

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on December 19, 2012 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT (Arrived at 9:01 p.m.)
RICHARD FILIPPI
PETER JOVANOVICH (Left at 10:30 p.m.)
JULIE KILLIAN
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: None

The Council convened at 7:05 p.m. Councilman Jovanovich made a motion, seconded by Councilwoman Killian and unanimously carried to immediately adjourn into executive session to discuss personnel issues. Mayor French arrived at 7:20 p.m. Councilman Jovanovich made a motion, seconded by Councilman Sack and unanimously carried, to adjourn the executive session at 8:15 p.m. The regular meeting convened 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

Mayor French announced that the Council is continuing to work on the investigation into the Golf Club but is not able to share more information with the public at this point.

Corporation Counsel Wilson said that that the Council needed to set a special meeting for Friday, December 21, 2012.

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

RESOLVED, that a special meeting of the City Council will be held on Friday, December 21, 2012 at 8:30 a.m. to retain special counsel to assist the City Council in a potential Section 75 proceeding.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Jovanovich, Killian,
Parker and Sack

NAYS: None

ABSENT: Councilwoman Brett

The Resolution was adopted by a 6-0 vote.

4. Draft unapproved minutes of the Regular Meeting of the City Council held December 5, 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 December 5, 2012, as submitted.

City Manager Pickup introduced Kurt Tietgen who has been appointed to the newly created position of Fire Inspector/Fire Lieutenant.

5. Mayor's Management Report

- Safe Routes to School Update

City Manager Pickup said he had met with the Safe Routes to School Committee. A grant application has been submitted with a variety of projects relating to pedestrian safety improvements around the schools. It is hoped that there will be notification from the State by spring. If the grants are not funded, the projects outlined in the bond proposal will be ready for bidding and completion during the summer when school is out of session. The Committee is also looking into issues relating to school crossings and crossing guards. If there are year round attractions at Playland, the Committee wants the County to take a serious look at the intersections where many students cross in the morning and afternoon.

- Legal Update

Corporation Counsel Wilson reported on the *Silvester v. City of Rye, et al* case. The plaintiff has been granted permission to file a Second Amended Complaint in the matter in order to include additional defendants.

6. Continuation of the Public hearing on the proposed 2013 Budget

The public hearing remained open from the December 5th meeting.

Mayor French said that changes made at the December 5th Council meeting reduced the City Manager's proposed 2013 Budget from 3.03% down to 2.7%. The Mayor asked the other members of the Council if they would like to discuss reducing or changing the \$300 food minimum at the Golf Club or keep it the same as it is in the budget. Councilman Sack reported that he had attended the Golf Commission meeting on December 17th and based on the response to a member survey, the Commission has decided to stick with the current minimum proposal and will reconsider it at a later Commission meeting. They will also allow this year's minimum to carry over to May of 2013. A lengthy discussion ensued regarding the Golf Club that included not only the issue of the food minimum, but also the way the Club and restaurant are operated; whether the City should be operating a restaurant; the ongoing investigation; increasing the power of the Commission; and the operating structure of the Enterprise Fund going forward. Members of the public commenting included *John Duffy, Chris O'Brien* (members of the Golf Commission), *Sue Bisceglia, Shankar Narayan, Al Vitiello, Mike Bassett, Doug McKean, and Bob DiMaggio*. The consensus was not to change the budget regarding the Golf Club food minimum with the recommendation that it be reevaluated in the future.

Prior to closing the public hearing, Interim City Comptroller Joseph Fazzino provided the highlights of the proposed 2013 Budget:

- The tax rate increase is 2.7%;
- The proposed increase per household in Rye is approximately \$87;
- The proposed budget is \$117,000 under the tax cap;
- The assessed value per \$1,000 is \$148.91;
- The percentage of Fund Balance forecast for the end of the year is 13.7%.

Councilman Filippi made a motion, seconded by Councilwoman Killian and unanimously carried, to close the public hearing.

7. Resolution to adopt the 2013 Budget and establish the 2013 tax levy and 2013 tax rate Roll Call.

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

WHEREAS, on November 14, 2012 the 2013 Tentative Budget was presented to the City Council, and,

WHEREAS, since November 14, 2012 the City Council has discussed possible amendments to the 2013 Tentative Budget, now, therefore be it

RESOLVED, that the tentative budgets and fee schedules as amended for 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, are hereby adopted for the fiscal year ending December 31, 2013, and be it further

RESOLVED, that the City Council does hereby certify to the City Comptroller the 2013 City of Rye tax rate of \$148.91 per \$1,000 taxable assessed valuation and the 2013 City of Rye tax levy of \$20,563,240, and be it further

RESOLVED, that the City Council does hereby direct the City Comptroller to apportion and extend against each taxable property listed upon the assessment roll at the tax rate certified in this resolution to produce the tax levy certified in this resolution, and to render tax notices for, and receive and collect, the several sums so computed and determined, with interest as provided by law, and any special assessments heretofore authorized and approved.

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.

8. Resolution to transfer additional funds from the Contingency account to fund legal services for a Council investigation pursuant to Article 6, Section C6-3 of the City Charter entitled "Investigations"
Roll Call.

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

WHEREAS, City staff has determined that the amounts required for the cost of legal services in connection with the investigation into the Rye Golf Club were not anticipated and were not provided for in the adopted 2012 budget by \$106,000, and,

WHEREAS, the General Fund Contingent Account has a balance of \$175,000, now therefore be it

RESOLVED, that the City Comptroller is authorized to transfer \$106,000 from the General Fund Contingent Account to the Code City Council Legal Services Account.

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.

9. Resolution by Rye City Mayor and Council to support the Westchester County and Sustainable Playland Inc. agreement

Mayor French said he believed it was important for the County to know that the City of Rye was an early participant in the process and fully supports the proposed changes to Playland especially since suggestions put forth in the RFP (Request for Proposals) were suggested by the City. Doug McKean, representing Sustainable Playland, Inc. (SPI) said that a Management Agreement contract is being negotiated with the County and the process is moving forward. He offered thanks to the Council on behalf of SPI for their support.

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

WHEREAS, the Mayor and Council of City of Rye established the Playland Strategic Planning Working Group in 2010 to present findings representative of issues of concern for Rye and Westchester County residents in response to the pending issuance of a request for proposal (RFP) from Westchester County to “Reinvent Playland for the 21st Century.”

WHEREAS, the working group after months of review, public forums and informal and formal input from local and County residents presented a list of core principles that reflected a vision for the park’s future.

WHEREAS, the core principles were eventually incorporated in large part in Westchester County’s RFP so that proposed uses should be consistent with those values.

WHEREAS, the values (in the attached resolution*) included the need to keep for public use, access to open space, Long Island Sound and facilities; to be sensitive to environmental considerations, to preserve the park’s historical importance; to ensure financial sustainability, to comply with the City’s laws and regulations, and to incorporate the Westchester Children’s Museum proposal.

WHEREAS, the Mayor and three of the four Council members who were serving at the time adopted the measure in support of these values and are currently on the Council.

WHEREAS, resident feedback has been extremely positive since the announcement of the letter of intent signed between Westchester County and Sustainable Playland Inc.

WHEREAS, upon signing a letter of intent with the County of Westchester, members of Sustainable Playland Inc. came before the Rye City Council and pledged to be sensitive to the needs of the City and surrounding neighborhoods in the development and site planning process.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Rye City Council support the proposal put forth by Sustainable Playland Inc. and the opportunities it brings to Rye and Westchester residents by protecting and enhancing the qualities that make Playland a special place.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and the Rye City Council encourage the County and Sustainable Playland Inc. to work towards incorporating a water dependent boating component with docks and moorings into Sustainable Playland's vision for the future of Playland.

AND, FURTHER BE IT RESOLVED, that the Mayor and Council encourage Westchester County to finalize its agreement with Sustainable Playland Inc. so that the process of reinventing Playland for its future, as referenced in the RFP, can begin for the 2013 season.

(* found in Minutes of March 2, 2011 meeting)

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 authorizing the City Comptroller to make the necessary year-end closing transfers
Roll Call.

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

RESOLVED, that the City Comptroller is hereby authorized to make the necessary 2012 fiscal year-end budget transfers in city accounts, provided a list of such transfers over \$10,000 is furnished to

the City Council after completion of such transfers.

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. Resolution to authorize participation in Westchester County contracts
Roll Call.

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

WHEREAS, by Act No. 8-1983, The County Board of Legislators authorized the County Purchasing Agent to act as Purchasing Agent for any city, town, village, school district or other unit of local government within the County of Westchester County, provided that said unit of local government by act, ordinance or resolution authorizes the County Purchasing Agent to act as its Purchasing Agent for items purchased by the County, and empowering designated officers and employees to sign requisitions, and further directing the proper official of local government to audit and pay County bills for the cost of County services within thirty (30) days after the receipt of said bill by the local government, and to provide the County with such insurance coverage as may be required by the County's Director of Risk Management, NOW, THEREFORE, be it

RESOLVED, that the County Purchasing Agent is hereby authorized to act as Purchasing Agent for the City of Rye, New York on a continuing basis, and be it further

RESOLVED, that the City Manager, the Assistant City Manager, the City Comptroller, and/or the City Engineer are hereby authorized to sign appropriate requisitions, and be it further

RESOLVED, that the City Comptroller is hereby authorized and directed to audit and pay County bills for the cost of County services within thirty (30) days after receipt of said bills, and be it further

RESOLVED, that the City Comptroller is hereby authorized to secure and provide to the County of Westchester any and all insurance required by the County's Director of Risk Management, in Accordance with County Act No. 8-1983.

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.

12. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2013
Roll Call.

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

RESOLVED, that the Mayor is hereby authorized to finalize an agreement with the Rye Free Reading Room to furnish library services for 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.

13. Resolution designating the days and time of regular meetings of the City Council for 2013 setting January 9, 2013 as the first regular meeting

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

RESOLVED, that January 9, 2013 is hereby fixed as the first regular and the organizational meeting of the City Council; and be it further

RESOLVED, that the following dates are designated for the regular meetings of the City Council in 2013:

January 9
January 23
February 13

February 27
March 6
March 20
April 3
April 17
May 8
May 22
June 12
July 10
August 7 - including presentation of the CIP
September 11
October 9
October 23
November 6 – including presentation of the Budget
November 20
December 4
December 18

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.

14. Authorization to procure legal representation for the City of Rye in the appeal of *Carroll v. City of Rye* in the Appellate Division, Second Department
Roll Call.

This Agenda item was deferred to the next meeting.

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

Dierdra Curran spoke about issues in Rye Town Park including park workers being laid off by the Town of Rye without any notice, the Rye Town Park Commission cancelling their last scheduled meeting, and who would be responsible for overseeing the park going forward. Mayor French suggested that a meeting should be scheduled between the City and Town of Rye to discuss the transition in the operation of the park.

16. Consideration of Bid for the Police contract for uniforms (Contract #2-12)
Roll Call.

City Manager Pickup said that after the bid was let, it was discovered that there were issues with one of the required uniform items and no bids were submitted. It will be have to be revised and rebid and should come back for consideration, probably in February.

17. Bid Award for the City Hall Playback Server (Bid #2012-03)
Roll Call.

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

RESOLVED, that Bid #2012-03 for City Hall Playback Server, be awarded to HB Communications, Inc., the sole bidder meeting all the bid requirements, in the mount of \$16,075.

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.

18. Acceptance of donation to the Rye Police Department of graphics design and installation services from Creative Image Design, Inc. valued in the amount of seven hundred fifty (\$750.00) dollars
Roll Call.

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

WHEREAS, Creative Image Design, Inc. desires to donate graphic design services valued in the amount of seven hundred fifty (\$50.00) dollars to the Rye Police Department; and

WHEREAS, the services will be used to install lettering and graphics on one of the HUMVEEs recently acquired by the Rye Police Department; now, therefore be it

RESOLVED, that the City Council of the City of Rye accepts the aforementioned donation; and be it further

RESOLVED, that the Police Commissioner is authorized to schedule the installation of the graphic design services with Creative Image Design, Inc.

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.

19. Miscellaneous Communications and Reports

Mayor French reported that on December 16th the City had pulled together a beautiful vigil in connection with the Newtown, Connecticut tragedy. He thanked the local clergy that had participated and gave special thanks to City staff members who were involved including City Manager Pickup and Sally Rogol and Eleanor Militana. The Mayor also noted that appointments to Boards and Commissions would be made during the January meetings. He has reached out to the Chairs of the Boards and Commissions for their recommendations.

Councilwoman Parker asked if there would be an increased police presence near the schools in light of the Newtown tragedy. City Manager Pickup said the Police Commissioner Connors has consulted with the school Principals and will be meeting with the School Superintendent. There is enhanced presence and other security related measures are still being discussed. Ms. Parker also announced that Officer Mike Kenny will be the new village officer.

20. Old Business

Councilwoman Brett asked for an update on the Sluice Gate. City Manager Pickup said he would ask the City Engineer for an update but the contractor is still on site and coordinating with Con Edison energy services.

Councilman Filippi asked for an update on the Central Avenue Bridge. City Manager Pickup said that the contractor, ELQ, is working with utility companies on some issues and they will be on scene starting in January and are still on target to be done within the contracted time period. Mr. Filippi also asked about a proposed staking rink in Rye Brook. Mr. Pickup said that there have been discussions regarding the type of water detention going on with the project. It is his understanding that they are retaining at the 100-year level.

21. New Business

Mayor French said he would circulate a copy of the legislative initiatives for 2013 proposed by NYCOM. The Council can discuss this at the January 12th workshop.

Councilwoman Killian said that on January 16th the Empire Center will hold a kick off meeting at the County Center on a series of papers they are putting out about helping municipalities trying to deal with financial challenges.

22. 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 11:03 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk