

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on January 25, 2012 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT (Arrived at 7:23 p.m.)
RICHARD FILIPPI
PETER JOVANOVIICH
SUZANNA KEITH (Arrived at 7:16 p.m.)
CATHERINE F. PARKER
JOSEPH A. SACK (Arrived at 8:06 p.m.)
Councilmembers

ABSENT: None

Fire Department Workshop

Mayor French began the workshop portion of the meeting by saying that he and City Manager Pickup have had discussions with the Chiefs, Board of Fire Wardens and Fire Department personnel to look at the structure of the Fire Department. He said the workshops are designed to find areas where the department can become one entity going forward. City Manager Pickup said that he has been having discussions with the Board of Wardens and additional language has been drafted regarding proposed changes to Article 13 of the City Charter.

Members of the Fire Department who participated in the workshop included Richard Barber, Peter Donahue, representing the volunteers, and John Castelhana, representing the paid firemen.

There was a discussion about the proposed changes to Article 13, whereby the Board of Fire Wardens will report to the City Manager. City Manager Pickup said the changes codify what has been done and clarify the responsibilities. The Board of Wardens has voted to support the proposed draft. The change will be brought back to the Council and a public hearing will be held. It was suggested that a flow chart be created comparing what is current to what is proposed to clarify the reporting structure. The paid firemen are concerned because there will be no one in a direct supervisory position at the end of March when the current Lieutenant/Fire Inspector retires. City Manager Pickup said the City has also been looking at other types of management structures that might be available within the department. He said there is validity to the concerns about creating a management structure for oversight, but said that a temporary appointment for up to six months could be made under Civil Service while a permanent solution is discussed. A full-time management position in the Fire Department is only funded through the first three months of the year and any change would require a change in appropriations.

Councilwoman Parker reported that she and Councilman Sack had volunteered to work on a report on the Fire Department. They have met with Captain Barry Nechis of New Rochelle, who has provided them with his analysis of the department, and will report back to the Council after speaking with volunteers and professional staff. There was a discussion among the Council

about who should be speaking with the volunteers and professional staff to obtain feedback about any structural changes to the management of the department and reporting back to the Council. It was also suggested that there should be a community discussion about the strategic role of the Fire Department going forward. City Manager Pickup referred to the report prepared by Captain Nechis and said that there are many factors that must be considered when evaluating a Fire Department. Mayor French said he would be in favor of Councilmembers Parker and Sack, City Manager Pickup and Captain Nechis discussing options for the department and reporting back to the Council.

Captain Nechis said that his report was a summary of what he had discussed with Councilmembers Parker and Sack. He said he has evaluated many fire departments and said the City has an opportunity with the retirement of the Fire Inspector to make changes, but said there is a state mandate to have someone who can do fire inspections. He said it is preferable for fire inspections to be done within the Fire Department rather than the Building Department. He said he had reviewed an Insurance Service Office (ISO) report and said that Rye has deficiencies in personnel; training; record keeping, equipment and supervision that must be addressed. He said a Public Safety Commissioner would be a purely administrative position, not a field position such as Fire Inspector, and could add to budget concerns. He said that New Canaan, Connecticut had created the position of Assistant Chief that had freed up the Chief to concentrate on recruitment of volunteers. He added that since the City had been discussing eliminating the Fire Inspector position, it could apply for a SAFER grant that might fund the Assistant Chief position for two years. City Manager Pickup said the grant would be a short-term solution and said the City must look at options such as the IMA with the Harrison Fire Department to determine if there are similar opportunities for shared responsibilities.

Mayor French summarized the discussion as follows: (1) legislation to amend Article 13 of the Charter will come back to the Council for a public hearing; (2) a report will be given by the City Manager in terms of interim steps to be taken upon the retirement of the Fire Inspector; and (3) a long-term report will be submitted to the Council with recommendations for structural changes to the department from Councilmembers Parker and Sack and the City Manager.

The workshop ended at 8:17 p.m. and the regular meeting began at 8:25 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 about upcoming community events.

4. Draft unapproved minutes of the regular meeting of the City Council held January 11, 2012

Councilman Jovanovich made a motion, seconded by Councilwoman Keith and unanimously carried, to approve the minutes of the regular meeting of the City Council held on January 11, 2011, as submitted.

5. Mayor's Management Report

- Update from the Rye Cable and Communications Committee

Steve Fairchild, Chairman of the Rye Cable and Communications Committee said the mission of the Committee was to foster community communication through the use of the City's public media facility. In 2011 the Committee engaged in activities to fulfill their mission such as:

- Redirecting the focus on outreach to not-for-profits by holding an open house in the studio, development of the community calendar and meetings with the Not-for-Profit Council;
- Increasing cooperation with local print and web journalists;
- Meeting with the Police Commissioner regarding the Nixle program and producing a PSA to increase resident awareness;
- Prepared a promo about Rye TV's capabilities that encouraged citizens to volunteer;
- Worked towards reestablishing the Friends of RCTV as a not-for-profit group;
- Reviewed new technologies and protocols. Going forward the Committee will be focusing on updating procedures and policies for dealing with the new technologies.

Mr. Fairchild was asked about the use of public access channels. He said the Public Access Channel is for public comments and everyone who lives or works in Rye can put something on these channels as long as it is not lewd, libelous or trying to sell something. The City website is considered a curated site and is not for public comment. A new website will stream live everything on public access. The Committee is looking into what the exposure is when things are put on the web. It was suggested that the Committee consult with the Corporation Counsel as well.

Mayor French said he would like the Committee's comments on the creation of a volunteer Public Information Coordinator, who would use a standard FAQ template to provide information to the press and the public on specific issues, based on feedback from city staff.

- Discussion of the Strategic Workshop Agenda

Mayor French said the objectives of the Strategic Workshop would be to look at capital initiatives of the City, Council priorities for the City Manager, and department priorities in order to come away with a clear consensus of the City's priorities. City Manager Pickup said he has received feedback from department heads and has an update to current legislative initiatives. He said other issues to be discussed would be issues related to a potential bond and to set the Council's goals and objectives for the year in order for staff to have the time for research and planning. Most of the workshop will be in public session but there will be some issues discussed in executive session. There was a discussion about televising the meeting and possibly moving the location of the meeting from Whitby Castle to City Hall.

- Update on the Flood Mitigation Sluice Gate Project

City Manager Pickup said the site plan approval process has been completed in Rye Brook and the project now has 100% approval for local jurisdictional issues. The City is at the point where bid specs will be reviewed with Harrison and Rye Brook and then the project will be put out to bid. The project will come back to the Council when bids are ready to be awarded. He and David Weiss of WSP Sells have updated the proposal and believe that when the bids come back there might be some additional flexibility. If the City is not able to secure the FEMA funding for the soil study by the time the contract is awarded and the on site work begins, a contract modification could be done in order for an initial soil and rock survey on the upper pond to be done at the same time.

- Update on Complaint against Mayor French

Mayor French provided an update on issues related to the rental property he owns. Forty years ago the prior owner converted the property from a two-family to single-family home. He is working with the Building Department to legalize the work done by the previous owner. He is also working to resolve the issue relating to the STAR exemption error. Full restitution has been made to the County in terms of the amount owed, plus penalties. Ray Tartaglione from Purchase has made a complaint against the Mayor, City Manager, Corporation Counsel and City Assessor as well as claims of conflicts of interest with the Board of Ethics. Mayor French has asked Councilman Jovanovich, as Deputy Mayor, to refer the matter back to the Board of Ethics, a Board that has traditionally been comprised of people who have been City Council members.

Councilman Jovanovich said he has been speaking with the other members of the Council and asked for their feedback, which included:

- The Code of Ethics exists for the purpose of resolving complaints of improper conduct by city officials or city staff and the issue should be referred back to the Board.
- The current Board that consists of prior city officials who were appointed prior to the issue arising and were appointed because they have the public's trust. They have the ability to determine if they have a conflict of interest.
- There is a difference between actual and apparent conflict of interest.

- The membership of the Board should be expanded and names of other community members who could be appointed should be circulated between now and the February 9th meeting. Board members should not be former elected officials.
- Stick close to what is in the Charter and make sure there is a clearly defined question sent to the Board of Ethics.
- This issue is a major distraction and will continue until the issues are addressed and disposed of in a credible way.
- There should be an independent person in charge of determining the facts, possibly an outside attorney.
- It is up to the Board of Ethics to decide if they need to recuse themselves.
- The question for the Board of Ethics is whether the issues that came to light were treated differently by city staff because they arose with regard to property owned by the Mayor.

Councilman Jovanovich said he had written a letter to the Board of Ethics requesting that the Board determine:

- Did Mayor French seek or receive preferential treatment by City employees in the granting of STAR exemptions for his properties at 13 Richard Place and 46 Meadow Place.
- Did Mayor French seek or receive preferential treatment by City employees in the manner the City and its Building Department handled a complaint regarding a potential violation of the building code at 13 Richard Place.

Councilman Jovanovich gave a copy of the letter to the City Clerk and asked her to deliver it to the Board of Ethics.

Ray Tartaglione said that he was in the process of amending his original complaint. He said the City should get a board from outside the City of Rye to investigate the issues and said it should not be referred back to the Board of Ethics because they cannot be unbiased. He added that his issues are real, not a “fishing expedition” and should be looked at.

Jim Amico agreed that the Board of Ethics should be expanded possibly to include back up members and concurred with the opinion that the complaint was not a “fishing expedition”.

- Legal Update

Corporation Counsel Wilson reported on the following matters:

- *Butler v. Planning Commission* – The City filed papers last week in connection with this Article 78 proceeding, which seeks to challenge the Planning Commission’s authority to modify a previously approved subdivision.
- *Tax Relief* – At the last meeting the City opted into State legislation regarding property tax relief from Hurricane Irene and Tropical Storm Lee. This relief is separate and apart from the normal ability of property owners to grieve their taxes. The filing deadline for the State legislation process is March 8th and for the regular grievance process is June 1st.

City Manager Pickup provided an update on:

- Black Bass Grill - 2 Central Avenue – The City has received an updated document from the State Department of Labor granting the contractor the special treatment he requested in terms of how the material would be removed. All of the barriers to removal of the structure in terms of permitting have been removed.

Agenda item 10 was taken out of order.

6. 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 Resolution that the Council adopted in November must be adopted again because the legislation to extend the City of Rye Hotel Occupancy Tax will not be considered until this year.

Councilman Jovanovich made a motion, seconded by Councilman Filippi, 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 Brett, Filippi, Jovanovich, Keith,
Parker and Sack
NAYS: None
ABSENT: None

The Resolution was adopted by a 7-0 vote.

7. Consideration of a Resolution of acceptance for a grant from the New York State Department of Environmental Conservation for reimbursement for equipment purchased by the Department of Public Works

City Manager Pickup said this was an opportunity for the City to receive additional money to replace the recycling truck in order to improve the efficiency of the recycling operation. If the City receives the grant it will have to match the amount received. At this point, the Council is only being asked to approve the application for the grant.

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

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, the City of Rye herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE, BE IT RESOLVED by the Rye City Council:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That George Mottarella is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and Recycling Project.
4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to a joint Municipal Waste Reduction and/or Recycling Project.
5. That this resolution shall take effect immediately.

ROLL CALL:

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

NAYS: None

ABSENT: None

The Resolution was adopted by a 7-0 vote.

8. Discussion regarding appointments to the Conservation Commission/Advisory Council

Mayor French said that there are currently only four people serving on the Conservation Commission/Advisory Council (CC/AC) and there should be seven, so there is some urgency in finding additional people to serve. The bulk of the CC/AC's responsibility is to advise the Planning Commission on wetland permit issues, which is labor intensive work. Councilman Jovanovich, who also serves on the Planning Commission, says that the work done by the CC/AC takes a certain level of expertise and professionalism. A suggestion was made that the work of the CC/AC could be taken on by the Sustainability Committee and the Flood Advisory Committee. Corporation Counsel Wilson said that this would require changing the Code and setting up a mechanism for reviewing applications before the Planning Commission. Another suggestion was made that members of the Flood Advisory Committee and Sustainability Committee could be put on the CC/AC.

9. Acceptance of Grant Award from Governor's Traffic Safety Committee in the amount of \$2,680 for participation in the "Selective Traffic Enforcement" program

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

RESOLVED that the City Council hereby authorizes the City Manager to enter into an Agreement with the County of Westchester to accept the 2011-12 Selective Enforcement for Traffic Safety (STEP) Grant.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

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

Arthur Stampleman, 720 Milton Road, read a statement asking the Council to work with the County to restore bus service between Port Chester and Milton Point in Rye. He said a letter should be sent to the County Executive stating that residents of Rye require the Route 76 bus or an expanded Route 13 bus. Mayor French said he had written to County Executive Astorino asking him to restore the Route 76 bus and, if not, to explain why not and what was the rationale behind the decision. Councilwoman Parker read a letter she had prepared from the entire Council to be sent to the County Executive seeking reinstatement of bus service. *Joe Murphy* said that taking away the bus service was disrespectful to Rye.

Ray Tartaglione said that comments he had made about something on U-Tube had been removed and he had sent emails to the City's Cable Access Coordinator, the Cable Committee and the City Council asking why that had been done. He said he had not received a reply.

Jim Amico, 350 Midland Avenue, read a prepared statement from his wife Maggie about the issue of a stop sign pilot at the corner of Midland Avenue and Palisade Road. Mr. Amico said that he has been doing his own investigation and has gathered information from the State and County regarding the stop sign issue and asked that an item be placed on an upcoming agenda to discuss it. He also said he had sent emails to Mayor French, City Manager Pickup and Commissioner Connors requesting a meeting about construction issues and had not received a response. It was suggested that he address his concerns with the Traffic and Pedestrian Safety Committee.

11. One appointment to the Finance Committee for a three-year term, by the Mayor with Council approval

Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried, to appoint Julia Killian to the Finance Committee for a three-year term, expiring on January 1, 2015.

12. Two appointments to the Landmarks Advisory Committee for a three-year term, by the Mayor with Council approval

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to appoint Sherri Jordan and Karen Yannett to the Landmarks Advisory Committee for three-year terms, expiring on January 1, 2015.

13. One appointment to the Rye Playland Advisory Committee for a three-year term, by the Mayor with Council approval

Councilwoman Parker made a motion, seconded by Councilman Filippi and unanimously carried, to appoint Jerry Bourkney to the Rye Playland Advisory Committee for a three-year term, expiring on January 1, 2015.

14. Miscellaneous Communications and Reports

Councilwoman Keith reported on the following matters:

- The “No Texting Pledge” was recirculated to the Council. Support of the pledge should also be sought from the Safe Routes Committee and Board of Education.
- The Complete Streets Resolution, originally scheduled to be brought back to the Council next month, will be postponed until after the Capstone Team makes their presentation in April.
- The Shared Roadways Committee, which is a temporary Committee, is looking for other ideas to take on.
- The Sustainability Committee has done an Eye on Rye program on the plastic bag law.
- On April 23rd a “No Idling Day” will be held in cooperation with Mamaroneck and Larchmont. (City Manager Pickup said that the Corporation Counsel is looking at the legal issues involved in the enforcement of non-idling on private property.)
- Thanks to Pam Fazzino and the Department of Public Works for their help in compiling information about the City’s carbon footprint.

Councilwoman Parker said that she has received emails and calls regarding a surcharge for Rye Golf Club members requiring that minimum amounts be spent at Whitby Castle. She said people are very upset that there was no dialogue with the membership before the change was implemented. There was a suggestion that a member of the Golf Commission should be asked to

attend a Council meeting and a meeting of the Seniors Group to explain the reason for the imposition of the minimum.

15. Old Business

Mayor French said that by the end of the week he hopes to set up a meeting with the Board of Education regarding capital improvements.

Councilwoman Keith asked for an update on the Central Avenue Bridge. City Manager Pickup said that the City will not ask for a change in the budget. The City has been required to resubmit the Construction Management Plan and the final design plans. Mayor French said he would draft a letter to be signed by the entire Council and sent to Assemblyman Latimer, Senator Oppenheimer, the Lieutenant Governor and Secretary of State asking for their help in getting final approval for the project.

Councilman Sack said that the City Manager has proposed restructuring of the Fire Department and he believes every Councilmember should be able to speak to people in the community about the proposal. He and Councilwoman Parker will continue that process and will share whatever they learn with the rest of the Council and the City Manager and he welcomes anyone else who wants to participate in the process. Mayor French said he believed the report to the Council should come from the City Manager. Councilwoman Parker suggested that she and the City Manager should meet and discuss the process.

16. New Business

Mayor French asked about releasing the latest Police enforcement statistics. City Manager Pickup said they will be posted. The Mayor also asked about the \$20,000 grant money given to the City by the YMCA. The City Manager said staff is working with Gregg Howells of the YMCA on a project to stripe Forest Avenue.

Councilman Filippi suggested that emails be sent out prior to commuter parking renewal season reminding people. City Manager Pickup said that many reminder emails had been sent and people still missed the deadlines.

17. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the meeting at 11:30 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

