

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on January 9, 2013 at 8:00 P.M.

PRESENT:

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

ABSENT: JULIE KILLIAN, Councilwoman

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. Resolution to accept a federally funded Safe Routes to School Grant, coordinated by the Rye YMCA, to the City in the amount of \$223,952

City Manager Pickup said that the grant is the result of the collaborative efforts of many groups over the last several years. Gregg Howells and Lisa Urban, representing the YMCA, reported on the four projects included in the grant:

- Pedestrian Activated Rectangular Rapid Flash Beacons, which will be installed at existing un-signalized intersections near existing Rye City Schools. (\$79,120.00)
- Theall/Osborn Road Intersection Pedestrian Improvements, which will extend the existing curbs at the intersection to reduce the crossing distance. (\$24,725.00)
- Grace Church Street Intersection Pedestrian Improvements, which will extend the existing curbs on Grace Church Street near Midland Avenue and modify the existing center island in Grace Church Street to provide a pedestrian refuge area. (\$44,782.00)
- Milton School Sidewalk Safety Improvements, which will elevate an existing sidewalk and install a six-inch curb to separate vehicles from the pedestrian area. (\$75,325.00)

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

RESOLVED, the City Council of the City of Rye hereby accepts a federally funded Safe Routes to School Grant, coordinated by the Rye YMCA, in the amount of \$223,952.00.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Killian

The Resolution was adopted by a 6-0 vote.

4. The State of the City Address by the Mayor

“Good evening to those of you who are here tonight or watching at home. It is an honor to once again, for the fourth year now, to stand before you as Mayor of the City of Rye and present the *State of the City* address. As I represent Rye across Westchester County and New York State, our way of government – volunteers working simply for the benefit of their community continues to be the envy of all others.

“In a book about Rye’s history, former Rye Librarian Marcia Dalphin wrote: “First as a Village and then as a City, Rye has had an efficient government; its Presidents, Mayors, Trustees, Councilmen, (and Committees) have been sincerely devoted to its welfare – men and women with no financial gain, have labored faithfully and long – often at personal sacrifice – to direct their Village into ways of progress, to keep it financially sound, and to make Rye a pleasant place in which to live and bring up children.”

“That is Rye. That is who we are and what we continue to strive to be. And it works. In that spirit, 2012 was the year of accomplishment. The City accomplished a great deal this past year that makes ours a better community, and I want to thank those that serve the City from the paid professionals to the volunteers for their extraordinary efforts, hard work and long hours. And as we look to 2013, we continue to face challenges from the Great Recession and Mother Nature and threats of the unknown, but the hard work and foundation we have put forth in 2012 and the resilience we have shown has positioned the City for great things in 2013 and beyond. The State of the City of Rye is strong.

“The key to our success and our future rests on 5 fundamental principles:

1. A Continued Focus on a Strong Financial Position
2. Capital Investment in the Basics
3. A Renewed Commitment to Public Safety and Emergency Preparedness

4. Collaborative Relationships with our Institutions and Gov't Partners
5. Increased Management Oversight and Governance

5. A Continued Focus on a Strong Financial Position

“According to a report from the New York State Comptroller, he states –“For the past 5 years the financial trends in our municipalities and school districts have become of heightened concern.” At a time when grants have dried up, elastic revenues are flat, and assessments have declined, in Rye, we have been the financial stewards by providing property tax relief for our residents, holding the line on expenses and restoring our fund balance.

“For the 4th year in a row, the City has delivered a solid budget that keeps taxes low and continues to deliver the same level of services. The tax rate increase is 2.7%, well under the New York State property tax levy cap. The property tax increase for the last 4 years has totaled only 8.1% -- or an average of just 2% per year. During the period of 1999 to 2009, property taxes rose 6.3% on average per year for 10 years.

“The City’s undesignated fund balance (our savings account) is at \$4.3M or back to a healthy 14% of the annual operating budget, which is good for the City’s financial position and AAA rating.

“The results speak for themselves. But it does not end there. We need cost certainty, and in 2013 we hope to have that with our union contracts that have been expired for years. Fair and affordable labor deals that not only look at salaries, but healthcare is a necessity. The City was pleased to come to agreement with the clerical unit at 0%, 0% and 2% salary increases over the period along with an increase in the cap for healthcare contribution. The City was also pleased to assist the Rye Free Reading Room in their agreement with their union. As we plan ahead, the City has engaged its Citizen’s Finance Committee to look at financial and operational issues for long-term financial sustainability. In our 4-year plan, all things being equal, by 2016 the City could be running at an annual operating deficit of \$2.4M. We will be diligent in exploring all options and will share those with you.

2. Capital Investment in the Basics

“The second key to our success is that we need to continue to focus on capital investment in the basics not only to prevent higher costs in the future, but also to reflect the active nature of our community.

“Last year at the SOC, I stood before you and said the City was crumbling. The City had gone through a period of expansion, building new buildings, but the basic infrastructure, roads, sidewalks and sewers are worn. After nearly 6,000 votes cast, a record for any bond in recent memory, Rye residents

overwhelmingly passed by 3 to 1 the two bond referenda for \$1.86M to address critical infrastructure and safety needs in and around our downtown and schools.

“The Central Avenue bridge – Despite years of regulatory and compliance delays with the New York State Department of Transportation who is funding the project, the perseverance of City leadership paid off and we received final approvals, awarded the project and will complete construction this year.

“1037 Boston Post Road site – The Council reversed the decision to develop a Police Station/Court House facility at the site for \$25M, reviewed zoning options, lease options, and has put the building up for sale. The City will review bids later this month.

“2012 marked the first significant progress toward flood mitigation since the 1940s. The first phase of the city’s flood mitigation plan, the Bowman Avenue Spillway Sluice gate, got final funding, project approvals, and was installed. The sluice gate will regulate upstream water flow to help flood mitigation efforts. The second phase is to retain more water upstream, starting behind Bowman Dam. Fundamental hydrology analysis has been done to identify retention options for future projects and we will continue this year to test and gauge water flows. Through code enforcement and a resolution from the Council to Boards and Commissions, a heightened awareness was implemented to ensure that individuals and businesses make smarter/safer decisions for preparedness downstream. A Rye Flood committee was established to advise the Council and assist the City in the implementation of the City’s flood mitigation plan and to monitor upstream development.

“There were also many pedestrian safety improvements. Forest Avenue is a regular thoroughfare for walkers, bikers and runners. This past summer the City re-striped the road to include lane sharrows to improve pedestrian and bicycle safety. The project was funded by the YMCA’s generous grant of \$20,000. In addition, a grant of over \$200,000, thanks to the YMCA for Safe Routes to Schools Initiatives to include sidewalks and crossings in and around our schools. The City worked through Federal and County regulatory issues and installed stop signs to allow for safer crossing at Midland Avenue. The bridge at Old Post Road was widened for safer passage and was funded by Westchester County.

“In 2013, we need to look at adding parking to our downtown for shoppers, merchants, residents and commuters. A decades old problem, and not a simple answer by any means, but it’s time to revisit our options.

“3. A Renewed Commitment to Public Safety and Emergency Preparedness
Irene, Lee, Sandy and Sandy Hook are just a few events that have tested our City. Our emergency personnel have performed exceedingly well, and it’s imperative that we ensure the best coordination, preparation and communication with our personnel and residents.

“We were pleased to work with the Board of Fire Wardens in making changes to the City Charter that aligned both paid and volunteer resources in conjunction with the City Manager and will allow for better coordination in fire services. In addition, our public notification e-mail and text system – nixle.com that complements the reverse 911 phone calls continues to prove effective and we will look to incorporate social media in our communication efforts. Every Rye resident should sign up for our nixle notification service to stay informed of emergency, public safety, and weather issues. Further, the City has begun coordinating and implementing a citizen preparedness plan that supplements the City’s emergency preparedness plan so that all residents are better informed well prior to an emergency and can take appropriate action as needed.

“4. Collaborative Relationships with our Institutions and Gov’t Partners

The fourth principle is to foster the partnerships that make Rye what it is. Part of why people come here is for the Arts Center, Nature Center, Historical Society, Rye Free Reading Room, YMCA, Rye Town Park, and more. These relationships have been critical to Rye throughout our history. Some of note tonight include:

“A New Direction for Playland – In 1929 the director of Playland announced that he “shall conduct it solely out of consideration for the thousands who come there for wholesome recreation whether or not that runs counter to the complaints of Rye residents.” Two years ago when the County Executive first announced they were looking at reinventing Rye Playland, the City sought to make sure Rye’s voice was heard. We established the Rye Playland Strategic Committee to make recommendations on activities that met not only the needs of Rye, but also those of today’s Westchester families. The result is a proposal with great promise from Sustainable Playland Inc. in which a letter of intent was signed to develop playing fields, restaurants, a field house, ice-skating rink, as well as the preservation of historic amusement rides, Kiddyland and more.

“We support this initiative. I also think the Council needs to drop its tax assessment lawsuit against the County and Rye Town – in essence suing ourselves – and work with these entities on these exciting improvements rather than pay lawyers and have the courts decide. A PILOT or impact fee can easily meet the City’s needs.

“Rye Town Park – Most of the financial and operational controls from the Rye Town Park Commission have been fully implemented and the park had a terrific year in terms of user experience and expected financial results. We have established a capital planning committee to look at opportunities for the park. I have also called for the Commission and our state representatives to increase Rye’s representation on the RTP Commission equal to our contribution.

“Historic preservation – Thanks to our support, the Friends Meeting House and Bird Homestead continued this year to develop and generate a lot of program activity and excitement after years of being dormant. The sound of the meeting house bell being rung this past fall was a wonderful sound that connects

generations. Further, the historic walking tour from the Rye Historical Society was launched.

“The Rye Free Reading Room – Contrary to some parting comments by the Director, the relationship between the City and the Library is very good and reflects the community. We have invested in capital, increased the annual financial contribution, and assisted in their labor negotiations. They have been a terrific community partner – and most recently with post Sandy.

“Sustainability Committee – This committee has been active in developing the City’s environmental sustainability plan to look at our community carbon footprint, recycling improvements and community education. Their efforts reflect the growing interests of a broad cross-section of Rye residents. In addition, the City was the first in Westchester to implement a plastic bag ban ordinance.

5. Increased Management Oversight and Governance

“Governments need to focus on core competencies such as picking up trash and public safety – not running restaurants. The actions at Rye Golf will prove to be the City’s Madoff moment going back years and has caused real doubt in the Enterprise Fund model because although somewhat autonomous entities, ultimately, it is Rye residents that are accountable for Rye Golf and the Boat Basin. We need to change these structures for increased independent management oversight and governance outside of just the membership by incorporating a separate Board of Directors to oversee operations. More to come on this as we conduct our management review of these entities. In addition, the City will be instituting new financial disclosure policies.

“So in 2012, a lot was accomplished with more work to be done, but if we stay on the path of these five key principles, Rye’s future will continue to be bright. Again thank you to our City Manager Scott Pickup, his management team and the City employees. In particular, Eleanor Militana who serves both Scott and I, and does a fabulous job. Thanks to our Corporation Counsel Kristen Wilson who is away tonight and our City Clerk, Dawn Nodarse. Thank you to our many committees, groups, and organizations – the volunteers who spend hours advocating for their organizations, serving government committees and planning for our future.

“A special thanks to my colleagues for your public service to Rye. So, on behalf of the Council, we look forward to 2013, ready to represent you and ready to serve. Thank you.”

5. General Announcements

- The investigation into Rye Golf Club continues. If charges are brought forward, the information will be shared with the public.
- The passing of former County Executive Andrew O’Rourke was noted.

6. Draft unapproved minutes of the Regular Meeting of the City Council held December 19, 2012 and the Special Meeting held December 21, 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 December 19, 2012, as submitted.

Councilman Filippi made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the special meeting of the City Council held on December 21, 2012, as submitted.

7. Mayor's Management Report

- Update on Capital Projects: Sluice Gate and Central Avenue Bridge

Sluice Gate – City Manager Pickup reported that Con Edison has completed their work and the electrician has been finishing all the electrical connections. All the mechanicals are currently functioning and there will be a two week period of testing, after which the actuators will be reprogrammed before final acceptance testing is done. It is hoped that by the end of the month, the Flood Action Committee will have a sense of final project issues so the project can be completed.

Central Avenue Bridge – Utility relocation is ongoing on site. Con Edison work on gas and electric is complete and Cablevision and Verizon are continuing work. The contractors have been on site and are about ready to start clearing work and will be working through the winter. The contract acceptance date for delivery remains August 18th and the contractor is still on time.

F.O.I.L. – City staff is working on a module available through the E-gov vendor for an electronic program for F.O.I.L. (Freedom of Information Law) requests. It is hoped that a program will be implemented before the spring.

8. Appointment of the 2013 Deputy Mayor by the Mayor

Mayor French appointed Councilman Peter Jovanovich as Deputy Mayor for a one-year term commencing January 1, 2013, to serve as Deputy Mayor in the Mayor's absence.

9. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term

Mayor French appointed Councilwoman Catherine Parker as Trustee of the Police Pension Fund for a one-year term commencing January 1, 2013.

10. Designation of the City Council's Audit Committee by the Mayor

Mayor French appointed Councilman Peter Jovanovich and Councilwoman Julie Killian, to the City Council's Audit Committee for a one-year term commencing January 1, 2013.

11. Designation of the City Council Liaisons by the Mayor

Mayor French designated City Council liaisons as follows:

Mayor French – Rye City School Board; Rye Town Park Commission; Audit Committee; Legal Case Management Committee; Rye Cable and Communications Committee

Councilwoman Brett – Flood Advisory Committee; Planning Commission; Landmarks Advisory Committee; Boat Basin Commission

Councilman Filippi – Conservation Commission/Advisory Council; Recreation Commission; Board of Architectural Review; Rye Free Reading Room

Councilman Jovanovich – Audit Committee; Government Policy & Research Committee; Emergency Medical Services

Councilwoman Killian – Traffic & Pedestrian Safety Committee; Finance Committee; Audit Committee; Environmental Sustainability

Councilwoman Parker – Rye Playland Advisory Committee; Rye Merchants Association; Rye Fire Department; Senior Advocacy Group; Police Pension Fund

Councilman Sack – Rye Town Park Commission; Board of Appeals; Legal Case Management Committee; Rye Golf Club Commission

Councilwoman Brett and Councilman Sack may switch as liaisons for the Rye Town Park Commission and Boat Basin Commission at a later date.

12. Designation of official City newspaper

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

RESOLVED, that the Journal News is hereby designated as the official City newspaper for purposes of publishing legal notices.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Killian

The Resolution was adopted by a 6-0 vote.

13. Appointments to Boards and Commissions, by the Mayor with Council approval

Mayor French made a motion, seconded by Councilman Jovanovich, and unanimously carried to approve the following appointments to Boards and Commissions for three-year terms expiring on January 1, 2016:

- A) David Cutner and Anthony Piscionere to the Board of Appeals
- B) No appointments to the Board of Architectural Review were made at this meeting
- C) John L. Alfano to the Board of Ethics
- D) George Zahringer and Rex Gedney to the Landmarks Advisory Committee
- E) Barbara Cummings to the Planning Commission.
- F) Bart DiNardo, Frank Adimari, Lisa Dempsey and Jason Mehler to the Recreation Commission
- G) Steven Fairchild, Mary Ellen Doran and Ken Knowles to the Rye Cable and Communications Committee
- H) Jeanne Golden and Jason Mehler to the Rye Town Park Advisory Committee
- I) Brian Dempsey, Denver Boston, Maureen Gomez, Steve Cadenhead and Steven Secon to the Traffic & Pedestrian Safety Committee
- J) Frederick Dunn, Michael Guarnieri and Paula Schaefer (who will continue to serve as the Board designated co-Chair) to the Finance Committee
- K) Carolyn Cunningham to the Conservation Commission/Advisory Council
- L) Charles Dorn, Joan Marshall Cresap and Garrick Gelinas to the Rye Playland Advisory Committee.

Mayor French designated the following people to serve as Chairs of Committees:

- A) George Zahringer as Chair of the Landmarks Advisory Committee
- B) Bart DiNardo as Chair of the Recreation Committee
- C) Steven Fairchild as Interim Chair of the Rye Cable and Communications Committee
- D) Jeanne Golden as Chair of the Rye Town Park Advisory Committee
- E) Brian Dempsey as Chair of the Traffic & Pedestrian Safety Committee
- F) Carolyn Cunningham as Chair of the Conservation Commission/Advisory Council
- G) Joseph Murphy as Chair of the Rye Senior Advocacy Committee.

14. Designation of the amounts of faithful performance bonds:

Councilman Filippi made a motion, seconded by Councilwoman Brett, to recommend the following amounts of faithful performance bonds:

A.	City Comptroller	\$ 1,000,000
B.	City Clerk	\$ 500,000
C.	City Marshall	\$ 100,000

ROLL CALL:

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

NAYS: None
ABSENT: Councilwoman Killian

The Resolution was adopted by a 6-0 vote.

15. Acceptance of donation to the Rye Police Department from the Hasday family in the amount of two hundred and fifty (\$250.00) dollars
Roll Call.

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

WHEREAS, the Hasday family desires to donate two hundred and fifty (\$250.00) dollars to the Rye Police Department; and

WHEREAS, the fiscal 2013 General Fund budget did not anticipate this donation; 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 City Comptroller is authorized to amend the fiscal 2013 General Fund budget as follows:

Increase Deferred Revenues – Police Donations \$250.00

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

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

Former Councilman *Matt Fahey*, 36 Franklin Avenue, spoke on the development of a Citizens' Volunteer Corp that would help people in need during times of emergency. The group (Rye Community Emergency Response Team) asks that the Council petition the State representatives to provide liability protection for volunteers. He outlined the issues discussed by the group including training, networking, communication, establishment of shelters, and issues of confidentiality. They are looking to file as either a 501c(3) or 501c(4) organization; have elected officers and hope to accomplish goals by June.

John Duffy, Chair of the Rye Golf Club Commission, asked if a letter had been drafted to the Club membership by the City updating them on the investigation. Councilwoman Brett offered to work on this with Corporation Counsel Wilson. He also discussed references to the financial operating systems for Enterprise Funds mentioned in the Mayor's State of the City Address and the City's 2010 Audit report letter that addressed deficiencies at the Golf Club.

Chris O'Brien, member of the Rye Golf Club Commission, spoke about the Club losing many members, especially senior members, over the years due to increases in fees. He also referred to the 2010 Audit report.

Mela Wu, representing Shen Yun Promotions, spoke about the Shen Yun Performing Arts program that will be at Lincoln Center in April.

Leon Sculti also spoke about issues regarding the Rye Golf Club including the 2010 Audit report and the procedures for bidding, inventory, catering operations, and professional service contracts. A heated discussion ensued.

17. 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

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

RESOLVED, that the firm of Ansa Annsucaao, LLP is authorized to represent the City of Rye in the appeal of the matter *Carroll v. City of Rye* in the Appellate Division, Second Department, for an amount not to exceed \$15,000.

ROLL CALL:

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

The Resolution was adopted by a vote of 5 in favor and 1 abstention.

18. Miscellaneous Communications and Reports

Councilwoman Parker discussed the following issues:

- The Boardwalk at Playland from the Ice Casino up to Rye Town Park - City staff should ask the County Parks Department for a report regarding the structure of the Boardwalk and plans for the upcoming season.

- Conditions in Rye Town Park since the maintenance staff has been let go by the Town of Rye and how these issues will be handled going forward
- Salt damage from Hurricane Sandy has had an effect on Pine Trees. A report was requested from the City Tree Foreman regarding the protocol for checking trees and the tree situation as a result of the hurricane.

19. Old Business

Councilman Sack reported that he and Councilwoman Parker have received complaints about the increase of the deer population and asked what can be done to deal with it. Councilwoman Parker reported on some research she is doing regarding a possible culling program that could be done by special permit from the Department of Environmental Conservation, in partnership with the County and the Jay Heritage Center.

20. New Business

Councilman Filippi asked if the “No Left Turn” sign that was down in the Central Business District has been replaced. City Manager Pickup will check into it.

21. Adjournment

There being no further business to discuss Councilwoman Parker made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the meeting at 10:40 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk