

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

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI
JULIE KILLIAN
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: PETER JOVANOVIICH , 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

Announcements were made regarding various events that may be of interest to residents.

4. Draft unapproved minutes of the regular meeting of the City Council held October 24, 2012

Councilwoman Brett made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on October 24, 2012, as submitted.

5. Mayor's Management Report

- Hurricane Sandy Storm Report

In reporting on the Hurricane, Mayor French said that the good from the storm is the way Rye pulled together to help, including the Police Department, Fire Department, Department of Public Works (DPW), Not-for-Profits and neighbors. The bad is the communication from Con Ed with their customers. The restoration process was centralized and they have refused to share their prioritization with the City. The first recommendation made by the City on October 30th

was to repeat the process that was successful after Hurricane Irene of having a Con Ed customer service representative available on the street for people to come to for information. The request was denied by Con Ed. A decision was made by Con Ed not to utilize 24-hour crews, even though the City offered to provide the lighting. The City has had very little input beyond identifying the core facilities of the schools regarding how power is restored. Con Ed was asked to send a representative to this meeting but they declined. The Mayor added that the City Manager and Police Commissioner did a great job in running the EOC.

City Manager Pickup said that Con Ed has done a great disservice to their customers because they refused to show the City their infrastructure grids, as they have done previously, in order to determine the location of the feeder lines that control power to neighborhoods. The City has a good history of getting through other events and tried to share that knowledge with the County in order to help Con Ed but it was not accepted. Mr. Pickup said he believed that if the City had been allowed the access it wanted, the grid would have been restored already. The fixes that should be put in place are not massively expensive or difficult, but Con Ed has to have the will to implement the changes. He said that the City is still assessing the damage to City infrastructure from the current storm, and noted that the City is still awaiting reimbursement from FEMA for damages sustained during storms Irene and Lee last year.

Councilman Filippi suggested that a Resolution should be adopted by all communities in Westchester asking the State to pass legislation that would penalize Con Ed financially when they fail to restore power within a few days of a storm event. Councilman Sack proposed that the City refuse access to City roads to crews using Rye for staging purposes unless Con Ed has crews working in the City to restore power.

There was a lengthy discussion among residents in the audience regarding the storm and Con Ed's response in particular. Those commenting included *Peggy Dunn, David Raab, David Ruggiero, Jimmy Roberts; James Jordan, Jim Burke, Jim Amico, Mitchell Palais, John Carolin, Doug Carey, John Duffy and John Leonard*. There was great frustration expressed regarding how Con Ed is handling the restoration of power to residents; Rye being used as a staging area by Con Ed; questions regarding who regulates the company; how the Council and professional staff might advocate for residents with the Governor's Office regarding the response of Con Ed; problems with cable television service; the way the City issues mandatory evacuation orders; utilization of a "Tree Committee"; problems with generators; and the possibility of burying power lines. Thanks were also expressed to the Police Department, Fire Department and Department of Public Works for their hard work during the storm and recovery

- Legal Update

There was nothing reported under this topic by the Corporation Counsel.

There was a question raised about the Bond Referendum questions on the ballot on Election Day. Many people said they did not know the referendum questions were on the reverse side of the ballot. Corporation Counsel Wilson was asked to look into what the process would be if the City wanted to question the results of the vote.

5A. Resolution to waive the City of Rye Building Department fees for electrical repair and generator installation related to Hurricane Sandy

Roll Call

City Manager Pickup said that this is an opportunity for the Council to assist in the rebuilding process.

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

RESOLVED, that the City Council of the City of Rye hereby waives the City of Rye Building Department fees for electrical repair and generator installation related to Hurricane Sandy through June 30, 2013.

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

6. Consideration to amend the 2013 Budget Schedule

The only change from the schedule originally adopted is that the presentation of the budget by the City Manager has been rescheduled from this meeting to November 14.

Councilwoman Brett made a motion, seconded by Councilman Filippi and unanimously carried, to adopt the amended 2013 Budget Schedule as follows:

November 14:	Presentation of the Budget; Tax Cap Analysis
November 26:	Budget Workshop – Police Department and Library
November 28:	Council Meeting/Budget Workshop – Fire Department and Golf Club and Review of Council questions
December 5:	Public Hearing on the Budget; Presentation of Citizen’s Budget: 3-year budget plan
December 12:	Budget Workshop (if needed)
December 19:	Adoption of the Budget

7. Consideration to set a Public Hearing on the 2013 Budget for December 5, 2012

Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried, to adopt the following Resolution to set the public hearing on the 2013 Preliminary Budget for December 5, 2012:

WHEREAS, it is now desired to call a public hearing on the proposed 2013 budget, 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 5, 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 budget.

Section 2. Such notice of public hearing shall be in substantially the following form:

**CITY OF RYE
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held by the Council of the City of Rye on Wednesday, the 5th day of December, 2012 at 8:00 p.m. at City Hall, 1051 Boston Post Road, in said City, on the Proposed Budgets of the General Fund, Cable TV Special Revenue Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund, and Building and Vehicle Maintenance Internal Service Fund of the City of Rye for the ensuing fiscal year, January 1, 2013 through December 31, 2013, and at such time and place any person interested in said Proposed Budgets will be given an opportunity to provide written and oral comments on any and all of the aforementioned budgets.

CITY OF RYE SUMMARY OF PROPOSED BUDGETS

<u>Fund/Program</u>	<u>Proposed Budgets</u>
General Fund	\$31,706,181
Rye Cable TV Special Revenue Fund	320,453
K.T. Woods Permanent Fund	-0-
Debt Service Fund	405,242
Capital Projects Fund	390,000

Boat Basin Enterprise Fund	888,716
Rye Golf Club Enterprise Fund	6,379,621
Risk Retention Internal Service Fund	737,165
Building and Vehicle Maintenance Internal Service Fund	<u>4,158,972</u>
TOTAL - All Funds	<u>\$44,986,350</u>

Dawn F. Nodarse
City Clerk
Dated: November 23, 2012

8. Consideration to set a Public Hearing for December 5, 2012 to adopt a Local Law to override the State enacted tax levy limitation

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

WHEREAS, the Council wishes to adopt a Local Law to override the State enacted tax levy limitation; and

WHEREAS, it is now desired to call a public hearing on such proposed local 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 5, 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 override the State enacted tax levy limitation.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 5th day of December, 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 proposed local law to override the State enacted tax levy limitation.

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

Dawn F. Nodarse
City Clerk
Dated: November 23, 2012

9. Resolution to accept the \$97,500 Federal share of the FEMA Pre-Disaster Mitigation Grant LPDM-PJ-02-NY-2008-009 for the Bowman Avenue Upper Pond feasibility study Roll Call.

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

RESOLVED, that the City Council of the City of Rye hereby accepts the \$97,500 Federal share of the FEMA Pre-Disaster Mitigation Grant LPDM-PJ-02-NY-2008-009 for the Bowman Avenue Upper Pond feasibility study.

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

10. Resolution to accept the \$93,956.13 Federal share of the FEMA Pre-Disaster Mitigation Grant LPDM-PJ-02-NY-2009-002 for the installation of a generator at Rye City Hall Roll Call.

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

RESOLVED, that the City Council of the City of Rye hereby accepts the \$93,956.13 Federal share of the FEMA Pre-Disaster Mitigation Grant

LPDM-PJ-02-NY-2009-002 for the installation of a generator at Rye City Hall.

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

11. Three appointments to the Rye Golf Club Commission by the Council for three-year terms expiring January 1, 2016, one appointment for a one-year term expiring January 1, 2014, and the designation of one member to the Rye Golf Club Nominating Committee

Councilman Sack made a motion, seconded by Councilman Filippi and unanimously carried, to approve the appointment of Patrick Dooley, Chris O'Brien and Arthur Tiedemann, to the Rye Golf Club Commission for three-year terms expiring on January 1, 2016.

Councilman Sack made a motion, seconded by Councilman Filippi and unanimously carried, to appoint Terence Caffrey to the 2013 Rye Golf Club Nominating Committee.

There was also discussion of amending the rules regulating the procedures for Golf Club elections to allow the Council to appoint someone to fill an unexpired term to the Golf Commission if the membership falls below nine members.

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

There were no residents who wished to speak under this topic.

13. Old Business

There was nothing reported under this agenda item.

14. New Business

There was a discussion among the Council regarding Councilman Filippi's proposal for a Resolution regarding Con Edison reimbursing the public when power is out for longer than two days that he had suggested earlier in the meeting. The consensus of the Council was to adopt a Resolution asking the Governor and County Executive to review the performance of Con Edison and direct Con Edison to work with local communities.

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

WHEREAS, 11 days after Hurricane Sandy the City of Rye has a significant number of residents (approximately 20%) still without power; and

WHEREAS, Con Edison has a corporate headquarter located within the City of Rye; and

WHEREAS, Con Edison has used the City of Rye as a staging area to provide restoration throughout Westchester County and is using the City's infrastructure, roads and personnel to assist itself in that effort; and

WHEREAS, Con Edison has declined the City of Rye's requests for daily restoration packages and information, and, upon information and belief, the other Sound Shore communities have also had similar restoration issues; and

WHEREAS, the City has requested and Con Edison has consistently denied the following:

1. 24-hour shifts where the City would supply proper lighting;
2. Customer service representative on site in the City to answer customer-specific inquiries;
3. Daily restoration information packages;
4. Updated transformer and line information in specific areas impacted within neighborhoods in Rye;
5. Assistance in traffic and control on City streets;
6. Attendance at the City of Rye Council meeting; and

WHEREAS, the Con Edison website is inaccurate and does not reflect the true situation;

NOW, THEREFORE, BE IT RESOLVED, that the City of Rye finds that the restoration of power by Con Edison was unacceptable and calls on the Governor and County Executive to address these deficiencies and direct Con Edison to work with the City Manager to restore power immediately; and

BE IT FURTHER RESOLVED, that Con Edison be required to maintain sufficient crews on site until there is 100% restoration throughout Rye and the Sound Shore community.

Councilwoman Brett asked for an update on the Sluice Gate. City Manager Pickup said that the current problem with the Sluice Gate is with Con Edison Energy Services. There is a question of whether the lines should be put underground or overhead. After this is resolved, all the systems must be tested and accepted.

Councilman Filippi asked for an update on the Central Avenue Bridge. City Manager Pickup said that the contractor has been doing debris removal for the City relative to the storm and hopefully will be back on site soon.

15. Adjournment

There being no further business to discuss Councilwoman Parker made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn into Executive Session to discuss a personnel matter and not return into public session at 10:45 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk