

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on September 11, 2013 at 8:00 P.M.

PRESENT:

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

ABSENT: CATHERINE F. PARKER, Councilwoman

1. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Moment of Silence in remembrance of 9/11

Mayor French called for a moment of silence in remembrance of 9/11 as Councilman Filippi read the names of the 15 people from Rye who were lost that day.

3. Roll Call

Mayor French asked the City Clerk to call the roll; a quorum was present to conduct official city business.

4. General Announcements

Mayor French noted the passing of Board of Architectural Review member Mark Schindler.

Other announcements were also made regarding events and activities of interest to the community.

Representatives of the Fire Department said that they will be selling tee shirts to raise money for the "Sole Ryeders" in support of Breast Cancer Research and asked if the Members of the City Council would wear them to the next Council meeting. The shirts will be on sale at the Firehouse. Mayor French made a motion, seconded by Councilwoman Killian and unanimously carried to adopt the following Resolution:

**RESOLVED**, that the members of the City Council will wear shirts at the October 9<sup>th</sup> City Council meeting in support of the “Sole Ryeders” and the fight against Breast.

5. Draft unapproved minutes of the regular meeting of the City Council held August 5, 2013

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to adopt the minutes of the regular meeting of the City Council held on August 5, 2013, as amended.

6. Mayor’s Management Report

- Capital Projects Update

City Manager Pickup noted that the Central Avenue Bridge had been opened and the paving of the Boston Post Road had been completed prior to the opening of school. He said sidewalk improvements were done near Milton School, Midland School and the High School/Middle School. The contractor is getting ready to start work on the Old Milton Road Drainage Project. City staff are in discussions on the next phase of Central Business District (CBD) improvements. Hopefully, the next major project to get in the field will be the restoration of the Theodore Fremd Avenue Wall. Work will begin on some of the Safe Routes to Schools projects so that the work can be programmed for next summer. The Council was provided with a copy of the existing agreement with MTA for the parking lot. Mr. Pickup added that it would be helpful if a member of the Council would be able to join any discussions with the MTA regarding making improvements to the lot. The City has been working with Rye Town Park on the storm damage to the Dearborn Avenue seawall and the next phase will be to put out a bid spec for the repairs.

- School Crossing Guards

City Manager Pickup reported that all of the crossings are fully staffed including a new crossing at Midland and additional crossings at the High School. It was also suggested that an additional crossing should be staffed at the corner of Milton and Palisade Roads. The City Manager was asked to provide the Council with a list of the hours for the crossing guards prior to and since the new company took over.

Mayor French suggested that the City Manager contact the School District to find a date for a joint meeting with the School Board.

- Rye Golf Club Operations Update

The Club is in the beginning stages of their 2014 budget. The goal is to have a budget through the Commission process by early October and to the City by the middle of October. The Club is on target for a cash positive year, for the first time in five years. A decision on whether

or not to hire a full-time Manager will impact the budget discussions. Mr. Pickup has spoken with some professional firms regarding the search for a new manager and will discuss with the Commission about how to go forward. A suggestion was made to set up a committee. The City is hoping to have a draft of the update to the Maximus study to the Commission prior to the completion of the budget. Corporation Counsel Wilson reported that the City has still not received a coverage letter from Travelers in connection with the claim for employee theft. She has provided them with all information that they have requested. One issue that has come up is if it is more than one claim over several years.

- Boat Basin Operations Update

City Manager Pickup said that a preliminary meeting has been held with a new consultant regarding putting together the next potential application for dredging options that might include other parties.

- Storm Preparations

Meetings have been held with Con Ed. They have a new App for Smart Phones that has an enhanced outage capability and ability to communicate with Con Ed and provide better information as well as an App limited to emergency operations personnel. They are making other improvements to their emergency response capability, which seem to be positive improvements. FEMA is updating their Coastal Maps for Inundation Zones.

- Legal Update

Corporation Counsel Wilson reported on the following matters:

- *American Leisure* filed a Notice of Claim against the City in early August for anticipatory breach of the contract. Travelers has denied coverage since it is a contractual claim. She has sent out a demand for a supplemental notice and a demand for a 50H hearing for the beginning of October.
- *Westchester Joint Water Works* – the appeal will be fully submitted next week. It involves both school districts and the City regarding Westchester Joint Water Work’s pipes in the City. There is a significant notice issue with respect to the Rye Neck School District because most of the pipes are under their property and they were never served. Oral arguments should take place before the end of the year.

7. Public Hearing to adopt the Westchester County Sluice Gate legislation: “Development and Planning Standards” Intermunicipal Agreement Compliance (Local Law to repeal Chapter 173 and modify Chapter 174)

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to open the public hearing.

City Planner Miller said that the proposed legislation would eliminate Chapter 173 and modify Chapter 174 of the City Code to apply one standard to all properties. A requirement to receive funding for the Sluice Gate from the County was for the City to adopt the County’s

Planning and Development Standards. These standards have been incorporated into Chapter 174.

*Scott Peterson, 38 Davis Avenue*, asked if the City would lose anything in accepting the County's terms. City Planner Miller said that the County is asking the City to adhere to standards that are currently practiced in other communities, including the City of Rye.

Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried, to close the public hearing.

Councilwoman Brett made a motion, seconded by Councilman Jovanovich, to adopt the following local law repealing Chapter 173 and amending Chapter 174 of the Rye City Code:

**LOCAL LAW  
CITY OF RYE NO. 1-2013**

**A Local law to Repeal Chapter 173 "Surface Water, Erosion and Sediment Control" and Amend Chapter 174 "Stormwater Management" of the Code of the City of Rye, New York**

Be it enacted by the City Council of the City of Rye as follows:

**Section 1.** Chapter 173, *Surface Water, Erosion and Sediment Control*, is hereby repealed in its entirety.

**Section 2.** The title of Article I, *Erosion and Sediment Control for Development of One Acre or More*, is hereby amended as follows:

ARTICLE I  
Erosion and Sediment Control

**Section 3.** Article I, *Erosion and Sediment Control*, Section 197-5, *Exemptions*, of the Code of the City of Rye is hereby amended as follows:

- C. Routine maintenance activities that disturb less than three-hundred (300) square feet and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.

**Section 4.** Article I, *Erosion and Sediment Control*, Section 197-6, *Definitions*, of the Code of the City of Rye is hereby amended to modify the definition of 'LAND DEVELOPMENT/REDEVELOPMENT ACTIVITIES' and 'STORM WATER POLLUTION PREVENTION PLAN (SWPPP)' as follows:

LAND DEVELOPMENT/REDEVELOPMENT ACTIVITY - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than three-hundred (300) square feet, or activities disturbing less than three-hundred (300) square feet of

total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development or redevelopment activities may take place at different times on different schedules.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP) – a plan for controlling storm water runoff and pollutants from a site involving a disturbance equal to or greater than three-hundred (300) square feet during and after construction activities.

**Section 5. Article I, *Erosion and Sediment Control*, Section 174-7.A, *Storm Water Pollution Prevention Plan Requirement*, of the Code of the City of Rye is hereby amended as follows:**

**A. Storm Water Pollution Prevention Plan Requirement**

No application for approval of a land development or redevelopment activity shall be reviewed until the Planning Board or City Engineer has received a Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this Chapter. Where possible SWPPP shall include the sustainable development practices as identified in the following sources:

“Low Impact Development Design Strategies: An Integrated Design Approach” (1999), by the Prince George’s County (Maryland) Department of Environmental Resources.

“Low Impact Development: Urban Design Tools” Website, by the Low Impact Development Center.

“Polluted Runoff (Nonpoint Source Pollution): Low Impact Development (LID)” Website, by U.S. Environmental Protection Agency.

**Section 6. Article I, *Erosion and Sediment Control*, Section 174-7.B(2) of the Code of the City of Rye is hereby amended as follows:**

- (2) Land development or redevelopment activities as defined in Section 6 of this Chapter and meeting Condition “A”, “B” or “C” below shall also include water quantity and water quality controls (post-construction storm water runoff controls) as set forth in Section 174-7.B(3) below as applicable. Land development or redevelopment activities as defined in Section 6 of this Chapter and falling below the thresholds established in Conditions “A”, “B” or “C”, but meeting Condition “D” shall also include water quantity and water quality controls (post-construction storm water runoff controls) as set forth in Section 174-7.B(4) below as applicable

Condition A - Storm water runoff from land development or redevelopment activities including clearing, grading, excavating, soil

disturbance or placement of fill that results in land disturbance of equal to or greater than one acre discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in storm water have been identified as a source of the impairment.

Condition B - Storm water runoff from land development or redevelopment activities disturbing five (5) or more acres.

Condition C - Storm water runoff from land development or redevelopment activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

Condition D – All other land development or redevelopment activities not meeting Conditions “A”, “B” or “C” above.

**Section 7. Article I, Erosion and Sediment Control, Section 174-7.B, Contents of Storm Water Pollution Prevention Plans, of the Code of the City of Rye is hereby amended to add the following sub-section:**

- (4) SWPPP Requirements for Condition D:
- (a) All information in Section §174-7.B(1) of this Chapter;
  - (b) Description of each post-construction storm water management practice;
  - (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction storm water management practice;
  - (d) Hydrologic and hydraulic analysis for all structural components of the storm water management system for the applicable design storms;
  - (e) Comparison of post-development storm water runoff conditions with pre-development conditions;
  - (f) Dimensions, material specifications and installation details for each post-construction storm water management practice;
  - (g) Maintenance schedule to ensure continuous and effective operation of each post-construction storm water management practice;
  - (h) Maintenance easements, if applicable, to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
  - (i) Inspection and maintenance agreement, if applicable, binding on all subsequent landowners served by the on-site storm water management measures in accordance with Section 9 of

this Chapter; and (J) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all storm water management practices meet the requirements in this Chapter.

**Section 8.** Chapter 173, *Surface Water, Erosion and Sediment Control*, Section 174-7.F, *Requirements for Land Development/Redevelopment Activity for Less than One Acre*, is hereby repealed in its entirety.

**Section 9.** Chapter 173, *Surface Water, Erosion and Sediment Control*, Section 174-8, is hereby amended as follows:

**§174-8 Performance and Design Criteria for Storm Water Management Plans**

All land development or redevelopment activities equal to or greater than three-hundred (300) square feet shall be subject to the following performance and design criteria:

**Section 10.** Severability

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

**Section 11.** Effective Date

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Parker

The Local Law was adopted by a 6-0 vote.

8. Public Hearing to amend local law Chapter 15, "Code of Ethics", to reflect the addition of the Conflict of Interest form

Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried, to open the public hearing.

Corporation Counsel Wilson summarized the changes that had been made at the last City Council meeting to Sections 15-2B, 15-2C and 15-16A. There was a discussion among the Council regarding who should grant the waivers to employees doing work for the City referred to under Section 15-16A, the City Manger or the City Council. Corporation Counsel Wilson was asked to add section 15-16C, which sets up a Council review process for waivers issued by the City Manager.

There was only one member of the public who commented on the proposed local law. *Scott Peterson* suggested that the City Manager should issue the waivers but the City Council should review them and set policy on how they should be issued.

Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried, to close the public hearing.

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

**CITY OF RYE  
LOCAL LAW NO. 2 2013**

**A Local Law to amend Chapter 15 “Ethics, Code of” §§ 15-2  
“Conflicts of Interest”, 15-4 “Disclosure of interest” and to  
add § 15-16 “Waiver procedure” of the Rye City Code**

**Be it enacted by the City Council of the City of Rye as follows:**

**Section 1: Chapter 15 Ethics, Code of**

**§ 15-2. Conflicts of interest.**

- A.** Unless otherwise defined herein, all terms shall have the same meanings as set forth in the New York Public Officers Law. No elected official, officer or employee of the city shall have any interest, financial or otherwise, direct or indirect or engage in any business or transaction or professional activity or incur any obligation of any nature which is in conflict with or might reasonably tend to conflict with the proper discharge of his duties in the public interest.
- B.** No member of the Rye Golf Commission or Boat Basin Commission shall be permitted to engage in any business or transaction with the city for pay or for anything of value.
- C.** No elected official, officer, employee, department head or assistant department

head (or any spouse/domestic partner of any person holding one of the aforementioned positions) shall be an employee, subcontractor, agent, servant, representative, or hold any other position with a vendor of the city.

**§ 15-4. Disclosure of interest.**

A member of the Council or any officer, employee, department head, or board or commission member who has a direct or indirect financial interest in any matter before the Council, who participates in the discussion before or makes a recommendation to or gives an opinion to the Council on that matter, shall publicly disclose on the official record of the Council the nature and extent of such interest and recuse him/herself from the discussion and taking any action on the matter.

**§ 15-5. Solicitation or acceptance of gifts and favors.**

No officer or employee shall, directly or indirectly, solicit any gift, or accept or receive any gift having a value of fifty (\$50) dollars or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part, or grant in the discharge of his duties any improper favor, service or thing of value.

**§ 15-16. Waiver procedure.**

Any officer, employee, department head, or board or commission member may apply for a waiver of the prohibitions set forth in this Chapter by following the procedures outlined in A and B below.

- A. An employee or department head shall apply for a waiver to the City Manager. Any applications shall be in writing. The City Manager has the authority to condition any waiver on reasonable terms. The City Manager shall seek an advisory opinion from the Board of Ethics if he/she needs clarification on an issue. All waivers and advisory opinions shall also be provided to the City Council as soon as such waiver application is received.
- B. An elected or appointed official shall apply for a waiver to the Board of Ethics. All applications shall be in writing. The Board of Ethics has the authority to condition any waiver on reasonable terms.
- C. The City Council shall review all waivers on a monthly basis.

**Section 2: Severability.**

If any clause, sentence, paragraph, section or part of any section of this title shall be

adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

**Section 3: Effective date.**

This local law will take effect immediately on filing in the office of the Secretary of State.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich and Killian  
NAYS: Councilman Sack  
ABSENT: Councilwoman Parker

The Local Law was adopted by a 5-1 vote.

9. Resolution to adopt a Conflict of Interest form

There was a discussion among the Council regarding whether members of the Boat Basin and Golf Club Commissions and Board of Fire Wardens should be required to sign the Conflict of Interest form. It was determined that unless it was required of all members of City Boards and Commissions, that they should not be included at this time.

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

**RESOLVED**, that the City Council of the City of Rye hereby adopts the proposed Conflict of Interest form to be signed by the following parties: Mayor and City Council Members, City Manager, Corporation Counsel, Assessor, Deputy Assessor, Building Inspector, City Clerk, Comptroller, Deputy City Comptroller, Fire Lieutenant, Boat Basin Supervisor, Rye Golf Club Manager, Coordinator of Computer Services, City Planner, Police Commissioner, City Engineer, DPW General Foreman, DPW Assistant General Foreman, Recreation Superintendent and Rye TV Access Coordinator. This will take effect on November 15, 2013.

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.

10. Consideration to set a Public Hearing for October 9, 2013 to amend local law Chapter 197, Zoning, of the Rye City Code, Section §197-1, “Definitions and Usage”, to amend the definition of “STORY, HALF”, and Section §197-43.2, Subsection B, “Attics” to amend the Calculation of Attics in Gross Floor Area

City Planner Miller said that the proposed legislation addresses house scale concerns and focuses on the use of attic space and how it counts in floor area ratio. He said it is easier to have the same standard as the New York State Building Code. Corporation Counsel Wilson noted that the draft local law would have to be referred to the County Planning Department.

*David Torriano and Paul Benowitz* questioned the advisability of setting a public hearing on the proposed law at this time.

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

**WHEREAS**, the Council wishes to amend Chapter 197 “Zoning” 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 October 9, 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 197 “Zoning”, of the Code of the City of Rye,  
New York to amend the definition of “Story, Half” (§197-1) and  
the calculation of Attics in Gross Floor Area (§197-43.2 Subsection B).**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 9th day of October 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 197 “Zoning” of the Code of the City of Rye, New York to amend the definition of “Story, Half” (§197-1) and the calculation of Attics in Gross Floor Area (§197-43.2 Subsection B).

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

Dawn F. Nodarse  
City Clerk  
Dated: September 25, 2013

**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.

11. Consideration to set a Public Hearing for October 9, 2013 to: 1) adopt a local law amending Chapter 53, Architectural Review, of the Rye City Code, Section §53-1, “Definitions” to amend the definition of “Small Project”, and 2) adopt a local law to amend Chapter 197 Article IV “Use Regulations” and Article VI “Appeals” to establish regulations regarding outdoor fire pits and outdoor kitchens and to establish a referral process between the BAR and Board of Appeals

Corporation Counsel Wilson said that she had met with the Board of Architectural Review (BAR) and the proposed local laws reflect concerns they have raised. She noted that the Zoning Board of Appeals had expressed concerns with the suggested change to Chapter 197 Article VI “Appeals”, which would establish a referral process between the BAR and the Board of Appeals. There was a discussion of having the two Boards meet to discuss the proposed change before proceeding with setting a public hearing for the portion of the proposed local law that deals with Article VI “Appeals”.

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

**WHEREAS**, the Council wishes to amend Chapter 53 “Architectural Review” 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 October 9, 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 53 “Architectural Review”, of the Code of the City of Rye, New York by amending Section 1 “Legislative findings; definitions” to amend the definition of “Small Project”.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 9th day of October 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 53 “Architectural Review” of the Code of the City of Rye, New York by amending Section 1 “Legislative findings; definitions” to amend the definition of “Small Project”.

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

Dawn F. Nodarse  
City Clerk  
Dated: September 25, 2013

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

**WHEREAS**, the Council wishes to amend Chapter 197 “Zoning” of the Code 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 October 9, 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 197 “Zoning”, of the Code of the City of Rye,  
New York by amending Article IV “Use Regulations”,  
§179-9 Accessory uses, to establish regulations  
regarding outdoor fire pits and outdoor kitchens.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 9th day of October 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 197 “Zoning” of the Code of the City of Rye, New York by amending Article IV “Use Regulations”, §179-9 Accessory uses, to establish regulations regarding outdoor fire pits and outdoor kitchens.

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

Dawn F. Nodarse  
City Clerk  
Dated: September 25, 2013

12. Discussion to amend the Governing Procedures of City Enterprise Funds

Mayor French said the proposed Governance document puts into practice the theory of providing oversight in governance for the stakeholders. There was a discussion among the

members of the Council and the Golf Commission members who were in attendance regarding the proposed document, which included the appointment of non-elected members to the Commission; allowing time for the Commission to receive feedback from the membership of the Club on the proposed changes before the discussion continues; and separate documents covering the Golf Club Commission and the Boat Basin Commission

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

**RESOLVED**, that this agenda item is adjourned in order to give the document to the Golf Commission to discuss with their membership prior to bringing it back to the City Council for a more productive further discussion.

13. Resolution to adopt a City of Rye Sustainability Plan

Mayor French noted that a great deal of work went into the creation of the City of Rye Sustainability Plan over the last few years. He recommended that people review the plan online and begin to practice the tips and recommendations it contains.

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

**RESOLVED** that the City Council of the City of Rye hereby adopts the first City of Rye Sustainability Plan.

14. Resolution to amend the City's Management Employment Agreements

This agenda item was deferred.

15. Authorization for the City Manager to conduct an Executive Search for the Police Commissioner position

City Manager Pickup said that time is of the essence to engage a firm that can produce as many candidates as possible. He anticipates that there will be some public participation in the process as well before a final offer is made to a candidate.

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

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the City Manager to commence an Executive Search for the position of Police Commissioner.

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.

16. Resolution authorizing the Corporation Counsel and the Mayor to seek settlement of the litigation with Rye Town

This Agenda item was deferred.

17. Resolution to approve a Tax Certiorari settlement with Old Post Road Associates, Inc. for the property located at 120 Old Post Road

Corporation Counsel Wilson said that the School Board has not yet considered the settlement proposal but they need to sign off on it as well.

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

**RESOLVED**, that the City Council of the City of Rye hereby approves the Tax Certiorari settlement with Old Post Road Associates, Inc. for the property located at 120 Old Post Road.

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.

18. Discussion to provide temporary parking alternatives for Blind Brook Lodge residents in City lots during the construction phase of the new Blind Brook Lodge parking facilities

City Manager Pickup reported that temporary parking opportunities have been created for residents of Blind Brook Lodge until their parking lot construction project is completed. There may be requests to modify the "Snow Ordinance" if the project is not completed by November.

19. Resolution authorizing the City Manager to extend the Agreement with the Rye Art Center, Inc. to lease the property located at 51 Milton Road  
Roll Call.

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

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the City Manager to extend the Agreement with the Rye Art Center, Inc. to lease the property located at 51 Milton Road for an additional 25 years commencing on April 25, 2016.

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.

20. Resolution to declare certain City of Rye Police equipment as surplus  
Roll Call.

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

**WHEREAS**, the Police Department has received a new boat through a grant from the New York State Department of Parks, Recreation, and Historical Preservation for use by the Marine Unit, now, therefore, be it

**RESOLVED**, that the Police Department has recommended that the existing 1990 Mako boat currently in use be declared surplus, and, be it further

**RESOLVED**, that authorization is given to the City Comptroller to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

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.

21. Resolution to appropriate \$30,011 from the Building and Vehicle Fund, Fund Balance to the 2013 Police Vehicles Fund for the purchase of a fleet car

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

**WHEREAS**, City staff has determined that the amounts required for the purchase of a fleet car for the Police Department were not anticipated and were not provided for in the adopted 2013 budget by \$30,011, and;

**WHEREAS**, the Building and Vehicle Fund, Fund Balance Account has enough funds to be appropriated for the purchase, now, therefore, be it;

**RESOLVED**, that the City Comptroller is authorized to transfer \$30,011 from the Building and Vehicle Fund, Fund Balance to the 2013 Police Vehicles Fund for the purchase of a fleet car.

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.

22. Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department:

- General Order #117.09 establishes a required policy for the deployment of all-terrain vehicles
- General Order #106.05 updates the Department's procedures regarding "Stopping Violators"
- General Order #105.04 updates the Department's procedures regarding "Airborne or Bloodborne Pathogens"

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

**RESOLVED**, that the City Council of the City of Rye hereby approves the proposed revisions to the Rules and Regulation of the City of Rye Police Department: General Order #117.09, "Deployment of All Terrain Vehicles"; General Order #106.05, "Stopping Violators"; and General Order #105.04, "Airborne or Bloodborne Pathogens".

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.

23. Authorization for the Police Commissioner to enter into an agreement with the New York State Police and the Westchester County Department of Public Safety for the TraCS System, an automated traffic ticket issuing system  
Roll Call.

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 Police Commissioner to enter into an agreement with the New York State Police and the Westchester County Department of Public Safety for the TraCS System, an automated traffic ticket issuing system.

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.

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

*Scott Peterson, 38 Davis Avenue*, asked the Council to prove to him why he shouldn't move out of Rye.

25. Resolution ratifying the appointment of one member to the Emergency Medical Services Committee for a three-year term ending June 30, 2016

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

**RESOLVED**, that the City Council of the City of Rye hereby ratifies the reappointment of David Byrnes to the Emergency Medical Services Committee as the Community Representative from the Village of Port Chester for a three year term expiring on June 30, 2016.

26. One appointment to the Board of Assessment Review for a five-year term expiring on September 30, 2018, by the Mayor with Council approval

Mayor French made a motion, seconded by Councilman Jovanovich and unanimously carried, to appoint Franklin Chu to the Board of Assessment Review for a five-year term expiring on September 30, 2018.

27. Three appointments to the Boat Basin Commission, by the Council, for two-year terms expiring January 1, 2016 and the designation of one member to the Boat Basin Nominating Committee

Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried, to appoint George DeFillippo, Robert Rispoli and George Szczerba to the Boat Basin Commission for two-year terms expiring on January 1, 2016 and to appoint Alan Caminiti to the Boat Basin Nominating Committee.

28. Appointment of a Marriage Officer for the City of Rye

Councilman Jovanovich made a motion, seconded by Councilwoman Brett and unanimously carried, to reappoint Susan Morison and appoint Diane Moore as Marriage Officers for the City of Rye for a term of four years.

29. Consideration of request by the Recreation Department to hold their annual Turkey Run on Thanksgiving Weekend

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

**RESOLVED**, that the City Council of the City of Rye hereby approves the request of the Recreation Department for use of City streets on Saturday, November 30, 2013 to hold their annual Turkey Run.

30. Miscellaneous Communications and Reports

Corporation Counsel Wilson said that she had spoken with Bob Freeman of the Committee on Open Government regarding a potential FOIL appeal from Timothy Chittenden to appeal the cost that was estimated to provide him with electronic records. Mr. Freeman confirmed that the City was acting within its authority to charge him for the costs associated with providing the records. She advised that it was not an appealable issue and should not be heard by the Council.

31. Old Business

Councilwoman Brett asked that the "Ithaca Law" that the Landmarks Committee has requested the Council adopt be put on the agenda for discussion and setting of a public hearing at the October 9<sup>th</sup> meeting.

32. New Business

There was nothing discussed under this item.

33. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn the meeting at 11:25 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk