

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on October 10, 2012 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT (arrived at approximately 8:45)
RICHARD FILIPPI
JULIE KILLIAN
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: PETER JOVANOVIICH, Councilman

The Council convened at 7:35 p.m. Mayor French made a motion, seconded by Councilwoman Parker and unanimously carried, to immediately adjourn into executive session to discuss Rye Golf Club and Boat Basin personnel issues. Mayor French made a motion, seconded by Councilman Sack and unanimously carried, to adjourn the executive session at 8:23 p.m. The regular meeting convened at 8:27 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

The County is ready to announce its recommendations regarding Playland. It was suggested that the City Manager attend the next Rye Town Park Commission scheduled for October 16th. Announcements were also made regarding various upcoming meetings and events in and around the community.

4. Draft unapproved minutes of the regular meeting of the City Council held September 12, 2012

Councilman Filippi made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the regular meeting of the City Council held on September 12, 2012, as submitted.

Agenda Item 8 was taken out of order.

5. Mayor's Management Report

- Update on outstanding union contracts

This item was deferred.

- Rye Golf Club Update

Mayor French said that the City has a four point strategy on how to address issues at Rye Golf Club:

- *Operations.* An independent accounting audit firm has been hired to look at the operation. City Manager Pickup said issues were raised at the joint meeting in June and since then staff have been working on operational concerns. There are currently issues that have raised more immediate concern such as payments to temporary staffing agencies. The CPA firm of Reda, Romano & Company has been engaged to do initial financial work, with a recommendation and review within a 30-day period
- *City Policies regarding Conflict of Interest and Financial Disclosure.* The City is reviewing the policies with respect to public officials, City employees and Board members. Corporation Counsel Wilson said she has drafted a proposed Financial Disclosure Statement for categories of officials and employees within the City that would be filled out every year, with the information kept confidential. It is hoped that this will be accepted and approved by the Council in order to be in effect by January 1, 2013. It will require modifications to the current Code of Ethics regarding conflicts of interest.
- *Should the City be running Whitby Castle.* The City should look into this and possibly issue an RFP to determine if the City should continue to operate the Castle. A subcommittee of people will be put together with expertise in managing clubs and municipal finance as well as Golf Commission members in order to provide a strategy for putting together an RFP and making recommendations.
- *Employee Conduct.* City Manager Pickup said that the General Manager of the Golf Club is on Administrative Leave for 30 days. An active investigation is underway. Corporation Counsel Wilson said the Police Department is investigating the matter with the assistance of outside professionals.

Mayor French added that the Golf Club Commission's role is advisory and they do not get involved in the day to day operations of the Club.

Several members of the public addressed the Council on the topic. They included: *John Duffy, Gary Ahlert, Anthony Piscionere, Linda Lefkowitz, Chris O'Brien, Sis D'Angelo, Leon*

Sculti, Mack Cunningham, Bob DiMaggio, Al Vitiello, Ted Carroll, Doug Millar and Mike Wing. A lengthy discussion of the topic ensued with issues being raised about the City Manager's involvement in conducting the investigation; the City Council conducting the investigation through its powers in the Charter; the need for an independent auditor; conflict of interest, accountability and transparency at the Club; bringing the District Attorney into the investigation; using a professional services contract as opposed to issuing an RFP to engage RM Staffing; input the Golf Commission would have in terminating the General Manager; the possibility of hiring an outside agency to conduct an investigation instead of the Police Department; the policy of tips not going to the wait staff; the makeup of the subcommittee that will develop an RFP regarding operation of the club going forward; management of the City; and setting parameters of the investigation.

There was a discussion among the Council regarding the necessity of the Council taking control of the investigation. Councilman Sack suggested the Council should vote on taking over the investigation and that the accounting firm that has been hired should be put on hold until the Council decides who should do the audit. Corporation Counsel Wilson said that the City cannot force the Division of Public Integrity of the District Attorney's Office to conduct an investigation. It is their decision, based on the facts provided to them, whether they would rather have the Police Department conduct the investigation or if they want to do the investigation themselves. Ms. Wilson also advised that since the investigation involves someone in a Civil Service position the Council might want to seek the advice of Labor Counsel before adopting a motion. She suggested the Council adjourn into executive session to contact him.

Councilman Filippi made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn into executive session to contact Labor Counsel.

Councilwoman Parker made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the executive session. The regular meeting reconvened at 11:03 p.m.

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

RESOLVED, that the City Council of the City of Rye declare itself the lead investigative body of the recent events at Rye Golf Club, and that the City Council will work in conjunction with Labor Counsel and law enforcement, as appropriate. Pursuant to that, the City Council will make its own determination as to any professional auditors or advisers that the City may retain.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote

The Council will hold a special meeting on Saturday, October 13th at 9:00 a.m. in the Mayor's Conference Room to further discuss the issue.

- Legal Update

Corporation Counsel Wilson reported on the following matters:

- *Rye Town Park and the Town of Rye v. The City of Rye* – The matter is fully submitted. There are two motions for summary judgment pending before Judge LaCava.
- *Butler v. Mathisson, et al* – The Planning Commission has indicated they would like to perfect the appeal of the Amended Decision of Judge Lorenzo that found that the Planning Commission acted outside of their authority. The recommendation is to coordinate the appeal in conjunction with the Mathissons. The Council must authorize this action.

6. Summary of the 2013 Budget Process and Consideration of setting the 2013 Budget Workshop schedule

Councilmember Killian made a motion, seconded by Councilwoman Parker and unanimously carried, to adopt the following Resolution:

RESOLVED, that the City Council hereby approves the Budget/Workshop Schedule as submitted by the City Manager:

November 7 - Budget Presentation
November 14 – Budget Workshop
November 26 – Budget Workshop
November 28 – Council Meeting/Budget Workshop
December 5 – Public Hearing on Budget
December 12 – Budget Workshop (if needed)
December 19 – Adoption of Budget

7. Consideration to set a Public Hearing for October 24, 2012 to amend local law Chapter 31, “Police Pension Fund”, Section 9, Accrual and Payment of Pensions, to increase the payment amount for the sole recipient of the fund

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

WHEREAS, the Council wishes to amend Chapter 31 “Police Pension Fund”, §31-7 “Payments from fund” of the Code of the City of Rye; 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 October 24, 2012 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 Chapter 31 “Police Pension Fund”, §31-7 “Payments from fund” of the Code of the City of Rye, to increase the annual sum to a widow by the cost of living adjustment.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 24th day of October, 2012 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 Chapter 31 “Police Pension Fund”, §31-7 “Payments from fund” of the Code of the City of Rye, to increase the annual sum to a widow by the cost of living adjustment.

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

Dawn F. Nodarse
City Clerk
Dated: October 17, 2012

Agenda Item 8 was taken out of order prior to Agenda Item 5.

8. Update on the Kirby Lane South Sanitary Sewer Special Assessment District project including final steps and close-out process

City Manager Pickup said that similar to what was done for the apportionment at the conclusion of the Kirby Lane North sewer project, costs will be laid out and public meetings will be held in order to offer residents an opportunity to pay in a lump sum or over a period of time. A meeting will be held on October 30th to review the preliminary information with the neighbors and there will be updates from the Engineer relating to the costs of the installation and concerns regarding the pump station. After residents determine how they wish to pay, the Council will have to go forward with bonding. At this point, the project has come in slightly under the bid budget and it is now up to the homeowners to make their individual connections. City Councilman Sack noted that the residents of Kirby Lane North have expressed their concerns that they were assessed the costs of certain infrastructure as part of the Kirby Lane North sewer project that will now benefit the residents in the Kirby Lane South Assessment District. There is concern that the residents of the newer sewer project will not be paying their fair share of the improvements. Mr. Sack asked how the issue would be addressed. City Manager Pickup said that there was an engineering aspect to the issue that is still to be determined regarding design, impact and utilization before a decision can be made regarding a fair share. Mayor French said that the Council is open to looking at the issue.

Several residents spoke on the topic. *Richard Slack, Richard Runes and Isobel Perry* (who read a letter on behalf of *David Cuttner*) all residents of the Kirby Lane North Sewer District, said that residents of the Kirby Lane South Sewer District should share in the costs of infrastructure that was built for the Kirby Lane North project but is now being used jointly by the Kirby Lane South project. They stressed the fact that Kirby Lane South had been included in the original project plans and then had opted out of the project, and that it is only fair that they should now share in the costs they would have originally shared in. *Eugene McGuire* a resident of the Kirby Lane South Sewer District said that the second project is not Phase II of the original project because it is a different type of sewer system than the Kirby Lane North system. The only reason that the Kirby Lane South sewer had to hook into the Kirby Lane North pumping station is because it is there. If it was not there the Kirby Lane South sewer would not need the pumping station.

City Manager Pickup said that the Engineer will be at the October 30th meeting and can address questions. He said that there are also issues related to the Special Assessment District law that would affect how a shared arrangement would work since an apportionment of costs has already been done for the earlier project. Research will have to be done on how changes could be made.

9. Consideration of request to remove a handicapped parking designation on Orchard Avenue

City Manager Pickup said that the recommendation to remove the handicapped parking designation came from residents of Orchard Avenue. The family that originally requested the designation of the handicapped space has moved and the space is no longer required. Corporation Counsel Wilson noted that under the City Code the City Manager has the ability to do this administratively.

10. Discussion of the dissolution of defunct City of Rye Boards and Committees

This agenda item was deferred.

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

Jim Amico asked about the recommendation regarding the temporary Stop Signs at Midland Avenue and Palisade Road. City Manager Pickup said the Chairman of the Traffic and Pedestrian Safety Committee is waiting for feedback from committee members regarding the draft recommendation. Mr. Amico also urged the Council to fund afterschool crossing guards for the High School/Middle School area.

Jordan Glass, Esq., representing HealtheHarbor.com, read a statement regarding training for politicians in the time of Aristotle and said the City Council should have worked to prevent three illnesses that occurred in nearby communities. He said the Council should think about their role and what impact their activities will have on the future. *Ray Tartaglione* spoke about mosquitoes on Hen Island and positive West Nile Virus results within several miles of Hen Island. He said the City should have taken action on Hen Island to reduce exposure to West Nile Virus. City Manager Pickup said the County had reinspected Hen Island in September and made no recommendation for further action. Councilman Sack said he would like representatives of the County to come to a City Council meeting.

Mack Cunningham spoke about several issues:

- County determination on Playland. A neighborhood concern is that a Field House will be put up on the north side of the parking lot. The neighborhoods in the area will be impacted by what happens at Playland and the Council should be proactive on behalf of the residents.
- Safe Routes Grant application. The City did not receive state funding for similar projects on a prior grant application because it had already started work on the Boston Post Road Diet. The City should look to the current application for the opportunity to fund crossing guards.
- Update on the Sluice Gate. City Manger Pickup said that the sluice gate has been installed. There are issues about the connection of power. Verification testing and acceptance testing must be done. The biggest delay was on the programming of the actuators that raise and lower the gate and the second delay was on the delivery of the gate.

Councilman Sack spoke about discussions he has had with former Councilman Cunningham about early morning garbage pickup at Rye Town Park by the Village of Port Chester. Mr. Sack asked why this cannot be changed. City Manager Pickup said that the City Engineer has looked into having the City take this over and determined that it was an issue of cost because the City does not have the same equipment as the Village of Port Chester and would have to pay a contractor to do it.

12. Consideration of a request by the Rye Merchants Association (Rye Chamber of Commerce) to close a portion of Purchase Street on Sunday, November 25, 2012 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event

Councilwoman Parker made a motion, seconded by Councilwoman Killian and unanimously carried, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby approves the request of the Rye Chamber of Commerce to close a portion of Purchase Street on Sunday, November 25, 2012 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event.

13. Miscellaneous Communications and Reports

There were no reports made under this agenda item.

14. Old Business

City Manager Pickup reported on the Central Avenue Bridge Project. The pre-construction meeting has been held and a schedule will be posted on the website when available.

Mayor French said there was a meeting of a Communications Committee regarding publicizing the Bond Referendum. A draft fact sheet is being finalized for posting on the website.

Councilwoman Killian asked if the contract with CBRE and the Lease Extension with Lester's had been signed. City Manager Pickup said that the Lease Extension, which contained a minor modification in the rent terms and additional security and an Agreement with CRBE with modifications to some of the percentages and additional protections for the City, have been signed. The City is working with CBRE on a schedule of further meetings.

15. New Business

There was no new business discussed under this item.

16. Adjournment

There being no further business to discuss Councilwoman Parker made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the meeting at 11:55 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

