

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on March 6, 2013 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT (arrived at 8:45 p.m.)
PETER JOVANOVIK
JULIE KILLIAN
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: RICHARD FILIPPI, Councilman

The Council convened at 7:00 p.m. Councilman Jovanovich made a motion, seconded by Councilwoman Parker and unanimously carried to immediately adjourn into executive session to discuss personnel matters. Councilman Jovanovich made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn the executive session at 8:20 p.m. The regular meeting convened at 8:31 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

Announcements were made regarding various events and activities in the community.

4. Draft unapproved minutes of the regular meeting of the City Council held February 27, 2013

Councilman Jovanovich made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the regular meeting of the City Council held on February 27, 2013.

5. Mayor's Management Report

- Capital Projects Update

City Manager Pickup reported on several projects including:

- Central Avenue Bridge – fill has been put into the hole where the building at 2 Central Avenue was removed. Materials have been delivered on site and the contractor has been doing some work preparing to do the piling work.
- Sluice Gate – the project is still going through testing. If everything checks out with the remote systems, on site systems and switches to the backup, the City may accept the system and be in full control by the end of the month.
- Safe Routes to Schools Bond Projects – a meeting was held with school representatives, Safe Routes to Schools members, engineers and other community people to prioritize and schedule some of the projects. It is hoped that there will be a coordinated list to discuss with the Board of Education at the joint meeting in April.
- Paving Schedule – a revised schedule for the Boston Post Road is being worked on.
- Central Business District – staff is looking at design options for Central Business District projects in order to get feedback and come back to the Council with final designs.

- Legal Update

Corporation Counsel Wilson reported on the following matters:

- *Panetta v. City of Rye* – the oral argument on this matter took place in the Appellate Division in Brooklyn. Many pertinent questions were asked by the Judges. A decision should be received in three to four months.
- 16 Ridgewood Drive – several calls have been received in connection with this property, which is in foreclosure and abandoned. The Building Inspector has been diligent in following up with the entities that hold mortgages on the property, and they have promised to start maintaining the property.

6. Authorization for the City Manager to enter into a Purchase and Sale Agreement with 1037 Boston Post Road, LLC for the property located at 1037 Boston Post Road

Corporation Counsel Wilson provided an overview of the major terms of the proposed Agreement. The purchase price is \$5.6 million – all cash. There is an environmental contingency clause and the potential purchaser has done the Phase II with results expected in the next two weeks. The City does not know the end use but has been told that it will be a high-end dry retail. A 20-year renewable License Agreement has been negotiated for use of up to 10 spaces in the parking lot Monday through Friday, 9:00 a.m. to 12:00 p.m., excluding legal holidays.

Ted Carroll, 945 Forest Avenue, noted that a gas station had been located on the property at one time and asked what the purchaser would do if petroleum was discovered in the Phase II testing. *Adam Wolf* said his company is experienced with dealing with petroleum and that is a non-issue for them. Mr. Wolf also offered background on his company that he said has been in business since 1965 when they purchased a service station in Brooklyn. The company now owns over 80 properties, but in the last ten years has stopped building service stations, and envisions a high-end retail building for the property.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to enter into a Purchase and Sale Agreement with 1037 Boston Post Road, LLC for the property located at 1037 Boston Post Road.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote

7. Discussion and Update on the Draft Financial Disclosure Form

Corporation Counsel Wilson said that she took the comments that had been previously made by Council members and revised the document in order to make it more straight forward and clarify definitions. She said volunteer fire fighters and auxiliary police officers will not be required to fill out the form. Department heads and assistant department heads and Boards and Commissions Members will be required to fill out the form. It was suggested that everyone who is bonded be required to submit the form. There was a discussion about what was taken out of the previous draft; additional items that should be cut out; what might be added to the current draft; how the form should be organized; and suggested wording changes. Ms. Wilson said she would like to forward the draft Financial Disclosure Form to the Board of Ethics for their comments. She said she would make the changes proposed by the Council, and after receiving comments back from the Board of Ethics, a new draft would be brought back for consideration.

8. Discussion on establishing a temporary Technology Committee

Mayor French said that Councilman Filippi is part of the impetus behind this agenda item. The idea is to create an advisory board composed of residents with expertise to help the IT Department with respect to trends in technology and things the City should be considering. It will be a five-person temporary committee that will look at such things as creating WiFi in the City for residents; storage issues; and social media technology in order to improve the user experience in Rye. City Manager Pickup said one of the goals is records access in order to put records in a location where they can be accessed continually by the public. Councilman Filippi will be asked to find people to serve on the Committee and a Charter should be drafted for the Council to consider.

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

Charles Dorn, 472 Grace Church Street, an appointed member of the Rye Golf Club Strategic Committee (RFP Committee) spoke about the discussion held at the previous Council meeting regarding the scope and activities of the Committee. He and two other members of the Committee have recently resigned.

Peter Marshall, 5 Eldredge Place, who also serves on the RFP Committee, praised the contribution of the three members of the Committee who have resigned and said he believes good work can still be done by the Committee.

Richard Slack, 365 Grace Church Street, read a statement again urging the City Council to hold an open and independent investigation into the Andrew Dapolite matter.

Leon Sculti, 10 Bulkley Manor, spoke about a variety of matters including the Rye Golf Club and the investigation, City procedures, outside work of employees, and the Andrew Dapolite matter.

John Duffy, Chair of the Rye Golf Club Commission, said that issues were raised about the work of the RFP Committee at the last meeting due to concerns about membership. He also spoke about changing the structure of the Club operation going forward.

Bob Zahm, 7 Ridgewood Drive, asked about the process for changing the City Charter and suggested that the Charter should be changed so that all Council members have the same authority as the Mayor to look at books, records and documents. He also spoke about the issue of civility.

10. Resolution to grant permission to the Rye Sustainability Committee, the Conservation Commission/Advisory Council, and the Rye Arts Center to hold a free public event on the Village Green to commemorate Earth Day 2013 on Saturday, April 20, 2013 from 10:00 a.m. to 4:00 p.m.

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

RESOLVED, that the City Council of the City of Rye hereby grants permission to the Rye Sustainability Committee, the Conservation Commission/Advisory Council and the Rye Arts Center for use of the Village Green on Saturday, April 20, 2013 from 10:00 a.m. to 4:00 p.m. to hold a free public event.

11. Consideration of a request by the Rye YMCA for the use of City streets for the 25th Annual Rye Derby on Sunday, April 28, 2013 from 9:00 a.m. to 2:00 p.m.

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

RESOLVED, that the City Council of the City of Rye hereby approves the request of the Rye YMCA for use of City streets on Sunday, April 28, 2013 from 9:00 a.m. to 2:00 p.m. for the 25th Annual Rye Derby.

12. Miscellaneous Communications and Reports

Councilwoman Brett asked if there was a way to hire temporary crossing guards around the schools. City Manager Pickup said that one new guard had been hired and another one was lost due to permanent disability. The City has looked into temporary staffing agencies, but the cost would be a significantly higher than what the City pays. He had hoped that the position of Community Service Worker would be approved by the County. Another option would be to utilize a Parking Enforcement Officer at the Middle School in the afternoon.

13. Old Business

Mayor French made a motion seconded by Councilman Jovanovich and unanimously carried to appoint Peter Marshall as Chair of the Rye Golf Club Strategic Committee.

14. New Business

City Manager Pickup made a statement in connection with recent issues surrounding the Golf Club and the Andrew Dapolite situation.

15. Adjournment

There being no further business to discuss Councilwoman Parker made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn into executive session to discuss personnel and labor matters and not return to regular session at 10:29 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

