Fund Revenues:

Parking Permits – Increase Merchant Parking Permit Revenue \$125,400

Police Overtime – Increase reimbursement \$9,000

Decrease General Fund appropriations:

Salaries in Legal Department – decrease \$130,000

Payroll Tax and employee benefits in the legal department – decrease \$25,000

Rye Town Park – decrease \$25,000

Sewer repairs -- \$20,000

Drainage repairs -- \$15,000

Police uniforms -- \$15,000

Fire vehicle supplies -- \$10,000

Increase General Fund appropriations:

Increase Legal Services in the legal department \$100,000

Increase Revenues and Decrease Expenses in a manner to be determined by the Recreation Superintendant to increase Recreation's cost recovery by \$150,000.

ROLL CALL:

AYES: Councilman Sack

NAYS: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,
Keith and Parker

ABSENT: None

The Resolution was defeated by a 6-1 vote.

Mayor French proposed an amendment that decreased expenditures by \$201,160.

Mayor French made a motion, seconded by Councilman Jovanovich, to adopt the following Resolution:

WHEREAS, On December 15, 2010 the 2011 Tentative Budget was adopted by the City Council, and,

WHEREAS, since November 8, 2010 the City Council has discussed possible amendments to the 2011 Tentative Budget, now, therefore be it

RESOLVED, that the adopted budget and fee schedules as presented in the 2011 Adopted Budget be amended as follows:

Decrease General Fund appropriations:

Rye Town Park – decrease \$25,000
Legal Dept Salaries – decrease \$129,000
Legal Dept Employee Benefits – decrease \$25,000
Sewer Repair Expense – decrease \$20,000
Drainage Repair Expense – decrease \$15,000
Police Training Expense – decrease \$14,560
Police Uniform Expense – decrease \$15,000
Fire Vehicle Supplies – decrease \$10,000
Pay station Controller expense – decrease \$47,600 and fund using General Fund fund balance

Increase General Fund appropriations:

Increase Legal Dept Legal Expenses \$100,000

ROLL CALL:

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

The resolution was adopted by a 5-2 vote.

Mayor French made several motions on proposals to increase revenue.

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

WHEREAS, On December 15, 2010 the 2011 Tentative Budget was adopted by the City Council, and,

WHEREAS, since November 8, 2010 the City Council has discussed possible amendments to the 2011 Tentative Budget, now, therefore be it

RESOLVED, that the adopted budget and fee schedules as presented in the 2011 Adopted Budget be amended as follows:

Increase General Fund Revenues:

Parking Permits – Increase Merchant Parking Permit Revenues \$11,000

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.

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

WHEREAS, On December 15, 2010 the 2011 Tentative Budget was adopted by the City Council, and,

WHEREAS, since November 8, 2010 the City Council has discussed possible amendments to the 2011 Tentative Budget, now, therefore be it

RESOLVED, that the adopted budget and fee schedules as presented in the 2011 Adopted Budget be amended as follows:

Increase General Fund Revenues:

Police Overtime Expense Reimbursement -- \$9,000 by charging private groups for Police Overtime.

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

Prior to making motions that related to funding for the library, the Mayor noted two concerns expressed by the Council: (1) that the City should be part of the negotiations for future library labor contracts; and (2) the library should be open on Saturdays.

Mayor French made a motion, seconded by Councilman Jovanovich, to adopt the following Resolution:

WHEREAS, On December 15, 2010 the 2011 Tentative Budget was adopted by the City Council, and,

WHEREAS, since November 8, 2010 the City Council has discussed possible amendments to the 2011 Tentative Budget, now, therefore be it

RESOLVED, that the adopted budget and fee schedules as presented in the 2011 Adopted Budget be amended as follows:

Increase General Fund Revenues:

Increase Mortgage Tax Revenue \$25,000

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.

Mayor French made a motion, seconded by Councilman Jovanovich, to adopt the following Resolution:

WHEREAS, On December 15, 2010 the 2011 Tentative Budget was adopted by the City Council, and,

WHEREAS, since November 8, 2010 the City Council has discussed possible amendments to the 2011 Tentative Budget, now, therefore be it

RESOLVED, that the adopted budget and fee schedules as presented in the 2011 Adopted Budget be amended as follows:

Increase General Fund appropriations:
Rye Free Reading Room - \$25,000

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.

The budget amendments adopted resulted in the adopted tax rate for the 2011 budget being reduced from 2.16 percent as adopted to 0.97%.

Although not included as an agenda item, there was also a brief discussion on a proposal to change the fee increase proposed for the Rye Golf Club.

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

RESOLVED, that the revenue line of the Golf Club budget for member fees be reduced from a 2.9% increase to a 1% increase.

ROLL CALL:

AYES: Councilman Sack

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

The Resolution was defeated by a 6-1 vote.

11. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers
Roll Call

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

RESOLVED, that the City Comptroller is hereby authorized to make the necessary 2010 fiscal year-end budget transfers in city accounts, provided a list of such transfers over \$10,000 is furnished to the City Council after completion of such transfers.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

12. Acceptance of Grant Award from the U.S. Department of Justice in the amount of \$11,750 for armored vests for the Police Department

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

RESOLVED, that the City Council of the City of Rye hereby accepts the Grant Award from the U.S. Department of Justice in the amount of \$11,750 for armored vests for the Police Department.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

13. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2011
Roll Call

Mayor French noted that the Council had voted to increase the contribution to the Library from \$1,055,000 to \$1,080,000.

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

RESOLVED, that the Mayor is hereby authorized to finalize an agreement with the Rye Free Reading Room to furnish library services for 2011, subject to the conditions that it remain open on Saturdays and that the City participate in future labor negotiations.

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. Resolution to authorize participation in Westchester County contracts
Roll Call

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

WHEREAS, by Act No. 8-1983, The County Board of Legislators authorized the County Purchasing Agent to act as Purchasing Agent for any city, town, village, school district or other unit of local government within the County of Westchester County, provided that said unit of local government by act, ordinance or resolution authorizes the County Purchasing Agent to act as its Purchasing Agent for items purchased by the County, and empowering designated officers and employees to sign requisitions, and further directing the proper official of local government to audit and pay County bills for the cost of County services within thirty (30) days after the receipt of said bill by the local government, and to provide the County with such insurance coverage as may be required by the County's Director of Risk Management, NOW, THEREFORE, be it

RESOLVED, that the County Purchasing Agent is hereby authorized to act as Purchasing Agent for the City of Rye, New York on a continuing basis, and be it further

RESOLVED, that the City Manager, the Assistant City Manager, the City Comptroller, and/or the City Engineer are hereby authorized to sign appropriate requisitions, and be it further

RESOLVED, that the City Comptroller is hereby authorized and directed to audit and pay County bills for the cost of County services within thirty (30) days after receipt of said bills, and be it further

RESOLVED, that the City Comptroller is hereby authorized to secure and provide to the County of Westchester any and all insurance required by the County's Director of Risk Management, in Accordance with County Act No. 8-1983.

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.

15. Resolution authorizing the City Manager to enter into a contract with the County of Westchester for Snow and Ice Removal on County Roads for the period October 1, 2010 to September 30, 2015

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

RESOLVED, that the City Manager is hereby authorized to enter into a contract with the County of Westchester for Snow and Ice Removal on County Roads for the period October 1, 2010 to September 30, 2015.

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.

16. Resolution appointing a Corporation Counsel effective January 1, 2011, establishing the terms and conditions of employment, and authorizing the Mayor to sign an employment agreement
Roll Call.

Councilman Sack said that before voting to appoint a new Corporation Counsel, he believed the Council should vote on the two central recommendations of the Carey/Sack report on the Law Department. Mayor French said he believed the Carey/Sack report provided good context for the Council such as the importance of including some of the legal activities of the Law Department into a fixed cost as opposed to a billable relationship. He added that he questioned the practicality of having two separate attorneys from separate firms coordinate legal strategy and services to the City.

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

RESOLVED, that the City Council adopt the two central recommendations of the Carey/Sack Report including, the requirement that the Corporation Counsel should handle most of the legal work of the City of Rye, including most of the litigation matters; and, if any matters need to be assigned to outside counsel, the cases will not be assigned to a law firm associated with the Corporation Counsel.

ROLL CALL:

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

The Resolution was defeated by a 6-1 vote.

Mayor French noted that during the interview process, the Council learned that one of the key roles of the Corporation Counsel is having someone who works with the Council and staff to help prevent litigation. He added that the roles and responsibilities outlined in the Retainer Agreement deal with issues of cost management in the Law Department.

Councilwoman Gamache made a resolution, seconded by Councilwoman Parker, to adopt the following Resolution:

RESOLVED, that the City Council hereby appoints Kristen K. Wilson to the position of Corporation Counsel of the City of Rye with a Retainer Agreement with the law firm of Harris Beach effective January 1, 2011 and authorizes the Mayor to execute the agreement that establishes the terms and conditions of employment.

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.

17. Resolution fixing January 12, 2011 as the first regular meeting and the organizational meeting of the City Council for 2011

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

RESOLVED, that January 12, 2011 is hereby fixed as the first regular and the organizational meeting of the City Council; and be it further

RESOLVED, that the following dates are designated for the regular meetings of the City Council in 2011:

January 12
January 26
February 9
March 2
March 16
March 30
April 13
April 27
May 11
May 25
June 15
July 13
August 10
September 14
October 5
October 19
November 2
November 7
November 16
December 7
December 21

18. Miscellaneous Communications and Reports

Councilwoman Parker reported that the Playland Strategic Planning Committee held a forum on December 13th and would be holding their next forum on January 10th at 7:30 p.m. in City Council Chambers.

19. Old Business

Councilwoman Keith asked the City Manager about putting enforcement statistics on the website. Councilman Jovanovich added that he believed there were nine major moving violations that statistics could be provided for on a quarterly basis.

Interim Corporation Counsel Wilson noted that at the previous Council meeting a date was set for a public hearing on NextG, which does not correspond to the meeting schedule just adopted by the Council. She said the Council would have to pass a second motion changing the date.

Councilman Jovanovich made a motion, seconded by Councilwoman Parker and unanimously carried, to reschedule the public hearing on the NextG Networks, Inc. application for a license agreement/special use permit to January 12, 2011.

20. New Business

Councilwoman Keith noted that she, Mayor French and City Manger Pickup have been discussing communications ideas, which will be brought to the Council at a future meeting. She said there has also been community feedback on the need for a Resolution related to working with outside vendors on protecting traffic, pedestrian and neighborhood safety.

21. Adjournment

There being no further business to discuss Councilman Sack made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the meeting at 12:26 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk