

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on January 23, 2013 at 8:00 P.M.

PRESENT:

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

ABSENT: None

The Council convened at 7:02 p.m. Councilman Jovanovich made a motion, seconded by Councilwoman Parker and unanimously carried to immediately adjourn into executive session to discuss real estate matters related to 1037 Boston Post Road and attorney/client matters. Councilman Filippi arrived at 7:10 p.m. Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the executive session at 8:32 p.m. The regular meeting convened at 8:37 p.m.

Mayor French announced that the City has received several bids in connection with the sale of 1037 Boston Post Road. The Council is in the process of reviewing the bids and will discuss them at a future meeting.

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.

The first item under Agenda Item 5 was taken out of order.

3. General Announcements

Mayor French made the following announcements:

- He, City Manager Pickup, the President of the School Board and the Superintendent of Schools met to discuss school safety. There is an increased police presence with current

patrols and they are considering hiring seasonal police officers. City Manager Pickup said the City is looking at titles in the County or creating a new title.

- There will be many construction projects during the year around town to rebuild the City.
- The proposed State budget keeps municipal funding flat and includes some reform initiatives regarding binding arbitration and pension costs.
- The Rye Golf investigation is continuing and the Council will share the results with the public and the District Attorney's Office.

Councilman Filippi made a lengthy statement about what he believes is inappropriate behavior by Leon Sculti at public meetings and towards staff members. He said he believes that this type of activity deters people from volunteering to serve on committees and that people can disagree and share ideas without making personal attacks. He urged people to move back to more civility.

4. Draft unapproved minutes of the regular meeting of the City Council held January 9, 2013 and the Strategic Workshop held January 12, 2013

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on January 9, 2013, as submitted.

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the strategic workshop of the City Council held on January 12, 2013, as submitted.

5. Mayor's Management Report

- Update from the Sustainability Committee on a draft Sustainability Plan and a proposed "cool roof" initiative

Mayor French noted that the Sustainability Committee was established in 2010 to guide the City in terms of a Sustainability Plan. Sara Goddard, Chair of the Committee, said that in preparing the draft plan, the Committee relied on best practices and were guided by ICLEI's Five Milestones Process, which includes completing a greenhouse gas audit; setting goals; writing the plan; implementing the plan; and monitoring the plan and tracking its progress. Ms. Goddard said that in developing Rye's Sustainability Plan, the results of the greenhouse gas emissions audit was included as a starting point from which future measurements can be made. The areas of focus for Rye include energy; transportation; waste reduction; recycling; water and land use; and community awareness education outreach. There is also a section regarding implementation and tracking of the initiatives that are selected. Many civic organizations have also contributed and input is still awaited from others including religious organizations and municipal committees. She has received comments that are still being incorporated into the plan before the draft is completed. Ms. Goddard also summarized some outstanding and new initiatives that the Committee is exploring including biodiesel fuels; energy efficiency recommendations; a Sound Shore Consortium; a "leave leaves alone" initiative; and a "cool roof" initiative. The completed Sustainability Plan will be presented to the Council for adoption, after which specific initiatives will be chosen to be worked on.

The member of the Committee who was to discuss the “cool roof” initiative was unavailable to attend this meeting but can come back at a later meeting.

Mayor French also appointed Julie Engerran to the Sustainability Committee.

- Discussion of Land Use Workshop

Mayor French said that since there are many boards and commissions that focus on land use, it would be good to get them all together and talk about the obstacles they are facing and what legislation the Council may need to look at. The suggested date for the workshop is February 27<sup>th</sup>, prior to the regular Council meeting. Councilwoman Parker said it would be a good way to make sure everyone is “operating on the same page.”

- Legal Update

Corporation Counsel Wilson reported on the following matters:

- *Lamont v. City of Rye, et al* – in December the City was served with a Federal Civil Rights lawsuit that also includes the Archdioceses of New York and Resurrection Church regarding a landlord/tenant relationship on church property. Our insurance company has been notified and we are awaiting a coverage determination.
- *Panetta v. City of Rye* (declaratory judgment action) – The note of issue has been filed and a summary judgment motion, if successful, would get the City out of the lawsuit. The City is still fighting with the insurance carrier over coverage.

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

- A) One appointment to the Board of Architectural Review for a three-year term.
- B) One appointment to the Traffic & Pedestrian Safety Committee for a three-year term.

Mayor French made a motion, seconded by Councilman Filippi and unanimously carried, to appoint Mark Schindler to the Board of Architectural Review for a three-year term.

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to appoint Lisa Urban to the Traffic & Pedestrian Safety Committee for a three-year term.

7. Adjustment to City Council Liaison designations by the Mayor

Mayor French designated Councilwoman Brett to serve as a representative to the Rye Town Park Commission and Councilman Sack to serve as the liaison to the Boat Basin Commission.

8. Consideration of Bid for the Police contract for uniforms (Contract #1-13)  
Roll Call.

Corporation Counsel Wilson said that the warranty requirements contained in the bid specifications were not met by the companies submitting bids, and, therefore, the contract must be rebid. Councilman Sack noted that this is the second time this item been on the agenda and inquired if the City employee who was a principal in one of the companies that submitted a bid was still affiliated with that company. When Corporation Counsel Wilson said she believed that was no longer the case, Mr. Sack asked for that to be confirmed.

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

**RESOLVED**, that all bids received in connection with Contract #1-13, Police Uniforms, are hereby rejected.

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.

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

Several residents spoke in connection with Councilman Filippi's statement made under the General Announcements Agenda item. They included *Brendan O'Brien, Chris O'Brien, Mrs. Lefkowitz, John Duffy and Angela Sposato* who criticized Councilman Filippi for his statement and made statements in favor of the activities of Leon Sculti in connection with the Golf Club investigation. *Chris O'Brien and Angela Sposato* urged the Council to come to a Golf Commission meeting to explain to the membership what is going on with the investigation. Mayor French said that the Council is willing to meet with the Golf Commission but has reported as much as it can at this point in connection with the investigation. The results will be shared when the investigation has been completed.

10. Acceptance of Grant Award from Governor's Traffic Safety Committee in the amount of \$3,500 for participation in the "Selective Traffic Enforcement" 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 in the amount of \$3,500 for participation in the statewide "Selective Traffic Enforcement" 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.

11. Acceptance of donation to the Rye Police Department from the Zegarowicz family in the amount of one hundred (\$100.00) dollars  
Roll Call.

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

**WHEREAS**, the Zegarowicz family desires to donate one hundred (\$100.00) 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 \$100.00.

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.

12. Miscellaneous Communications and Reports

Mayor French reported that he and Councilwoman Killian had met with the Chairs of the Finance Committee and asked them to move forward on a four-year plan and bring it back to the Council.

City Manager Pickup reported that the Moreland Commission, a New York State appointed Commission, is meeting at SUNY Purchase on January 24<sup>th</sup>. They are looking for general input on storm response. He will attend to speak about issues of interest to municipalities including Con Edison's refusal to share information about their grid after the hurricane. Mayor French noted that representatives of Con Edison are going to homes and telling people they need to take down hedges around transformers but they are not giving people sufficient time to do it. He added that Con Edison has not been responsive to people calling them about the failure to provide a reduction in their bills for the period when they were without power after the hurricane. The City Manager was asked to follow up on these items.

Councilwoman Parker reported that the County Board of Legislators has two bonds for repairs to Playland -- a \$7 million bond for rebuilding the boardwalk, which should be ready by mid-May, and a second bond of just under \$5 million to repair the Ice Casino by September. Ms. Parker also reported that the Rye Senior Advocacy Committee is working on holding a symposium on health care and how the local facilities will be affected by changes in government policy.

13. Old Business

Councilwoman Brett asked for an update on the sluice gate project. City Manager Pickup said it is in the acceptance testing phase on the operational aspects. City Engineer Ryan Coyne is hopeful that the testing will be completed and the project accepted by the end of January or the beginning of February. Ms. Brett also reported on the Rye Town Park Commission meeting held the previous week. Deirdre Curren, who spoke at a recent Council meeting, attended and raised her concerns about the conditions in the Park. The Commission addressed many of the concerns regarding maintenance and committed to use existing staff to do a daily walk-through of the park and a sub-contractor has been engaged to do garbage collection.

Councilman Filippi asked for an update on the Central Avenue Bridge. City Manager Pickup said that the utilities have been relocated and the contractor is committed to start the project and should be on site soon.

Councilman Jovanovich asked if the Town of Rye was closer to deciding if the dissolution of the Town will happen. Mayor French said a decision is not close, but even if a decision is made to dissolve the Town, it will take at least two years.

Councilwoman Killian asked if the Financial Disclosure Policy could be put back on an agenda. Corporation Counsel will re-circulate the draft policy.

Councilman Sack asked Councilwoman Parker for an update on her conversations with the Department of Environmental Conservation (DEC) on deer culling. Councilman Parker said she has been playing "phone tag" with the DEC who became more responsive after Assemblyman Otis contacted them. The City needs a permit from the DEC in order to have a bow hunting culling pilot program. The properties being considered are the Jay Property, Marshlands and the wooded area of the Rye Golf Club. Councilman Filippi said that permits may also be needed from people on bordering properties as well.

Councilman Sack said he had asked Corporation Counsel Wilson if it was legal for people to duck hunt in Milton Harbor and she said that it was legal pursuant to DEC law if it takes place within navigatable waters. He said there must be a way to regulate this when the waterway is narrow. Corporation Counsel Wilson said that the City Code prohibits the discharge of firearms from land and she is working with Police Commissioner Connors to make sure the current City practices are within DEC regulations. She will put the regulations together and provide them to the Police Commissioner to make sure the police can properly enforce them.

14. New Business

There was nothing reported under this agenda item.

15. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the meeting at 10:05 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk