

**APPROVED MINUTES** of the Regular Meeting of the City Council of the City of Rye held in City Hall on November 28, 2012 at 8:00 P.M.

PRESENT:

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

ABSENT: None

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. Presentation by Mayor and City Manager of Certificates of Public Service to members of the City staff who have served Rye for twenty-five or thirty years

Mayor French and City Manager Pickup presented awards to the following City employees:

<u>Employee</u>	<u>Department</u>	<u>Years of Service</u>
Anthony Carella	Public Works	25
Alice Evangelista	Police	25
Lt. Robert Falk	Police	30

4. General Announcements

Mayor French announced that the public hearing on the 2013 budget would be held at the December 5<sup>th</sup> and 19<sup>th</sup> meetings.

5. Consideration of a request by the Westchester County chapter of the National Alliance on Mental Illness (NAMI) to have a ribbon initiative in the Central Business District during the month of May 2013

Mayor French made a motion, seconded by Councilman Jovanovich and unanimously carried, to adopt the following Resolution:

**RESOLVED** that the City Council of the City of Rye hereby approves the request of the Westchester County chapter of the National Alliance on Mental Illness (NAMI) to have a ribbon initiative in the Central Business District during the month of May 2013.

6. Draft unapproved minutes of the regular meeting of the City Council held November 7, 2012 and the Budget Workshop held November 14, 2012

Councilwoman Parker made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on November 7, 2012, as submitted.

Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried, to approve the minutes of the special meeting/budget workshop of the City Council held on November 14, 2012, as submitted.

7. Mayor's Management Report

- Discussion and Update on the Draft Financial Disclosure Form

Corporation Counsel Wilson said she had looked at several communities that require some type of financial disclosure. It is up to the City Council to decide how broad they would like the financial disclosure statement to reach. Depending on what is decided, a change will have to be made to the Code of Ethics. A draft that includes elected officials and employees has been circulated to the Council for consideration and comment.

- Hurricane Sandy Update

City Manager Pickup reported that representatives from FEMA were in the City today to begin looking at damage on public property and are beginning to prepare project worksheets. It is hoped that the worksheets from 2011 storms Irene and Lee will be approved so the City can receive reimbursement for that damage. Con Edison held a meeting with community members to talk about their response. The company president has committed to making changes and updates to make their procedures more transparent. The County Executive had a meeting to look at county-wide issues regarding emergency response and emergency preparedness. Mr. Pickup said that representatives from Governor Cuomo's office were in Washington and many elected officials are lobbying for a 90% federal reimbursement on Hurricane Sandy. He also said that

the FEMA representatives indicated that some of the Inundation Zone maps are being updated for the east coast.

Mayor French said a meeting would be held on November 29<sup>th</sup> on volunteer emergency preparedness. Joseph Murphy, Chairman of the Senior Advocacy, said the City needs to have a permanent emergency shelter. Mr. Pickup added that the sheltering of pets also needs to be considered. It was also suggested that someone from the school administration needs to be available during a storm event.

- Legal Update

Corporation Counsel Wilson reported that a decision has been rendered in the assessed value portion of the *Carroll v. City of Rye* tax certiorari case. Judge LaCava found that the one acre property with a new home was worth approximately \$2.6 million as of 2004. The years covered in the decision are 2004 to 2010. A judgment has not been filed and refund numbers have yet to be calculated.

8. Discussion of the FY 2013 Budget

- Fire Department Budget Review

In the absence of the Fire Chiefs, City Manager Pickup reported on the Fire Department budget proposal for 2013. The position of Fire Inspector/Lieutenant will be filled, which will open up a vacancy in the Department. They are looking to find a candidate who can attend the next Fire Academy class in the spring. The difference from the 2012 budget is slight movement in the salary and step schedule by bringing in a new fire fighter and a full-time expenditure for the Fire Inspector/Lieutenant position. There is no proposed reduction in force or service. The increases are in benefit and pension costs. The Fire Department labor contract expired in 2009. The Chiefs are generally supportive of the budget except for the timing of equipment replacement. Mr. Pickup said that all of the equipment is in good shape and certified every year. He added that a large amount of money is paid on hydrant costs that are paid to United Water and Westchester Joint Water Works. It is a negotiated rate that should be looked at going forward. He said if hydrant districts were created it would take this cost out of the tax rate.

- Golf Club Department Budget Review

City Manager Pickup said that when the joint meeting with the Golf Commission was held in June, a net operating loss for the entire operating year of the Golf Club was projected to be \$277,000, which would have required the use of Fund Balance to balance the budget. There is approximately \$800,000 of unrestricted Fund Balance with a couple of capital projects allocated against it. In June an aggressive management of the budget for the remainder of the year began in order to cut the operating loss and the forecast has been reduced to a \$50,000 to \$75,000 operating loss depending on December figures. There has been discussion about how the proposed 2013 budget reflects staffing levels, labor costs, and operations that will be curtailed. The only thing being curtailed at the Club is the Castle operation, which will be closed except for catered events in January and February; limited restaurant operation for March, April and May; Tuesday through Sunday restaurant operation in the Memorial Day through Labor Day season; and post Labor Day back to a limited schedule. There will be a full golf and pool season.

The proposed budget includes the food minimum; the dues are the same as 2012; and there is one less full-time CSEA position due to a retirement. If revenues meet expectation there will be a slight revenue surplus of \$75,000. Questions were raised regarding the revenue projections for 2013 and if they should be more conservative; the proposed deficit figures; contractual costs; and staffing.

John Duffy, Chairman of the Golf Commission, said that the Commission wants the Club to move forward and have a product to sell. The Commission believes they should have more authority and be more than an advisory Board. Decisions must be made about how to move forward to make the Club a great facility. He said the Commission does not have much choice than to support the proposed budget because any issues that may arise are unknown. Going forward everything should go out to bid. He also suggested that if a management change is made, the new manager should be on contract and not a City employee. Chris O'Brien, a member of the Golf Commission, said that the Commission has to go with the recommended budget and then move forward. The Commission is working on getting different committees running and getting the membership move involved.

There was also a discussion about ways to market the Club in order increase membership and usage of the facility. It was also suggested that additional joint meetings should be held with the Council and Golf Commission.

*Leon Sculti* spoke on several topics related to the Golf Club including: reopening the Golf Cart leasing agreement; the marketing and advertising budget; double billing for staffing; and payroll records

- Review of City Council Budget Questions

City Manager Pickup said that some budget questions have been received and the answers will be provided to the Council in their Friday packets as well as posted on the website. A request was made that the City Comptroller provide a list of names and positions for full-time employees. A request was also made for information regarding how much department budgets were going up in the five major cost centers.

*Jim Amico* also commented on the budget. Mr. Amico spoke about managing police overtime figures, assignment of personnel, and alternatives for providing additional crossing guards.

9. Resolution to amend the Nominations, Elections and Voting Eligibility procedures for the Rye Golf Club Commission to maintain a Commission level of nine members

Corporation Counsel Wilson said that the previous Golf Commission procedures stated that if membership fell below eight, the person who received the next highest number of votes in the most recent election could be appointed to fill that position. The proposal before the Council will change that number from eight to nine.

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

**RESOLVED**, that the City Council of the City of Rye hereby approves the amended and Voting Eligibility procedures for the Rye Golf Club Commission to maintain a level of nine members:

**Rye Golf Club  
Nominations, Elections and Voting Eligibility**

**1) Commission**

- a) The Rye Golf Club Commission will consist of nine adult Club members in good standing elected by the eligible voting Club members. The Commission shall at no time have more than one non-resident member.
- b) The term of each Commission member shall be three years, commencing January 1 of the year following a regular election year. There is no limit to the number of terms a Commission member may serve.
- c) The Commission members will select a chairperson from their group for a one-year term (the "Chairperson") at the first regular Commission meeting in an applicable calendar year. A Chairperson may serve as Chairperson for an unlimited number of terms. The Chairperson will appoint a Vice Chairperson who will act as Chairperson in his/her absence.
- d) Commission vacancies shall be filled at the next regular election following the vacancy for the remainder of the vacant term. In the event the Commission falls below nine members, the person(s) with the next number of highest votes from the previous election shall, if such person is otherwise eligible and willing to fill such vacancy, be appointed to the Commission to maintain nine Commission members until the next regular election. In the event there is no one to fill the vacancy a special election will be held to fill the vacancy and maintain nine Commission members until the next regular election.

**2) Nominating Committee and Nominations**

- a) For each election, a Nominating Committee shall be formed and comprised of three adult Club members in good standing, comprised as follows:
  - i) One club member appointed by the Commission (this member shall not be a current Commission member); and
  - ii) One current Commission member who is not standing for re-election shall be appointed by the Commission Chairperson. This member will serve as chairperson of the Nominating Committee; and
  - iii) One club member elected by the membership in the previous regular election.

- b) The Nominating Committee will review all submissions for Commission candidacy and Nominating Committee candidacy as described in Paragraph 2(e). The Nominating Committee shall provide a ballot with at least one more candidate than the number of members being elected. If the Nominating Committee receives fewer submissions by the submission deadline date than the number of members that will be elected, the Nominating Committee shall provide a ballot with at least as many candidates as the number of Commission members to be elected.
- c) No member of the Nominating Committee shall be eligible for election as a candidate for the Commission for the regular election for which the Nominating Committee member is providing nominations.
- d) The term of each Nominating Committee member shall be for one year, commencing January 1 of the year following the regular election. There is no limit to the number of terms a Nominating Committee member may serve.
- e) Nominations
  - i) The Nominating Committee shall not be required to include more than the minimum number of candidates as provided in Paragraph 2(b);
  - ii) A proposed candidate for election to the Commission or Nominating Committee shall be an adult member in good standing. The Golf Club Member Handbook shall indicate membership categories and members entitled to be considered for candidacy.
  - iii) A Club member may request to be considered as a candidate for election to the Commission or the Nominating Committee in the next regular election by submitting a written request to the Nominating Committee chairperson on or after January 1 and prior to May 15 of such year. Any such request must be submitted by email to [nomination@ryegolfclub.com](mailto:nomination@ryegolfclub.com) or in person to the membership office during regular business hours in a sealed envelope addressed to the “Nominating Committee Chairperson” indicating whether such person wishes to be considered as a candidate for the Commission or the Nominating Committee and such other information as a member may wish to provide the Nominating Committee for its consideration. The Nominating Committee may in its sole discretion select or reject any such submissions or select one or more other eligible Club members, subject to the minimum candidate requirements set forth in Paragraph 2(b). The proposed slate of candidates shall be posted on the Club website by July 1.
  - iv) Any eligible member submitting a valid request for consideration as a candidate that is not selected by the Nominating Committee may be included as a candidate on the ballot by fulfilling each of the following requirements:
    - (1) Completing a petition for candidacy form available from the Club Manager for the period July 1 to July 20 of such year;

(2) Receiving and submitting signatures of fifty (50) eligible voting members in support of the petition for candidacy (see Golf Club Member Handbook for eligible voting members).

(3) Submitting a complete petition form in accordance with the instructions supplied therewith to the Club Manager prior to July 21.

The Club Manager shall verify the status of members signing in support of such petition. Any submitted petition form not complying with the foregoing requirements shall not be considered and such member shall not be included on the ballot.

v) The final ballot form will be posted on the Club website at least one week prior to the start of the annual election.

### **3) Election**

- a) Voting will take place over a two-week period online through a secure online service approved by the Nominating Committee and/or Commission that suits our needs.
- b) An invitation email will be sent to all eligible voters with instructions on how to cast your vote online.
- c) For those members wishing to cast their vote onsite, a computer kiosk will be available at the club during normal business hours throughout the voting time period.
- d) Votes will be tallied in accordance with the instructions provided therewith and will not be counted as a result of any of the following:
  - i) Vote is not cast within the specified time period; or
  - ii) Vote is not cast in accordance with specified instructions; or
  - iii) Vote is rejected for any reason by the online service being used.
- e) Valid ballots shall be tallied for each Commission candidate and Nominating Committee candidate by the online service. The results will be forwarded to the City Clerk who shall submit a list of election results to the City Council for approval no later than November.

### **4) Voting eligibility**

- a) An invitation email shall be sent (to the email on file) to each eligible voting member. The Golf Club Member Handbook shall indicate the membership categories and members entitled to voting privileges.
- b) To receive an invitation email and vote in an election, the voting member must have an email on file and have a member logon account established prior to the election.

- c) No Club member shall be entitled to vote more than once in an election.

**Rye Golf Club  
Commission Responsibilities**

**1) The Commission.**

- a) *Role.* The Commission shall serve in an advisory capacity on behalf of the members of the Golf Club and shall have the responsibilities set forth in Section 1(c) below. Neither the Commission, any Committee of the Commission nor any member of the Commission or member of any Committee thereof, shall have any direct authority or responsibility for execution, implementation or management of any activity, program, employment matter, or contract involving the Golf Club. The Golf Club Manager (who reports to the City Manager) shall be responsible for the execution, implementation and management of the authorized operation of the Golf Club.
- b) *Advisory Recommendations.* The Commission shall make such recommendations as it deems proper in respect of the current and proposed activities, programs, policies and other matters related to the Golf Club, the Commission shall also make recommendations concerning the duties and responsibilities of independent contractors (e.g., Golf Professional), including recommendations concerning employment of prospective individuals to fill those positions, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Golf Club Manager. The Commission shall also make recommendations concerning the duties and responsibilities of the Golf Club Manager, including recommendations concerning employment of prospective individuals to fill the position, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Rye City Manager.
- c) *Responsibilities.* The Commission shall:
  - i) Adopt, interpret, apply and enforce such rules and regulations relating to the use of the Golf Club as it deems appropriate, which rules and regulations shall not be inconsistent or conflict with any agreement of the City of Rye or any published policy of the Rye City Council;
  - ii) review, advise on and approve an annual budget for the Golf Club provided and prepared by Golf Club staff and finance committee. Annual budgets shall include proposed annual membership categories and fees and proposed charges for other services provided by the Golf Club, prior to timely submission of such annual budget to the Rye City Manager;
  - iii) select a Commission Chairperson; and
  - iv) decide such matters as may be properly brought before the Commission for a

decision.

- d) *Commission Chairperson.* The responsibilities of the Commission Chairperson shall be:
- i) to appoint a chairperson to each Standing Committee of the Commission;
  - ii) to organize limited duration Ad Hoc Committees of the Commission as may be necessary from time to time for the purpose of making recommendations to the Commission in respect of matters not properly within the scope of the usual and customary advisory role of a Standing Committee of the Commission;
  - iii) to appoint a chairperson to each Ad Hoc Committee of the Commission;
  - iv) to serve as an ex-officio member on each Committee of the Commission;
  - v) to appoint a Vice-Chairperson of the Commission who shall serve as Chairperson during the absence of the Chairperson; and
  - vi) to direct such matters as the Chairperson deems necessary and appropriate to a Committee of the Commission for the advice and recommendation of such Committee.

**2) Committees of the Commission.**

- a) *Standing Committees.* The Commission shall have Standing Committees to advise and make recommendations to the Commission on such matters that properly come before a Standing Committee or as may be directed to such Committee by the Commission or the Commission Chairperson. The Standing Committees of the Commission initially shall include Committees relating to Golf, Pool, House and Finance.
- b) *Ad Hoc Committees.* The Commission shall have such Ad Hoc Committees as may be constituted from time to time pursuant to Section 1(d)(ii) above.
- c) *Nominating Committee.* The Nominating Committee shall not be considered a Standing Committee or Ad Hoc Committee and shall be subject solely to the rules set forth in the **Rye Golf Club Nominations, Elections and Voting Eligibility** Section 2 concerning Nominating Committee and Nominations.
- d) *Committee Members and Chairpersons.*
- i) Each Standing Committee and Ad Hoc Committee of the Commission shall be constituted with no fewer than three members and no more than seven members; provided that a Committee may be constituted with two members and up to nine members in appropriate circumstances with the approval, by majority vote, of the Commission.
  - ii) A Committee member shall be a member of the Golf Club holding a valid current

membership entitling such member to voting privileges.

- iii) The Chairperson appointed to each Standing Committee shall be a Member of the Commission, other than the Chairperson of the Commission.
- iv) The Chairperson of an Ad Hoc Committee may be a Member of the Commission.
- v) The Chairperson of a Committee shall make efforts to seek out qualified members to serve as members of such Committee. The Committee Chairperson will then make recommendations to the Commission of any such qualified members it believes should serve on such Committee. Such nominees shall serve as Committee members upon approval by majority vote of the Commission. Such nominees will serve as Committee members at the convenience of the Commission and can be removed from such Committee service at any time and for any reason at the sole discretion of the Commission. A Committee member shall serve until the earlier of the end of the Golf Club year for which he or she serves as a member or the date a Committee terminates, or the date on which such member is removed by the Commission.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

10. Resolution to appoint the next eligible member from the Rye Golf Club election of September 27, 2012 to the Rye Golf Club Commission until the next regular election

Councilman Sack made a motion, seconded by Councilman Jovanovich and unanimously carried, to adopt the following Resolution:

**RESOLVED**, that the City Council of the City of Rye hereby approves the appointment of Angela Sposoto, the next eligible member from the Rye Golf Club election of September 27, 2012, to the Rye Golf Commission until the next regular election in 2013.

11. Discussion of parking permit procedures in the City lot located at the Rye Arts Center

City Manager Pickup said the City has been having conversations with representatives of Blind Brook Lodge (“BBL”), the Rye Arts Center and Rye Recreation. Residents of BBL have been able to use the Methodist Church parking lot for overflow night parking but with that property up for sale, the use of that lot for parking will not be renewed. The City began looking

into a couple of options over the summer and will bring a recommendation to the Council on how to get through the winter season when cars are required to be parking off street at night, including possibly suspending winter parking regulations on the section of Milton Road near BBL. BBL has an application pending before the Planning Commission for parking expansion, which, if approved, would solve the problem going forward after this winter season. There was also a suggestion of using the Recreation Department tennis court lot for “younger” residents of BBL as a solution to the winter parking problem. *Helen Gates*, Director of the Rye Arts Center, asked the Council to consider that parking at the Rye Arts Center is a shared community issue. She suggested that the City consider two proposals: (1) stripe the lot to maximize the number of spaces; and (2) allow a “no ticketing” time period during high usage hours for Arts Center visitors. She asked the Council to consider the needs of all the users when making decisions regarding parking in this lot. *Heather Sweeney* of 66 Milton Road spoke about the proposal of BBL for additional parking before the Planning Commission which seeks an additional 67 spaces at property owned by BBL at 75 Milton Road. She said only the 34 spaces being lost from the Methodist Church lot need to be added.

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

There were not residents who wished to speak under this Agenda item.

13. Authorization for City Manager to execute an Inter-Municipal Agreement (IMA) with the County of Westchester Department of Public Safety regarding the assignment of instructors to the Police Academy for both recruit and in-service training

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

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the City Manager to execute an Inter-Municipal Agreement (IMA) with the County of Westchester Department of Public Safety regarding the assignment of instructors to the Police Academy for both recruit and in-service training for the term March 21, 2012 through March 20, 2017.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

14. Acceptance of Grant Award from the Governor’s Traffic Safety Committee in the amount of \$2,000 for participation in the “Child Passenger Safety” program  
Roll Call.

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

**WHEREAS**, the City of Rye has been awarded a New York State grant from the Governor’s Traffic Safety Committee’s Child Passenger Safety Program in the amount of \$2,000 for participation in the statewide “Child Passenger Safety” program; now, therefore, be it

**RESOLVED**, that the City of Rye accepts the aforementioned grant.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

15. Acceptance of Grant Award from the Governor’s Traffic Safety Committee in the amount of \$2,108 for participation in the “Buckle Up New York” program  
Roll Call.

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

**WHEREAS**, the City of Rye has been awarded a New York State grant from the Governor’s Traffic Safety Committee in the amount of \$2,108 to participate in the statewide “Buckle Up New York” program; now, therefore, be it

**RESOLVED**, that the City of Rye accepts the aforementioned grant.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

16. Miscellaneous Communications and Reports

There was nothing reported under this agenda item.

17. Old Business

There was no old business discussed.

18. New Business

Councilwoman Parker asked about clean up of the post-storm debris on the beach at Rye Town Park. City Manager Pickup said it was his understanding that the Town of Rye brought in a contractor who was working on tree removal in the park first and then would get to the beach. Councilman Filippi asked about clean up of debris in Blind Brook. City Manager Pickup said a contractor has been working on this.

Councilman Jovanovich asked for an update on the future of the Town of Rye. Mayor French said that recommendations have been made and the municipal representatives will go back to their communities to see if there is community support to make the changes. The report leans toward dissolving the Town but it will be problematic for some of the communities involved. The Corporation Counsel was asked to look into the issue of who owns Rye Town Park, the Town of Rye or the Rye Town Park Commission.

19. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn into executive session to discuss a personnel matter and not return at 10:50 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk