

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on July 13, 2011 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor  
RICHARD FILIPPI  
PAULA J. GAMACHE  
PETER JOVANOVIH  
SUZANNA KEITH  
CATHERINE F. PARKER  
Councilmembers

ABSENT: JOSEPH A. SACK, Councilman

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 Tax Cap has been passed by the State legislature without the mandate relief that was hoped for.
- The Commuter Tax is dead in committee.
- The State Assembly has passed Complete Streets legislation.

4. Draft unapproved minutes of the regular meeting of the City Council held June 15, 2011

Councilman Filippi made a motion, seconded by Councilwoman Gamache and unanimously carried, to approve the minutes of the regular meeting of the City Council held on June 15, 2011, as amended.

Agenda Item 5 was taken after Agenda Item 10.

5. Mayor's Management Report

- WJWW update

City Manager Pickup advised that an Agenda item came before the Village of Mamaroneck Board in the end of June to raise the base water rates 3% effective July 1 to reflect a portion of the New York City rate increase. Additionally, he attended a meeting at Westchester Joint Water Works (WJWW) to try to get additional information on the City of Rye portion of the rate. Information in their literature says that the Rye rate is different because it incorporates taxes that WJWW pays for facilities located in the City of Rye. Mr. Pickup says he has asked for a breakdown of the rate. A suggestion was made that the City take a look at exempting the utility from property taxes.

- Legal update

Corporation Counsel Kristen Wilson reported on the following items:

- The Board of Assessment Review (BAR) held a hearing on the taxable status of Wainwright House, Pier Restaurant & Tiki Bar, and Seaside Johnnies Restaurant. The non-taxable status of these entities has been revoked by City Assessor Noreen Whitty. Representatives of the Wainwright House, the County and the Town of Rye appeared and presented their cases in favor of reinstating the exemptions. It is expected that the BAR will come down with a decision by early September.
- *Schubert v. The City of Rye* – A Stipulation of Dismissal of Appeal with Prejudice has been filed with the Second Circuit Court of Appeals. The case is now ended.
- *Carroll v. Assessor* – A seven-day trial in this tax certiorari proceeding has ended. Judge LaCava agreed to make a site visit to the property in August.

6. Presentation by the Government Policy & Research Committee on Revaluation

Mayor French said the Government Policy & Research Committee is not giving this presentation because the Council is looking to do a revaluation, but because it is an important topic that the public should be informed on, especially since the County and other municipalities are looking into it.

Susan Jansen, Chair of the Government Policy and Research Committee, made a presentation on Assessment and Revaluation. New York State law requires that property taxes, which are the most important source of revenue for the City and Schools, are levied on tax assessments that accurately reflect fair market value. The State does not mandate revaluations at any time or require revaluations on any specific basis. The City of Rye conducted its last assessment in 1972. Assessments are based on current market values and are done by the City Assessor. Every parcel is assessed but not every parcel is taxable due to exemptions, such as those for religious and government organizations or STAR, veterans and senior citizens. In 2010 the City tax rate was \$140.87 per \$1,000 of assessed value. Property owners can challenge their assessment through a grievance process. When Revaluations are done, in general about 1/3 of assessments will increase, 1/3 will remain flat and 1/3 will decline. Grievance levels increase initially but drop off in subsequent years. A Coefficient of Dispersion (COD) is a statistical measure that indicates how consistently property is being assessed within a specific area. Rye's COD is 14.12 which is within tolerance levels suggested by the International Association of Assessing Officers and New York State. Costs for Revaluations vary depending on the range of work done. A reason to reassess would be to create an equitable distribution of property taxes. In

determining whether it is time for Rye to perform a Revaluation it should weigh certain criteria such as the fact that the last Revaluation was performed 39 years ago and there has been an increase in the number of grievances being filed which cost the City time, effort and money, against the fact that the City's COD is within tolerable limits and a Revaluation is a complex and expensive process that takes years to complete. Ms. Jansen said that the advice the Committee received was that if the City decides to go forward with a Revaluation citizen education is critical and the City should hire the best consultants possible.

7. Public Hearing on modifications to Special Permit Applications submitted by New Cingular Wireless PCS, LLC ("AT&T"): #TC010 for an existing wireless telecommunications facility on the roof top of 66 Milton Road and #TC013 for an existing wireless telecommunications facility at 350 Theodore Fremd Avenue

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

Daniel Laub, Esq. of Cuddy & Feder appeared on behalf of the applicant. The proposal seeks site modification to two existing sites due to Long Term Evolution (LTE) for the next generation of wireless technology. The applications have been approved by the Board of Architectural Review. The radio frequency emissions are well within federal compliance levels.

The only member of the public who spoke on the application was *Martin Gerson* who inquired about the impact of signal emissions coming from the antennas to people farther away from the antenna site. He was told that the emissions decrease as they get farther away from the antennas.

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

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

**RESOLVED**, that the Special Use Permit Applications submitted by New Cingular Wireless PCS, LLC ("AT&T"): #TC010 for modification to an existing wireless telecommunications facility on the rooftop of 66 Milton Road and #TC013 for modification to an existing wireless telecommunications facility at 350 Theodore Fremd Avenue are hereby approved.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

8. Authorization for the City Manager to enter into an Intermunicipal Agreement with the Village of Rye Brook for a Flood Mitigation Project at Blind Brook Dam at Bowman Avenue

City Manager Pickup said this was the next step in the Sluice Gate Project. After this agreement is authorized, it will be attached to a proposal that will go before the Rye Brook Planning Commission for final site plan approval. The Agreement includes Department of Environmental Conservation (DEC) requirements for dam inspections as well as requirements for the maintenance and operation of the sluice gate equipment.

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

**RESOLVED**, the City Manager is hereby authorized to enter into an Inter-municipal Agreement with the Village of Rye Brook establishing maintenance protocols and responsibility for the maintenance of a mechanical sluice gate at the Blind Brook Dam at Bowman Avenue.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

9. Authorization for the City Manager to enter into an Intermunicipal Agreement with the Village of Mamaroneck to provide garbage and curbside pickup for Mamaroneck residents located in the Greenhaven section of Rye

City Manager Pickup said this was an extension of the original agreement that was set to expire and which has worked well for both municipalities.

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

**RESOLVED**, the City Manager is hereby authorized to enter into an Inter-municipal Agreement with the Village of Mamaroneck to provide garbage and curbside pickup for

Mamaroneck residents residing in the Greenhaven section at 1 Shore Road, 2 Shore Road, 3 Shore Road, 4 Shore Road, 12 Shore Road, 14 Shore Road and 15 Shore Road.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

10. Continuation of Public Hearing to amend Local Law Chapter 76, "Dogs", Section 76-5, "Running at large prohibited" and Section 76-6, "When Leash Required", to establish regulations for the leashing of dogs at Rye Town Park

Mayor French said that the proposed law that would have allowed dogs to be off leash at certain times was moot because the Rye Town Park Commission had reversed its decision to allow dogs to be off lease in the park.

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

Agenda Item 5 was taken out of order.

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

Jordan Glass, Esq., representing HealtheHarbor.com, spoke about the solutions proposed by the Kuder Island Board for sewage disposal and mosquito issues on Hen Island. He said he believed the proposed solutions are not solutions at all and will only make things worse and that the City should step in.

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

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

**RESOLVED**, that the proposed revision of the Rules and Regulations of the City of Rye Police Department: General Order #114.8 "Mutual Aid", is hereby approved.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

13. Designation of three members to the Boat Basin Nominating Committee

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

**RESOLVED**, that the City Council of the City of Rye hereby designates Ford Winters (Permit Holder elected to the Nominating Committee in August 2010); Greg Gavlik (Commission Member not running for re-election); and Frank Mangiamele (Permit Holder appointed by the Commission) as the Rye Boat Basin Nominating Committee for the 2011 Rye Boat Basin Commission elections.

14. Resolution to transfer \$25,000 from contingency for the City of Rye share for Rye Town Park funding

City Manager Pickup noted there was a \$99,000 year-end deficit for Rye Town Park as a result of 2010 operations. The City is responsible for approximately half of the deficit and had only budgeted \$25,000.

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

**WHEREAS**, City staff has determined that the amounts required for the City of Rye's share of Rye Town Park funding exceeded the anticipated amount and were not provided for in the adopted 2011 budget by \$25,000, and,

**WHEREAS**, the General Fund Contingent Account has a balance of \$200,000, now therefore be it

**RESOLVED**, that the City Comptroller is authorized to transfer \$25,000 from the General Fund Contingent Account to the Rye Town Park Account.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

15. Bid Award for Automotive Parts and Machine Shop Services (Bid # 2011-04)  
Roll Call.

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

**RESOLVED**, that Bid #4-11 for Automotive Parts and Machine Shop Services is hereby awarded to Tri-City Automotive Parts, Mendel's Truck & Auto Parts, and BWP Distributors as follows:

Tri-City Automotive Parts	<u>Category 1</u>		
	Group 1	Brake Shoes & Linings	
	Group 1A	Brake Parts	
	Group 2	Bearings	
	Group 7	Electric Switches & Wiring	
	Group 10	Headlights (tied w/Midland Truck)	
	Group 13	Ignition Equipment	
	Group 15	Shock Absorbers (tied w/BWP)	
	Group 17	Water Pumps	
	Group 19	Windshield Wiper Products	
	Group 21	Batteries	
	Group 22	Starter & Alternators	
		<u>Category 2</u>	
		Group 4	PTO clutch assemblies
	<u>Category 3</u>		
		4-cylinder heads rebuilt	
		Pistons changed over & cleaned	
Midland Truck/Auto Parts	<u>Category 1</u>		
	Group 4	Carburetors	
	Group 6	Exhaust Parts	
	Group 10	Headlights (tied with Tri-City)	
	Group 11	Hoses & Clamps	
	Group 12	Hoses & Belts	
	Group 14	Mirrors & Lamps	
	Group 16	Seals	
	Group 18	Filters	
	Group 20	Chassis Front End Parts	

Group 23 Bolts, Nuts, Washers, etc.

Category 2

Group 1 Brake Parts

Group 2 Starter & Alternators

Group 3 Exhaust Parts

Category 3

Flywheels Cut to 12"

Flywheels Cut to 12" or Over

Driveshafts Rebuilt

King Pins Fitted

King Pins w/I Beams

Brake Bands Relined

Brake Shoes Relines

V-8 Heads Rebuilt

6 Cylinder Heads Rebuilt

4 OHC Head Rebuilt

Axles Bearing and Related

Press Work (per bearing)

Heavy Duty Break Drums 16" & Up (price cut  
per inch)

Passenger Car & Light Duty Truck up to 14" Drums

Rotors

Unltd. Shop Work (per hour)

BWP Distributors

Category 1

Group 3 Brass Fittings

Group 5 All Clutch Assemblies

Group 8 New Fuel Pumps

Group 9 Gaskets & Gasket Sets

Group 15 Shock Absorbers (tied with Tri-City)

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Sack

The Resolution was adopted by a 6-0 vote.

16. Miscellaneous Communications and Reports

Councilwoman Parker said that Lt. Rob Falk and Police Officer David Rivera were presented with awards for their service to the downtown by the Chamber of Commerce at their annual luncheon. She wished Lt. Falk a speedy recovery from his recent illness.

Councilwoman Keith said that presentations by the Sustainability Committee and Shared Roadways Committee, originally scheduled for August, will be postponed until September. Mayor French suggested that the Shared Roadways presentation should be a 7:00 p.m. workshop prior to the regular meeting.

Mayor French said that the County Playland Committee is drafting its final report and it should be ready by August 1st. The Mayor also reported that resident attendance at Rye Town Park is up 50%.

17. Old Business

Councilman Filippi asked the City Manager for an update on the Central Avenue Bridge. City Manager Pickup said that the City submitted the final design to the State Department of Transportation (DOT) on June 17. When final approval is received the project can go out to bid and hopefully bids can be awarded in the Fall. Mr. Pickup added that the Engineering Department has been asked to apply for a New York State Highway work permit in order to allow the City to put up temporary signage and construction fencing to block off the area.

Councilwoman Keith said that options for a “No texting while walking or driving” pledge will be distributed to the Council so it can be placed on the agenda for the August meeting. Ms. Keith also asked for an update on the road diet near Osborn School. City Manager Pickup said that the City is waiting for the recommendations of the engineers who were in the field, which should be coming in September.

Councilman Jovanovich said that the School Board is considering going out for a bond issue for improvements to the high school.

Councilwoman Parker asked for a list of property owners who are in arrears on their property taxes.

Mayor French said that a proposal has come forward to pull the permit of any building contractor who receives three violations.

18. New Business

Mayor French said that there has been a change of a date for one of the November Council meetings.

Councilwoman Keith inquired about the new business that will be going in on the Post Road next to the Post Road Market. City Manager Pickup said the use was appropriate for the Zoning.

City Manager Pickup said that the Finance Department has received the Distinguished Budget Award from GFOA.

19. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilwoman Keith and unanimously carried, to adjourn the meeting at 10:00 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk