

APPROVED MINUTES of the Special Meeting of the City Council of the City of Rye held in City Hall on September 28, 2011 at 7:30 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
PAULA J. GAMACHE
PETER JOVANOVIK
SUZANNA KEITH
CATHERINE F. PARKER
Councilmembers

ABSENT: RICHARD FILIPPI
JOSEPH A. SACK
Councilmembers

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. Authorization for City Manager to make a benefit update to the Administrative Pay Group (APG) policy

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

RESOLVED, that the City of Rye Administrative Pay Group (APG) Policy is hereby amended to add the following language to the Health Plan section: “Effective 8/1/2011, in the case of a line of duty death, the Employer shall continue to provide full premium benefits for the deceased member’s spouse until the spouse is eligible for continuing coverage under Medicare. Dependents are also eligible for continued participation at employer expense for premium payments in the health insurance plan until emancipation, or the attainment of the maximum age for dependent eligibility.”

ROLL CALL:

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

ABSENT: Councilmen Filippi and Sack

The Resolution was adopted by a 5-0 vote.

4. Resolution authorizing Corporation Counsel to agree to a settlement proposal relating to the R.B.Conway v. Rye Litigation

Corporation Counsel Wilson said that the City had been approached with an offer to settle this matter, which includes two lump sum payments, the signing and filing of a Stipulation of Settlement, a Confidentiality Agreement and a General Release. If the agreement is not authorized, the trial of this matter is scheduled to begin on October 3rd.

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

RESOLVED, that the Corporation Counsel is hereby authorized to execute a Stipulation of Settlement to settle the *R.B. Conway & Sons, Inc. v. City of Rye* litigation.

ROLL CALL:

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

The Resolution was adopted by a 5-0 vote.

4A. Resolution to transfer \$85,000 from contingency to the Fire Department for costs pertaining to damage at the Locust Avenue Fire House from Hurricane Irene

City Manager Pickup said that there is a problem with basement flooding at the Locust Avenue Fire House and this transfer of funds is necessary to elevate the heating system above flood elevation and to replace drywall with a material that will be resistant to water. Moving the heating system must be done prior to the heating season that begins October 15th.

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

WHEREAS, City staff has determined that the amounts required for emergency replacement of the utilities at the Locust Avenue Fire House due to damage from the flooding of Hurricane Irene were not anticipated and were not provided for in the adopted 2011 budget by \$85,000, and,

WHEREAS, the General Fund Contingent Account has a balance of \$175,000, now therefore be it

RESOLVED, that the City Comptroller is authorized to transfer \$85,000 from the General Fund Contingent Account to the Fire Department Account.

ROLL CALL:

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

5. Discussion of the revised City of Rye Financial Policy reflecting the new Government Accounting Standard regarding Fund Balance (GASB 54)

City Comptroller Gribbins reported on GASB 54 Fund Balance Reporting and Governmental Fund Type Definitions, which were issued in 2009 by GASB (Governmental Accounting Standards Board) and will be implemented in 2012. GASB 54 leaves the total amount of Fund Balance unchanged, but changes the categories used to describe the components of Fund Balance, which are currently Reserved and Unreserved. The new designations will be Non-Spendable, Restricted, Committed, Assigned, and Unassigned. The goal is to make it easier for officials to see how much spendable fund balance is available, as opposed to non-spendable. The changes will be implemented in the 2012 budget. Since the GASB 54 change will necessitate updating the City's Financial Policy document, Ms. Gribbins said it was also considered an opportunity to make some needed changes to the Policy in other areas. She highlighted the changes that will be presented to the Council for review and adoption later in the year. They include: adding an exemption from the Charter Bonding limits for borrowing to rebuild after a disaster; an increase in the amount required for Purchase Orders; a change order policy for purchase orders; a credit card policy; City staff updating the Council every other year about the City's OPEB liability; updating the names of the banks and depositories and authorized financial institutions; and replacing the specific dates referred to in the budget process with relative references. Ms. Gribbins was asked to find out if other watershed communities are also changing their policies regarding disaster bonding.

Paula Schaefer, representing the Finance Committee, said that Ms. Gribbins had used a required change as an opportunity to change the Financial Policy and that the Finance Committee agrees with her suggested changes. She added that the City's Financial Policy is a good working document.

6. Discussion of proposed Tree Ordinance Legislation

Mayor French said that the Council is in favor of changing the current Tree Ordinance but it has been delayed due to staff concerns about how it will be enforced. Last week a meeting was held with representatives of EAGR (Environmental Advocacy Group of Rye) regarding the proposed law. City Manager Pickup said that new language has been added to the draft legislation since discussions held by the Council in February. Information has also been provided to the Council about ordinances in other municipalities. Melissa Grieco of the EAGR group read a statement encouraging the adoption of a new Tree Ordinance. She said that trees are a common resource for all and stressed the many benefits trees provide to a community, including reducing stormwater runoff. She also said that other communities have adopted strong tree ordinances and several utilize the services of lay Tree Committees. Carolyn Cunningham, a member of the Planning Commission and EAGR, spoke about suggested changes to the law that would require a permit for removal of healthy trees with a DBH (Diameter Breast Height) of 8 inches or more and make clear cutting of trees on a property more difficult by limiting the number of tree cutting permits to no more than three per year per property. She also said the new law would apply to city-owned property, other than in city-owned right-of-ways, as well. The Planning Commission would be the appellate board for people seeking to take down more than three trees. City Manager Pickup said that the draft law would be reviewed with staff because it presents organizational challenges from when it was originally proposed, due to reduced staffing levels, which could impact a successful implementation of the law.

Robin Jovanovich, a member of the Board of Architectural Review (BAR), said she felt that replacement plans for trees that are removed should be required for applications submitted to the BAR. Daniel Gretto, a certified arborist, said he had reviewed the proposed law and considered it a good idea, but said it should also be sensible. He said he thought that the restriction of three removal permits per twelve month cycle was not practical and said he thought lot size should be taken into consideration. He also suggested that since people serving on tree committees may not be professionals, the City should empower their employees and have someone from DPW certified as an arborist. He volunteered his services to work with a committee on drafting sensible legislation. Bill Lawyer, also a member of EAGR, said he believed an arborist's point of view was important. He also said that people need to know the importance of maintaining the trees on their property.

Mayor French said he would like to hear feedback from other communities who have passed stronger tree ordinances about the reaction to the laws a year or two later. He also suggested that a workshop, separate from the City Council, should be held on this issue that would be coordinated by Councilman Filippi and include all the stakeholders.

7. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilwoman Gamache and unanimously carried, to adjourn the meeting at 9:07 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk