

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on May 22, 2013 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI (left at 9:05 p.m.)
PETER JOVANOVIK
JULIE KILLIAN
CATHERINE F. PARKER
JOSEPH A. SACK (left at 11:30 p.m.)
Councilmembers

ABSENT: None

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 activities and events of interest to the community.

4. Draft unapproved minutes of the regular meeting of the City Council held May 8, 2013

Councilman Jovanovich made a motion, seconded by Councilwoman Brett and unanimously carried, to approve the minutes of the regular meeting, as amended.

Joseph Murphy, Chairman of the Rye Senior Advocacy Committee, said that the Committee would like to add to their mission in order to become more of an advocate for seniors for institutions related to the City, in connection with issues such as affordable housing and Rye Golf Club.

5. Mayor's Management Report

- Presentation of the City of Rye Stormwater Management Program 2012 Annual Report

City Engineer Ryan Coyne presented the 2012 Annual Report on the City's Stormwater Management Program as required by law. In 2002 the Department of Environmental Conservation (DEC) mandated that municipalities come up with a six-point stormwater plan to reduce or remove pollution and educate the public on stormwater issues. The points deal with public education, public involvement, illicit discharge detection and elimination, construction and post-construction management and municipal operations. The public education and involvement is handled through voluntary boards such as the CC/AC, Planning Commission and Sustainability Committee. Illicit discharge detection and elimination involves the City identifying every stormwater pipe that outfalls into a water body and inspecting them. The DPW inspects approximately 20% per year. Construction and post-construction management deals with erosion control measured during building construction and drywells and stormwater pond maintenance post-construction. Municipal operations deals with the DPW cleaning catch basins, sweeping streets and removing sediment that would otherwise wash into the drains and streams. This report must be submitted to the DEC by June 1st.

- Capital Projects Update

Dredging of Milton Harbor - 17,000 cubic yards out of the 20,000 allowed under the permit have already been removed. It is hoped that the original dredge plan will be completed by the weekend. If the amount removed is below the 20,000 cubic yard number, the City will be able to go outside of the original plan and do more than originally anticipated. There was a discussion of the area that would be included if this becomes possible and how it might affect the ability to get a permit to continue dredging in the fall.

Bids – The annual street resurfacing and sidewalk contracts will be going out to bid. The section of the Post Road from Parsons Street to the area in front of Lester's is the primary area for the paving contract. The sidewalk bid will include the regular annual sidewalk maintenance work, sidewalks that were damaged in Hurricane Sandy, and the Infrastructure Bond sidewalk projects.

MTA Parking Lot – The City is looking to utilize small increases in commuter parking fees over the next two years along with bonding, grant money, and money from Metro North in order to do a significant project at the railroad.

School Construction Project – City Manager Pickup said he would like the Council to have a work session in June in order to discuss a plan for alternate drop offs, and traffic patterns around the school in order to be prepared prior to school opening in the fall.

Sluice Gate – The “christening” ceremony will be held on June 4th.

Additionally, City Manager Pickup updated the Council on issues related to the 2% money issue with the Fire Department. An agreement was negotiated in a Stipulation of Settlement of a lawsuit that includes a formula for sharing this money between the volunteers

and full-time fire fighters. The two groups are deadlocked and the full-time fire fighters have asked for an arbitration.

- Legal Update

Corporation Counsel Wilson reported on the following matters:

- *Runes v. Assessor* – This pending Article 78 proceeding was withdrawn as a condition of settlement of a recently received small claims matter from the same petitioner.
- 120 Old Post Road - There will be a confidential update in the Friday packet on a tax certiorari matter concerning this property.

6. Presentation on City Financials by Scott Oling of the auditing firm of O'Connor, Davies, Munns & Dobbins, LLP

Scott Oling, representing O'Connor, Davies, LLP said that the City goes beyond what is required for annual financial reporting by New York State by preparing a Comprehensive Annual Financial Report (CAFR), which is then submitted to and graded by the Government Finance Officers Association (GFOA). Mr. Oling said that there are several changes in this year's Independent Auditors' Report from what was issued in the past that reflect new auditing standards. He reviewed the General Fund, which is the primary fund of the City. The budget for revenues is approximately \$30 million, primarily coming from the levy of property taxes. For 2012 the total revenues were \$32.1 million or approximately \$2 million more than budgeted. Expenditures, which are reported under several categories (General Government, Public Safety, Transportation, Culture and Recreation, and Home and Community Services) were \$30 million, about \$400,000 less than budgeted. Comparing 2012 to 2011 figures, expenses only went up about \$500,000, much of which can be attributed to storm related costs. Revenues exceeded expenditures by \$1.8 million. The Fund Balance increased from \$9.2 million to just over \$11 million. The Fund Balance is made up of several categories: Non-Spendable, Restricted, Assigned and Unassigned. The Unassigned Fund Balance is \$4.9 million or 16% of the 2013 budget. Mr. Oling also provided a brief update on the Rye Golf Club. The Club generated \$6.7 million in revenue, about \$250,000 more than last year. The costs also came in around \$6.7 million, about \$150,000 less than 2011. The overall equity dropped about \$114,000. The total net position of the Club is \$8 million but \$7.3 million is tied up in assets.

7. Consideration to set a Public Hearing for June 12, 2013 to establish the 2014 Budgeted Fees and Charges

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

WHEREAS, the City Council wishes to establish the 2014 Budgeted Fees and Charges; and

WHEREAS, it is now desired to call a public hearing on the proposed 2014 budgeted fees and charges, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on June 12, 2013 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed 2014 fees and charges.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing to establish the 2014 Budgeted Fees and Charges.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 12th day of June, 2013 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed 2014 Budgeted Fees and Charges.

Copies of said proposed fees and charges may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: May 31, 2013

City Manager Pickup provided a summary of proposed changes to the fee schedule for 2014. He noted that Boat Basin and Golf fees are set separately as part of their budget submission.

8. Discussion of the Report from the Rye Golf Club Strategic Committee

Peter Marshall, Chair of the Rye Golf Club Strategic Committee made a presentation recapping the work of the Committee that was formed in October 2012 with a mandate to assess Strategic models for the Golf Club considering the needs of club members and Rye residents as a public asset. They were asked to recommend operating policies and identify parameters that should be included if an RFP is warranted. The report, which can be found on the City website,

covered three topics: Mission, Governance, and Alternatives. The operation has been self-sustaining since its inception. Recent operating losses can be attributed to three factors: the worldwide recession; theft and fraud which inflated expenses; and the food and beverage operation has not been profitable. Municipal procedures make it difficult for the City to operate the restaurant and catering operation. Options offered were waiting a year to see what 2013 results are or preparing an RFP to outsource the food and beverage concession. There has always been an advisory group to act as a check and balance to the City management and look after the interests of club membership. Questions posed by the Committee: should the roles and responsibilities of the Golf Commission be clarified further and/or expanded; should there be a modification to the composition of the Commission; should governance be passed to a Board of Directors; or, should governance and management be passed to an external organization. The Club has always been controlled by the City Manager. Questions raised regarding management were: should Club operations continue to report directly to the City Manager, to another department, or directly to the City Council; should the Club outsource the food and beverage operations and consider reporting changes for the golf/pool operation; and, should all operations be outsourced and be managed by a third party. The Committee recommends the Council make decisions for short-term 2013 operations such as: improving management reporting and internal controls; a more clearly defined advisory role in decision making for the Golf Commission; and whether to complete an RFP for food and beverage operation or wait until 2013 results are finalized. There was a discussion among the members of the Council regarding operation of municipal pools and if the City should issue an RFP for restaurant operation.

9. Discussion and Update on a Conflict of Interest form

Corporation Counsel Wilson said that the draft form has been forwarded to everyone who would be required to sign it and feedback has been received. There was a discussion among the Council about revisions to the form based on these comments. Ms. Wilson was asked to make the changes prior to the next meeting.

10. Consideration to set a Public Hearing for June 12, 2013 to amend local law Chapter 15, "Code of Ethics", to reflect the addition of the Conflict of Interest form

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

WHEREAS, the Council wishes to amend Chapter 15 "Ethics, Code of" of the Code of the City of Rye; and

WHEREAS, it is now desired to call a public hearing on such proposed amendments to the law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on June 12, 2013 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law to amend Chapter 15 “Ethics, Code of” §§ 15-2 “Conflicts of Interest”, 15-4 “Disclosure of interest”, 15-13 “Board of Ethics” and to add § 15-16 “Waiver procedure” of the Rye City Code

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 12th day of June, 2013 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposal to amend Chapter 15 “Ethics, Code of” of the City Code of the City of Rye.

Copies of said local law may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: May 31, 2013

11 Resolution for the City Council adoption of a community-wide Civility Statement

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

RESOLVED that the City Council of the City of Rye hereby adopts the following Rye Civility Statement:

We strive to promote a culture of civility and caring in all aspects of our community life and beyond.

We recognize, without judgment, the inherent dignity and worth of each person, group, family and organization.

We believe that all interpersonal exchanges, even adversarial ones, can be conducted with mutual respect.

We aspire to be part of a community that is rooted in acceptance, inclusion and compassion.

We accept the need for honest self-reflection and the obligation to hold each other accountable for our words and actions.

We commit to acting with integrity and living as observable models of positive civic behavior.

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

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

There was no one wishing to speak under this agenda item.

13. Miscellaneous Communications and Reports

Councilwoman Brett reported that the company doing the maintenance at Rye Town Park is doing a great job and things are starting to look good.

Mayor French said that since the former Chair of the Flood Advisory Committee has stepped down, a new Chair needed to be appointed. Councilman Jovanovich made a motion, seconded by Councilwoman Brett and unanimously carried, to appoint Bernie Altoff as the Chair of the Rye Flood Advisory Committee.

Councilwoman Parker reported that the Playland Advisory Committee had its first meeting of the season. She said the boardwalk from the Ice Casino to the Tiki Bar was completed in time for opening day. The beach will open in a couple of weeks.

Mayor French asked if the Government Relations Committee could be asked to revisit their report on the issue of revaluation. The Mayor also said that Council feedback about the head of security at Rye Town Park working for both Rye Town Park and the City's Marine Patrol and reporting to two different people could present a conflict. The candidate will report only to the Rye Police Department and the Marine Patrol hours will take precedent and hours at the park will be flexible. The Capital Committee for the Park will take two tracks. An RFP was put out and fund-raising for grants and donors will also be explored.

14. Old Business

Mayor French said there were three elements to zoning changes that have been discussed with the Board of Architectural Review (BAR): scope of authority; formal process of referring applicants back to BAR from the Zoning Board; and looking at the zoning table. Corporation Counsel said she has spoken with City Planner Christian Miller and they will put together proposals dealing with concerns about the mass and size of homes. Councilwoman Brett asked Corporation Counsel Wilson to look at tax incentives for historic restoration of homes as a step toward preserving the character of neighborhoods.

15. New Business

Councilwoman Parker referred to a bulletin issued by United Water and suggested that representatives of the company should come to a Council meeting to report on water quality issues.

16. Adjournment

There being no further business to discuss Councilwoman Brett made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the meeting at 11:47 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk