

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on July 10, 2013 at 8:00 P.M.

PRESENT:

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

ABSENT: None

The meeting was preceded by a Workshop between the City Council and the Rye Golf Club Commission and Rye Golf Club Strategic Commission that ended at 8:30 p.m. The regular meeting began at 8:40 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

There were no announcements made.

4. Draft unapproved minutes of the special meeting of the City Council held June 5, 2013, the Workshop on the Rye Golf Club and the regular meeting of the City Council held June 12, 2013, and the special meeting of the City Council held June 24, 2013

Councilwoman Brett made a motion, seconded by Councilwoman Parker and unanimously carried by the members of the Council who attended the meeting, to approve the minutes of the special meeting of the City Council held on June 5, 2013, as submitted.

Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried by the members of the Council who were present at the meeting, to approve the minutes of the Workshop on the Rye Golf Club held on June 12, 2013 and the minutes of the regular meeting of the City Council held on June 12, 2013, as submitted.

Councilwoman Brett made a motion, seconded by Councilwoman Parker and unanimously carried by the members of the Council who attended the meeting, to approve the minutes of the special meeting of the City Council held on June 24, 2013, as submitted.

5. Mayor's Management Report  
● Capital Projects Update

City Manager Pickup reported that the Capital Improvement Plan will be presented at the August 5<sup>th</sup> meeting and will include some items on Rye Golf Club. There are some bids to be awarded and there will be a follow up on dredging.

- Legal Update

Corporation Counsel Wilson reported on the following matters:

- *Beaver Swamp Brook* – A conference call was held with the Administrative Law Judge. Harrison is proceeding with their application for “Project Home Run”. The matter is proceeding to an Adjudication Hearing on certain issues, which will take place in Harrison probably in October or November.
- *City of Rye v. Rye Town Park* – A decision was issued by Judge Tolbert that found that the City did not meet its burden in revoking the tax exemption for Seaside Johnny's.

6. Authorization of a date change for the regular City Council Meeting from August 7, 2013 to August 5, 2013

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

**RESOLVED**, that the date for the regular August City Council meeting is changed from Wednesday, August 7, 2013 to Monday, August 5, 2013.

7. Overview of the School Construction Project and Impact on Traffic and Pedestrian Crossings

Brian Dempsey, Chair of the Traffic and Pedestrian Safety Committee, made a presentation about the current plan for traffic patterns during the school construction project and its impact on traffic around the High School/Middle School, so that plans can be implemented to keep movement in and around the school as safe as possible. There will be changes to the

current drop off and pick up patterns, which will create bottlenecks. A concern is the additional pressure that will be put on the Parsons Street intersections at Milton and Boston Post Road. The City-owned “snow fields” will be used for staff parking and an additional parking area will be added near the old tennis courts. There were two additional parking areas on the plans that the School District is not longer considering, but City Manager Pickup has asked that the School District reconsider utilizing these areas in order to increase onsite parking. A recommendation has been made that a substantial construction fence be erected on the “snow field” in order to funnel people to a designated crossing area that could contain a hazard warning system and a median similar to the one at Old Post Road. Additionally, the City has asked the School District to consider realigning the school driveway and the intersection at Apawamis Avenue and Milton Road. The question of establishing drop off lanes or remote drop off areas was discussed as well as parking areas for buses, school visitors and construction workers. A recommendation to change parking restrictions on Parsons Street will be coming back to the Council for consideration.

8. Resolution to amend changes to local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-13, Subsections A, to temporarily lift the ban on seasonal parking restrictions on Apawamis Avenue, to allow parking for the duration of the Rye City School District construction

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

**RESOLVED** that Section 191-13 (A) of Chapter 191, Vehicle and Traffic, of the Rye City Code is hereby amended to temporarily lift the ban on seasonal parking restrictions on Apawamis Avenue from Midland Avenue to Milton Road, to allow parking for the duration of the Rye City School District construction.

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. Consideration to set a Public Hearing for August 5, 2013 to amend local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-21, “Parking, standing or stopping”, to prohibit parking on the South side of Platt Lane on School days during the hours of 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m.

The Traffic and Pedestrian Safety Committee has recommended that parking be prohibited on one side of Platt lane during certain hours on school days in order to help with safety issues. A petition has been presented by all the residents of the street requesting the change.

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

**WHEREAS**, the Council wishes to amend Chapter 191 “Vehicles and Traffic”, §191-21 “Parking, standing or stopping” 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 August 5, 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 a Public Hearing on a Proposed Local Law to Amend Chapter 191, “Vehicles and Traffic” of the Code of the City of Rye by amending §191-21 “Parking, standing or stopping” to prohibit parking on the South side of Platt Lane on school days during the hours of 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 5<sup>th</sup> day of August 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 191 “Vehicles and Traffic” of the Code of the City of Rye by amending §191-21 “Parking, standing or stopping” to prohibit parking on the South side of Platt Lane on school days during the hours of 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m..

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

Dawn F. Nodarse  
City Clerk  
Dated: July 24, 2013

10. Authorization for the City Manager to enter into an agreement with All City Management Services (ACMS) for the outsourcing of school crossing guard services  
Roll Call.

City Manager Pickup said that information has been provided to the Council responsive to questions asked at the last meeting regarding supervision and costs related to the program. There was a discussion of inserting a clause into the agreement that would allow cancelation of the agreement if it did not work as hoped.

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

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the City Manager to enter into an agreement with All City Management Services (ACMS) for the outsourcing of school crossing guard services with the addition of a clause allowing for a testing period of 60 to 90 days.

ROLL CALL:

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

The Resolution was adopted by a 5-2 vote.

11. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department to General Order #120.09 "Workplace Violence Protection"

City Manager Pickup said that this change to the Police Rules and Regulations results from changes in State Law and will ultimately require a Workplace Violence update in all workplaces within the City. A specific program was created in order to comply with the State requirements. The proposed changes relating to this agenda item have been forwarded to the Police Association for their comment. No comments have been received. This item will come back to the Council for a vote in the fall.

12. Resolution to amend the City of Rye's FOIL procedures regarding the FOIL Appellate body

Mayor French summarized the two proposed options: (1) hire an attorney to hear FOIL appeals; or (2) a reduced committee of the City Council will hear FOIL appeals. There was a discussion regarding whether the procedure needed to be changed; the cost of engaging an outside attorney; and the problems/benefits of utilizing a smaller committee of the Council. Councilwoman Parker suggested a third option, which would keep the entire Council as the FOIL Appellate body. The appellant would be given the option of having the appeal heard at the next regularly scheduled City Council meeting by waiving the 10-day requirement to hear an appeal, or, if not, the appeal would be heard by outside counsel. Corporation Counsel Wilson was asked to get proposals from municipal attorneys for handling appeals.

13. Resolution to amend local law Chapter 15, "Code of Ethics", to reflect the addition of the Conflict of Interest form

The Board of Ethics has proposed some changes to the local law and Conflict of Interest form. Corporation Counsel Wilson will make the changes and circulate them to the Council and the Board of Ethics.

14. Consideration to adopt a Conflict of Interest form

This agenda item was deferred to the August meeting.

15. Discussion of the Sluice Gate legislation: "Development and Planning Standards" Intermunicipal Agreement Compliance with City of Rye Boards and Committees

This agenda item was held over in order to receive comments from the Planning Commission.

This Agenda item was taken out of order.

16. Authorization for the City Manager to execute an Inter-Municipal Agreement (IMA) with the Rye Free Reading Room regarding the receipt and disbursement of bond funds for library projects

Roll Call.

City Manager Pickup said that since the Library is not a building that the City has full control over, there must be a process in place to identify how funds from the bond referendum will be disbursed.

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

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the City Manager to execute and Inter-Municipal Agreement (IMA) with the Rye Free Reading Room regarding the receipt and disbursement of bond funds for library projects.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

17. Authorization for the City Manager to execute an Inter-Municipal Agreement (IMA) with the Municipal Employee Benefits Consortium (MEBCO) for health insurance coverage for selected employees  
Roll Call.

City Manager Pickup said that MEBCO is a consortium under New York State law and proposed changes will update aspects of the arrangement and provide additional changes in the way that large claim losses are dealt with in order to make it a more viable product going forward. The City will be responsible for the first \$75,000 of a large claim and after that amount there will be Stop Loss Insurance.

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

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the City Manager to execute an Inter-Municipal Agreement with the Municipal Employee Benefits Consortium (MEBCO) for health insurance coverage for selected employees.

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.

18. Resolution of support for a Letter of Interest for projects to qualify for the Hazard Mitigation Grant Support Program

City Manager Pickup said there is grant money available as a result of declared disasters. This is the first round of Hazard Mitigation Grants resulting from Hurricane Sandy. The City is looking to update the Blind Brook monitoring and flood warning capabilities by adding additional stream gauges. By applying for and accepting approval of the application, the City

must commit to a local share of 25% of the cost, which is estimated to be \$56,250 of the total project cost of \$225,000.

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

**RESOLUTION AUTHORIZING THE SUBMISSION TO THE HAZARD  
MITIGATION GRANT PROGRAM (HMGP)  
TO BE CONSIDERED FOR FEMA FUNDING FOR A BLIND BROOK  
STREAM GAUGE MONITORING AND FLOOD WARNING SYSTEM**

**WHEREAS**, in 2013 Governor Andrew M. Cuomo announced a call for projects to be funded by the Hazard Mitigation Grant Program (HMGP) to assist local governments and non-profit organizations to rebuild stronger, more resilient communities across New York State; and

**WHEREAS**, these efforts are aimed at increasing the State's resiliency, mitigating the risks of loss and damage associated with future disasters, and reducing hardship with over \$500 million expected to be available for the program; and

**WHEREAS**, the project must be in a County declared in Hurricane Irene, Tropical Storm Lee or Superstorm Sandy; and

**WHEREAS**, the project should ensure continuity of critical services by reducing the risk of damage and loss of function from flooding and other hazards; and

**WHEREAS**, the project should enhance the ability of the State or local government to monitor rain, streams and/or tides, to provide advance flood warnings and evacuation notices, or to provide other situational awareness during a disaster: for example, by installing stream/water level monitoring system to provide evacuation alerts; and

**WHEREAS**, the State of New York, acting through State Office of Emergency Management, is the applicant for FEMA's HMGP; and

**WHEREAS**, the City has submitted the project *Blind Brook Stream Gauge Monitoring and Flood Warning System* with an estimated project cost of \$225,000 with FEMA providing 75% funding and a local share of 25% match funding; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Rye City Council authorizes the submission to the Hazard Mitigation Grant Program (HMGP) to be considered for FEMA funding; and be it further

**RESOLVED**, that if the project is approved, the City of Rye will commit \$56,250 for local share funding with FEMA funding providing \$168,750 of the total project cost of \$225,000; and be it further

**RESOLVED**, that the City Council of the City of Rye authorizes the City Manager to continue to seek opportunities to address flooding issues and reduce the risk of damage from storm events for the City of Rye.

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

19. Resolution to approve the designation and appointment of staff to accept notices of claim from the Secretary of State

Corporation Counsel Wilson said that new procedure adopted by the State provides for an alternate method of serving a municipality with a Notice of Claim.

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

**WHEREAS**, the New York State Senate has passed, and the New York State Governor has signed into effect, the Uniform Notice of Claim Act (hereinafter the “Act”); and

**WHEREAS**, Section Six (§ 6) of the Act amends the General Municipal Law by adding a new section Fifty-Three (§ 53), effective June 15, 2013; and

**WHEREAS**, Section 53 requires municipalities to file a certificate that designates an individual to receive a Notice of Claim; and

**WHEREAS**, the City of Rye must file such Certificate with the Secretary of State no later than thirty (30) days of the date upon which General Municipal Law § 53 took effect;

**WHEREAS** the Uniform Notice of Claim Act amends New York State General Municipal Law to allow notices of claim against cities and villages to be served upon the New York Secretary of State as an agent for New York’s public corporations; and

**WHEREAS** pursuant to the Uniform Notice of Claim Act, the New York State Department of State will forward any notice of claim served upon it to the individual city or village designated to receive the notice of claim; and

**WHEREAS** pursuant to the Uniform Notice of Claim Act, each city and village within New York must designate the New York Secretary of State as the local government’s agent for the service of notices of claim, must provide the name and address of an official designee to

which the Secretary of State will forward any notice of claim, and provide the applicable time limit for filing a notice of claim,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rye hereby designates the New York Secretary of State as the City of Rye's agent for the service of notices of claim, and

**BE IT FURTHER RESOLVED** that the City Council of the City of Rye hereby appoints the City Clerk as the designee to which the New York Secretary of State will forward any notice of claim, located at 1051 Boston Post Road, Rye, NY 10580, and

**BE IT FURTHER RESOLVED** that any notice of claim filed with the City of Rye must be provided within 90 days of the incident to which it refers.

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

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

*Carolyn Barotz, Jordan Glass, Kimberly King, Jeffrey O'Neill, Ted Carroll, Ray Tartaglione and Nathan Barotz* all spoke about mosquito infestation on Hen Island and requested that the Council take action to deal with the situation.

*Jim Amico* thanked the Council for allowing him to hold his recent car event. He also spoke about the way the Police Department is handling complaints he has filed against two police officers.

21. Designation of two members to the Boat Basin Nominating Committee

Councilwoman Brett made a motion, seconded by Councilman Filippi and unanimously carried, to appoint Greg Gavlick and Ford Winters to the Boat Basin Nominating Committee for the 2013 Boat Basin Commission elections.

22. One appointment to the Flood Advisory Committee for a three-year term by the Mayor with Council approval

Councilwoman Brett made a motion, seconded by Councilman Filippi and unanimously carried, to appoint Robert van der Wateren to the Flood Advisory Committee for a three-year term expiring on January 1, 2016.

23. One appointment to the Rye Playland Advisory Committee for a three-year term by the Mayor with Council approval

Councilwoman Parker made a motion, seconded by Councilman Sack and unanimously carried, to appoint Stephen Vasko to the Rye Playland Advisory Committee for a three-year term expiring on January 1, 2016.

24. Miscellaneous Communications and Reports

Councilman Jovanovich said that he would be attending a meeting, sponsored by the Westchester Municipal Officials Association, with the Federal Monitor of Fair Housing Compliance at which a study of housing patterns and zoning in Westchester County will be presented.

25. Old Business

Councilman Sack asked for an update on the City's insurance claim in connection with employee thefts at Rye Golf Club. Corporation Counsel Wilson said the claim has been submitted to the insurance carrier but the City has not received a coverage letter from the insurance company yet. The insurance company has been in contact with Bill Breen regarding his report, is analyzing his figures to determine the amount of the City's loss, and waiting on a decision from the District Attorney's Office. Ms. Wilson will follow up with the insurance company regarding the coverage letter. There was a discussion about putting the Breen report on the City website.

Councilwoman Brett reported that the Flood Advisory Committee met with the City Manager and reviewed bids regarding the Watershed Review Project to see what options there might be for additional flood mitigation. The Committee has made recommendations to the City Manager and City Engineer about their preferences.

Councilman Filippi asked for an update on the cost of removing the Lowenstein Bridge.

26. New Business

Mayor French suggested that due to staff reductions over the last few years, there were no succession plans in place for many key management positions. He suggested that the Council should consider options for the management staff in order to have a succession plan in place.

27. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the meeting at 12:35 a.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk