

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on December 5, 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

The Council convened at 7:00 p.m. Mayor French made a motion, seconded by Councilwoman Brett and unanimously carried to immediately adjourn into executive session to discuss personnel issues. Councilman Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn the executive session at 8:46 p.m. The regular meeting convened at 8:50 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

Mayor French announced that the City Council investigation into the Rye Golf Club is continuing and the situation is very serious. He added that the Council will update the public as soon as possible.

4. Draft unapproved minutes of the Budget Workshop held November 26, 2012 and the Regular Meeting/Budget Workshop of the City Council held November 28, 2012

Councilman Filippi made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the Budget Workshop of the City Council held on November 26, 2012, as submitted.

Councilman Filippi made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the Regular Meeting/Budget Workshop of the City Council held on November 28, 2012, as submitted.

5. Mayor's Management Report
• Legal Update

Corporation Counsel Wilson updated the Council on the following matter:

Panetta v. Planning Commission: This is a hybrid Article 78/Declaratory Judgment Action. The City was successful in dismissing the petition for the Article 78 portion, which is currently being appealed by the petitioner. The Declaratory Judgment action was severed from the Article 78 action and is in the discovery phase. Depositions will take place next week.

6. Presentation of the Citizen's Budget: 4-year Financial Plan

Mayor French said the City has asked the Finance Committee (the "Committee") to look at four-year trends in the costs of the retirement system and health care and other costs that municipalities face. Warren Keegan and Paula Schaefer Co-Chairs of the Committee presented.

Ms. Schaefer first presented the Citizen's Budget Report, which is a streamlined version of the proposed 2013 budget that is prepared by City staff at the Committee's request. She offered the following overview:

- The 2013 tax rate currently proposed is \$149.39 per \$1,000 of assessed valuation or a 3.03% increase over the 2012 rate. The annual tax increase for a median assessed house would be \$96.51.
- The revenues budgeted for 2013 are budgeted to be \$30.9 million, up \$1 million from 2012 or 3.3%.
- Expenditures are budgeted at \$31.7 million, up \$1.7 million from 2012 or 5.3%.
- There is a planned use of Fund Balance of approximately \$800,000. The projected year end 2013 Unassigned Fund Balance is \$4.3 million, representing 13.7% of expenditures, which is higher than the 5% requirement.

Ms. Schaefer next presented the four-year projection. The Committee started with a line item review of the 2013 Budget, which is used as the basis for the four-year projection. The 2013 Budget assumes an increase in taxes of 3.03% and stays within the 2% tax cap. Expenditures exceed revenues by approximately \$800,000. A set of assumptions was developed through 2016 regarding items such as assessed values; property tax increases; revenues; rental payments; salaries; staffing costs; employee benefits and required contributions; debt service; and capital projects. By 2016 the annual budget deficit is projected to be \$2.3 million with Fund Balance falling to about \$4 million. The four-year projections assume that the tax cap is

respected; there are no significant changes to services or the way they are delivered; and, New York State continues to mandate payments for retiree benefits.

Mr. Keegan spoke about initiatives studied by the Committee to address the projected budget deficit, including changes to service delivery and/or appropriate service levels. They have also looked into Police and Fire; retirement and health care benefits; sanitation; Rye Town Park; sale of assets; and recreation. The goal of the Committee is to provide objective fact-based evidence about alternatives for the City that includes the delivery of services and the restoration of capital investment projects.

7. Mayor and Council amendments to the proposed 2013 City of Rye Budget Roll Call.

The Council discussed proposals put forth for changing the proposed 2013 Budget that included increasing revenue projections for sales tax and building permits; decreasing proposed expenses for Fire overtime and engineering work; increasing funding to the library; and funding two additional crossing guards. There were also discussions about mortgage tax revenues and parking revenues. It was suggested that the Council hold a workshop on parking.

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

RESOLVED, that the City Council of the City of Rye hereby adopts the following changes to the proposed 2013 Budget:

Increase sales tax revenues by \$25,000;
Increase Building Permit revenues by \$40,000;
Decrease Fire Department administrative overtime by \$5,000;
Decrease Engineering Contract expenses by \$25,000;
Decrease the Police Materials and Supplies budget by \$20,000;
Increase funding to the Rye Free Reading Room by \$30,000;
Increase funding for crossing guards by \$20,000.

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 adopted changes will reduce the proposed tax rate increase from 3.03% to 2.7%.

8. Public hearing on the proposed 2013 Budget

Councilman Filippi made a motion, seconded by Councilwoman Parker and unanimously carried, to open the public hearing on the proposed 2013 Budget.

The only members of the public wishing to speak on the proposed 2013 Budget were *Bob Zahm*, 7 Ridgewood Drive and *Jim Amico*, 350 Midland Avenue. Mr. Zahm spoke about pushing out the issuance of the bonds from the recently approved bond referenda, and increasing Golf Club dues vs. continuing the food minimum. Mr. Amico spoke about the two additional crossing guards the Council had voted to fund and where they would be assigned, and the workings of the Police Department.

The public hearing was kept open.

9. Public Hearing to adopt a Local Law to override the State enacted tax levy limitation

Mayor French said the proposed local law would enable the City to override the tax cap if necessary and is an action recommended by the New York Conference of Mayors. He added that the City had not adopted the legislation last year. City Manager Pickup said that the 2013 proposed Budget is under the levy cap and there would be no specific need to adopt the legislation unless the Council wanted to add to the proposed budget.

Mayor French made a motion, seconded by Councilman Filippi and unanimously carried to open the public hearing on a Local Law to override the State enacted tax levy limitation.

There was no one from the public who wished to speak on the proposed local law.

Mayor French made a motion, seconded by Councilwoman Brett and unanimously carried to close the public hearing.

No vote was taken on the proposed local law.

10. Authorization for Richard T. Blancato, Esq. to represent the City of Rye in an appeal *Carroll v. City of Rye* in the Appellate Division, Second Department
Roll Call.

Corporation Counsel Wilson reported on the decision rendered by Judge LaCava in the matter *Carroll v. City of Rye* that she said should be appealed for several reasons. There was a discussion among the Council on whether the Council should vote at this meeting on authorizing Richard Blancato, Esq. to represent the City in an appeal or defer that decision and simply vote to file a Notice of Appeal.

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

RESOLVED, that the City Council of the City

of Rye, hereby authorizes the Corporation Counsel to file a Notice of Appeal in the Appellate Division, Second Department in connection with the matter *Carroll v. City of Rye*.

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

Bob Zahm, 7 Ridgewood Drive said that the hanging “No Left Turn” sign at the intersection of Elm Place and Purchase Street was gone and asked that it be replaced with something more visible.

12. Consideration of Bid for Curbside Recycling Collection Services
Roll Call.

City Manager Pickup said that because there were some issues with the bid, the recommendation is that the Council reject the current bids in order for the specs to be reworked and the contract rebid.

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

RESOLVED that all bids submitted for Contract #1012-04 for Curbside Recycling Collection Services be rejected.

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.

13. Miscellaneous Communications and Reports

Councilwoman Parker discussed the following matters:

- Police presence in the downtown since the Village Officer is out with an injury.
- Putting the creation of a downtown Historic District on an upcoming agenda.
- Clean up of the beach at Rye Town Park - why it is taking so long, and the proposed dissolution of the Town of Rye
- A proposal before the Rye Brook Planning Board for a skating facility and how it might affect the Ice Casino at Playland.
- Asking Standard Amusements to present their amended proposal for Playland at a City Council meeting.
- The current proposal for the United Hospital property.

Mayor French reported on a meeting of a Residents Committee discussing Emergency Preparedness Planning. Topics discussed included having standard information centers that people know they can go to; block captains from neighborhoods who come to City Hall or the Police Station for information; and using technology.

14. Old Business

Councilwoman Brett asked for an update on the Sluice Gate. City Manager Pickup said that final approvals have been received on the site plan change for the electric. The installation of the actuators can be finished and testing can begin.

Councilman Filippi asked for an update on the Central Avenue Bridge. City Manager Pickup said there are shop drawing issues that are being worked out with the contractor before the crew will be on site. Work will be done through the winter. Mr. Filippi noted that there was also cleanup work that remained to be done on Blind Brook from the hurricane.

Councilwoman Killian asked for an update on the “Black Bass Grill” property. Corporation Counsel Wilson said that the owners have received all of the necessary approvals and it is just a matter of when they start the work. Ms. Killian also said she had met the head of Con Edison’s Public Affairs Department and was happy to hear that they were coming to meet with the City Manager and Police Commissioner.

Councilman Sack asked about the appointment for the newly created position of Fire Lt/Fire Inspector and why the appointment was posted prior to the Council and Board of Wardens being informed. City Manager Pickup said that two members of the Board Fire Wardens were involved in the process of choosing the candidate, but they were not able to schedule a meeting to report it to the others. Mr. Pickup said that no formal announcement has been made yet.

15. New Business

There was nothing discussed under this Agenda topic.

16. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the meeting at 10:50 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk