

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on November 16, 2011 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
PAULA J. GAMACHE
PETER JOVANOVICH
SUZANNA KEITH
JOSEPH A. SACK
Councilmembers

ABSENT: RICHARD FILIPPI
CATHERINE F. PARKER
Councilmembers

Prior to the meeting an attorney/client meeting was held. A quorum of the Council was not present to conduct an official Executive Session.

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 next budget workshop will be on November 30th. The public hearing on the budget will be on December 7, with the final vote on the 2012 Budget scheduled for December 21st.

4. Draft unapproved minutes of the regular meeting of the City Council held November 2, 2011

Councilwoman Gamache made a motion, seconded by Councilwoman Keith and unanimously carried, to approve the minutes of the regular meeting of the City Council held on November 2, 2011, as submitted.

5. Presentation of the Citizen's Budget

Paula Schaefer, representing the Finance Committee, said the Citizen's Budget Report was prepared by City staff at the request of the Finance Committee to provide a streamlined

version of the proposed 2012 budget in order to have an informed public. The Finance Committee will provide their full view on the proposed budget in conjunction with the public hearings. She provided the following highlights of the 2012 budget:

- Revenues budgeted in 2012 are \$30 million, or 2.2% over the 2011 adopted Budget of \$29.4 Million.
- Expenditures are \$30 million, up \$120,000 or 0.4% from the 2011 adopted Budget of \$29.9 Million.
- There is no capital included in the proposed budget except for street repairs that are funded from other sources.
- The tax cap legislation has an impact on how much taxes can be increased without adopting a tax cap override. The budget presented would require an override of the tax cap.

Ms. Schaefer added that the Finance Committee is in support of the proposed amendment to the City Charter with respect to Charter Debt Limits for disaster bonding and also of the proposed changes to the Financial Policy that will be considered at public hearings on December 7th.

The entire Citizen's Budget Report will be posted on the City website.

6. Mayor's Management Report

- Legal Update

Corporation Counsel Kristen Wilson reported on the following matters:

- *Panetta v. Planning Commission* – Judge Colangelo rendered a decision dismissing the petition. Petitioner has appealed the decision and requested that the Supreme Court Judge who dismissed the petition conduct a conference on the matter.
- *Highland Hall Tenant's Association v. City of Rye, et al* – Judge Zambelli has granted the County an extension of time to file a Motion to Dismiss.

7. Public Hearing to add a proposed Local Law to prohibit the use of plastic bags by Rye Merchants

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

Councilwoman Keith said that the proposed law has good public support and is based upon a nation-wide best practice analysis. The ban would prohibit single-use disposable bags used for every day shopping. She said the City could be the first community in Westchester to enact such a law. Sara Goddard of the Sustainability Committee gave a presentation regarding: plastic bags and their effect on the environment; other communities that have adopted similar legislation and their experience; and the intended purpose of the City's proposed local law.

Several members of the public commented on the proposed local law. *Olivia Dabinett, Jonathan Cunitz, Jordan Christiansen, John Grieco, Christine Siller, Lee Sandford and Melissa Grieco* (who also read a prepared statement from *Rene Drummond*), all spoke in favor of the proposed local law and its benefits to the community and urged the Council to adopt it. *Jerry and Martha McGuire of the Post Road Market* both said they supported the law but asked if it could be amended to make an exception for plastic bags used to transport take-out food orders. Ms. Goddard offered to sit down with Deli owners to address their concerns and share how other communities who have adopted a ban have addressed the issue.

The public hearing was kept open until the next meeting.

8. Residents may be heard on matters for Council consideration that do not appear on the agenda

Jordan Squires, Theodore Fremd Avenue, spoke in favor of putting a stop sign at the intersection of Midland Avenue and Palisade Road. He said the decision should be based on the behavior of children and not on the advice of experts.

Bob Zahm, 7 Ridgewood Drive, said he was glad to see the work starting on the Old Post Road Bridge. Later in the meeting Mr. Zahm asked if the City would be doing the usual private sidewalk work where residents can take advantage of the City's contract price, since there was no money in the proposed budget for sidewalks. City Manager Pickup said that a sidewalk contract would not include city sidewalk work, but the private work for abutters would go on as usual.

Ray Tartaglione said he wanted to make a presentation to the Council about illegal building he claims was done at a house owned by the Mayor. Deputy Mayor Gamache said that unless Mr. Tartaglione's presentation was City business it was not appropriate for him to present it to the Council.

Jim Amico, 350 Midland Avenue, spoke about the issue of a stop sign at the intersection of Midland Avenue and Palisade Road. He referred to another location in the City where a stop sign was erected to slow traffic after it was requested by a resident and the implementation of the Post Road Diet near the High School. He said the Council directed the City Manager to put up a stop sign at the intersection and accused the City Manager of disregarding their orders. Mayor French said that Midland Avenue is a County road and the City is waiting to hear back from the County. The City Manager will report back to the Council at that time.

9. 2012 Budget Review: Police Department

Police Commissioner William Connors made a presentation regarding the Police Department. He said that when preparing the department budget they prepare for the possibilities while budgeting for the probabilities. The challenge is to find a balance between the staffing and funding needed to deal with the probable and maintain the readiness to handle the possible. For 2012 the Department has submitted a basic subsistence budget with no capital projects. Because the Police Department is a service business, the bulk of the department's expenses are personnel related in order to provide adequate patrol coverage; maintain a public safety answering point; ensure adequate supervision; police special events; respond to

emergencies; conduct investigations; and, prevent and deter crime. Specialized responsibilities include the Village Patrol; Youth Liaison work; Marine Patrol; Traffic and Parking Enforcement; Counter Terrorism and Victim Assistance. The “back office” operation of the Department involves technology; scheduling; training; event planning; records management; evidence management; equipment maintenance; and accreditation. He provided a breakdown of the current staffing in the Department; explained the process of staffing squads; and how staffing levels can change during a year. He also explained the hiring process and training process for the Department and how it affects staffing levels. The Commissioner also outlined the use of overtime in the budget and factors that can increase the amount such as crime patters or reduced staffing levels. He said the industry best practice is to look at overtime as a percentage of the budget. Between 5-10% is considered a good level. The Department’s overtime percentage level is generally in the 5-6% range and is tracked by 12 categories. All overtime assignments are approved by a Lieutenant and all overtime submissions are approved by both a Lieutenant and the Commissioner. Everyone in the Department, except the Commissioner and one other person, is eligible to receive overtime for any time they work over eight hours a day, five days a week. The Commissioner also provided an overview on the work done by the Auxiliary and Marine Units and shared services with other municipalities and organizations. The final part of the presentation dealt with enforcement. He showed a chart comparing the number of moving violations issued in 2010 with the first three quarters of 2011. He said that the number of summonses issued can be influenced by such things as staffing levels; community tolerance; economy related factors; and the labor relations climate. He added that the issuance of a traffic violation is ultimately at the discretion of the officer and that State law prohibits the establishment of quotas. He said that there are items that would help the members of the Department do their jobs better, but he understands that there is no money and, therefore, they are looking into other funding sources. City Manager Pickup said that there are no additional changes proposed for staffing of the Police Department in the 2012 budget and the real increases in the proposed budget are related to pension and benefits.

10. Consideration to set a Public Hearing to adopt the revised City of Rye Financial Policy and a revision to the Rye City Charter

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

WHEREAS, the Council wishes to adopt a revised City of Rye Financial Policy; and

WHEREAS, it is now desired to call a public hearing on such revised Financial Policy, 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 7, 2011 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 revised Financial Policy.

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 revision to the City of Rye Financial Policy.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 7th day of December, 2011 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 revise the City of Rye Financial Policy.

Copies of said revised policy may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: November 25, 2011

ROLL CALL:

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

The Resolution was adopted by a 5-0 vote.

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

WHEREAS, the Council wishes to amend Article 21 “Financial Procedures” of the City Charter of the City of Rye to address the issuance of bonds for use in natural disaster reconstruction efforts; 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 7, 2011 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 Amend Article 21 “Financial Procedures” of the City Charter of the City of Rye, to address the issuance of bonds for use in natural disaster reconstruction efforts.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 7th day of December, 2011 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 amend Article 21 “Financial Procedures” of the City Charter of the City of Rye to address the issuance of bonds for use in natural disaster reconstruction efforts.

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

Dawn F. Nodarse
City Clerk
Dated: November 25, 2011

ROLL CALL:

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

The Resolution was adopted by a 5-0 vote.

11. Consideration to set a Public Hearing to amend the City of Rye Charter for the creation of a Public Safety Commissioner to head the Police Department and the Fire Department reporting directly to the City Manager

City Manager Pickup said that the City has begun looking at the operational structure of the Fire Department to determine if there was an opportunity to make changes in the management structure. A proposal was made based on past studies of the Fire Department as well as looking at other operational structures in Westchester that have a combined Public Safety Commissioner who is ultimately responsible for the operation of both Police and Fire. There would still be a continuation of the role of the Chiefs and Board of Wardens. Going forward, the City will have to look at different operating models in order to be more efficient and continue to deliver services. The details will be worked out in terms of fire inspection and the role of the Chiefs and the Board of Fire Wardens and, if approved, a new Civil Service title will have to be created for the City of Rye. A suggestion was made that an additional budget workshop should be added for December 5th to discuss issues related to the Fire Department. This City Manager was asked to provide information regarding proposed cost savings and the impact on the budget.

Richard Barber spoke on behalf of the Board of Wardens. He requested that the Council not set the public hearing at this time and wait until after the Fire Department budget workshop to determine if the proposed change would benefit the City and the Fire Department. He said he believed it would take away all of the powers of the Board of Wardens and the Chiefs.

The Council deferred setting a public hearing until after a Fire Department Budget Workshop.

12. Home Rule Resolution supporting S5902(Oppenheimer)/A8556(Latimer) extension of the City of Rye Hotel Occupancy Tax
Roll Call.

City Manager Pickup said that the original legislation for the Hotel Occupancy Tax had a sunset provision and the City must pass a Home Rule Resolution as part of the process to extend the legislation until September 2015.

Councilman Jovanovich made a motion, seconded by Councilwoman Keith, to adopt a Home Rule Message supporting S5902 (Oppenheimer)/A8556 (Latimer) extending the City of Rye Hotel Occupancy Tax until September 1, 2015.

ROLL CALL:

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

The Resolution was adopted by a 5-0 vote.

13. Miscellaneous Communications and Reports

Mayor French reported that the Rye Town Park Commission is looking to have a community forum on January 7th. The Mayor said he has met with the consultant regarding the Town of Rye dissolution study, but it will take a couple of years before anything could happen. The problem piece is the Rye Neck section of the Town of Rye.

14. Old Business

Councilwoman Keith asked for updates on the following topics:

- Flood mitigation efforts – City Manager Pickup said he had hoped to bring the City’s consultant in for the December 7th Council meeting to update on the FEMA grants and the Sluice Gate project. In connection with the Sluice Gate, Mayor French said the Rye Brook Planning Commission would be meeting on December 8th and the project would go to the Village Board on December 13th. The Town of Harrison has asked to comment on the project.
- Black Bass Grill – Corporation Counsel Wilson said she would follow up with the attorneys for the property for an update on the asbestos removal.
- Central Avenue Bridge – City Manager Pickup said he would provide an update at the next meeting.
- Stop sign issue – City Manager Pickup said he asked the City’s engineers to provide a preliminary design to share with the County because a County work permit is required to install a stop sign in a County road. The County provided feedback, but has not provided a final position, which may not come. The Council will have to make a decision about what they want to do going forward. Mayor French said he was not ready to move forward until the Council received a comprehensive report on the issue.

In connection with the 2012 proposed budget, Ms. Keith said she believed the Council should offer the public the rationale for what cutting \$700,000 or \$450,000 would mean in terms of changes to the City. Mayor French said that the City Manager has submitted his budget and Councilmembers should provide him and Comptroller Gribbins with their theories of where there might be opportunities to cut the budget. City Manager Pickup said there were very few things that could be done to achieve that amount of savings in 2012.

15. New Business

Mayor French said he believed the City should consider establishing a volunteer position of a Public Information Coordinator.

Mayor French and Deputy Mayor Paula Gamache noted that they would both be out of town during the next week. Corporation Counsel Wilson said that the Council must designate someone to serve as Acting Mayor during that time.

Mayor French made a motion, seconded by Councilwoman Gamache, and unanimously carried to appoint Councilwoman Suzanne Keith as Acting Mayor for the period November 19 through November 27, 2011.

16. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilwoman Keith and unanimously carried, to adjourn the meeting at 12:27 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk