

**APPROVED MINUTES** of the Regular Meeting of the City Council of the City of Rye held in City Hall on January 8, 2014 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor  
LAURA BRETT  
KIRSTIN BUCCI  
JULIE KILLIAN  
TERRENCE McCARTNEY  
RICHARD MECCA  
RICHARD SLACK  
Councilmembers

ABSENT: None

1. Pledge of Allegiance

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

2. Roll Call

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

Agenda Item 13 was taken prior to Agenda Item 3.

3. The State of the City Address by the Mayor

“If this address was meant to have top billing tonight, it certainly got upstaged by the appointments of Councilman Mecca and Councilman Slack. But that’s alright with me, because we’ll need the hard work of these new members of our team, long after the few words spoken here tonight have faded away.

“Fifty years ago, in 1964, the building in which we are gathered tonight, our Rye City Hall, was first dedicated and opened for business.

“For decades, from the time that the Village of Rye was first incorporated in 1904, and from the time that the Village became a City in 1942, our government was run out of the historic Square House across the Village Green.

“But by the 1960’s, Rye’s working needs had grown larger than could be accommodated by the historic tavern in which George Washington once slept.

“Saving the day was the vision of former Mayor John Motley Morehead, who generously donated the funds to begin construction on this site – where the Rye Playhouse movie theater and then a gas station once stood – of a new and modern City Hall.

“There are two bronze plaques in the hallway outside Council Chambers commemorating Mayor Morehead’s gift, and noting the Council members who presided over the dedication in 1964, including future Mayors Ed Grainger and John Carey, who are still very active in Rye today.

“So 2014 is a historic milestone year in Rye, and we will make plans to properly celebrate this building’s Golden Anniversary.

“As we head into the New Year, there is no shortage of important issues on our plate. These issues are not new. They are the same issues that we’ve faced over the past few years. But what we can change is the way that we approach these issues. And in so doing, perhaps we may achieve some resolution to these issues, and find outcomes which are most beneficial to the people of Rye.

“The police union arbitration decision was issued in October of last year. There was much effort by one party or another to couch this decision in the context of “we won” and “they lost.” This type of spin, whether real or imagined, completely misses the point. That is, because both sides could not come to a negotiated settlement, and because our combined fates were left to be decided by an arbitrator over whom we had no control, both sides had already lost well before the arbitration decision even came out.

“We need a fresh start where both parties – management and collective bargaining units alike – work together to cultivate mutual understanding of the respective economic pressures which we are all under, in order to arrive at mutual respect and trust. Let’s try to get a deal done this year.

“The future plans for Playland seem to be moving forward and accelerating. The concept of re-inventing Playland for the 21<sup>st</sup> Century is certainly appealing. But amongst some residents, there has been apprehension, frustration and even anger, fueled mainly by a belief that they’re not getting information. Likewise, one can see how supporters of change have become disenchanted, concluding that no answer they give will ever be seen as good enough.

“If you ask legitimate critical questions, you shouldn’t have to be labeled as unruly. At the same time, on the other side, if you are making an effort to conduct a rational dialogue, you shouldn’t have to be called out for stonewalling.

“There is a distinct role for the City to play here. We shouldn’t be unthinking cheerleaders. Nor should we be cantankerous obstructionists. We can and must facilitate the simple asking of questions, and the provision of helpful answers.

Ultimately, if the plans for Playland cannot withstand scrutiny, then there is a problem. But if the plans for Playland can stand up to reasonable analysis, then fault should not be found. Let's defuse the situation with clear communication.

"There are two sites in Rye which have been discussed for significant multi-family residential development: The vacant lot near the corner of Theo Fremd and North Street, behind the gas station and abutting the train tracks, where there is a proposal for County-subsidized affordable housing units. And 120 Old Post Road, the old Mobius Building, along the Playland Parkway access road, where there is a formative concept for a senior assisted living facility.

"We cannot allow these projects to meander. We need to be more assertive in defining the City's interests in these projects, and in leading the residents of our community towards an informed consensus. Let's step it up this year.

"At Rye Golf Club, we need to more aggressively pursue the employee theft insurance claim that we filed in the wake of the management scandal that we've unfortunately had to endure. Let's get some movement here.

"This week, we had the first meeting of the Rye Golf Club RFP Review Committee. We need to quickly and thoroughly analyze the responses we received, in order to decide whether to negotiate an agreement with one of the responders. Things are starting to look up. Let's finally turn the corner on this.

"We have a number of infrastructure projects, mainly emanating out of the 2012 bond issue referendum, which will finally get into full swing this year. Let's keep tabs on them, and also find time to pursue other important but long-neglected projects, like improvements and parking at the MTA-owned Railroad station plaza, and possible renovations at the court house facility.

"Checks and balances and oversight have been less than tight in the City. Let's institute necessary changes to the City Charter to allow Council members to request documents and information from the City Manager at any time, and to permit City Council members to meet directly with department heads, without having to go through the City Manager.

"Let's not let up in working with the County regarding flood mitigation projects, including at the County Airport, and in reviewing other potential projects for additional upstream retention.

"Earlier today, I was asked to sign a tax warrant for over \$20 million, representing the money to be raised from our residents in 2014 City property taxes. Therefore, let's also not ever lose sight of the fact that the financial stability of our City is one of our top priorities. Let's identify long-term liabilities and expenditures so that we can reserve appropriately, and let's identify ways to reduce the City's long term liabilities for pensions and healthcare.

“And let’s make sure that we have a firm handle on all personnel matters as we embark on the transition to our new Council administration.

“This Rye City Hall has served us well for a half century. It may need some updating and refurbishing, but it has good bones.

“The same might be said of the state of our City – we are built on a solid foundation, but we can also stand to make some improvements, and to keep up with the demands of changing times and new challenges.

“Because at the end of the day, Rye is not about this building, it is not about the brick and mortar. Rather, Rye is about the folks who populate this building, who breathe life into this building. Rye is about the dedicated employees who serve us here. Rye is about our friends and family and neighbors who volunteer their time here, and who do good deeds both large and small, in the unending hope of making Rye an even better place than it already is.

“And that is why the state of our City is strong and always will be.

“Thank you and God Bless us all.”

4. General Announcements by the Council

Announcements are made that may be of interest to the public.

5. Draft unapproved minutes of the Regular Meeting of the City Council held December 18, 2013

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried by the three members of the Council who attended the meeting, to approve the minutes of the regular meeting of the City Council held on December 18, 2013, as amended.

6. Issues Update/Old Business

City Manager Pickup updated the Council on the following matters:

- Park next to Central Avenue Bridge – During construction of the bridge, questions were raised about site distances and other issues that have been brought to the Traffic and Pedestrian Safety Committee (TPS). They are working on a proposal about parking restrictions that impact the pedestrian crosswalks and turning movements in the area. The “park” area has not been restored after construction of the bridge. Based on recommendations from TPS, the Council could decide to use the area for parking or restore it to its original condition. There may also be a request to use the property as a staging site for construction going on at 2 Central Avenue. Research into the parcel indicates that it does not have a designation as parkland and is not part of the grant for the

Rye Nature Center. The City Manager was asked to put up different fencing from what is currently at the lot and to ask TPS how many parking spaces the lot could hold. *Doug Carey* commented on the history of using the site as a passive park and asked about the City's plans for the park going forward.

- Lowenstein Bridge – the bridge needs repairs on the landings on either side, so it is not considered safe for use as a pedestrian crossing at this time. The previous Council had expressed interest in having the bridge removed. Mayor Sack asked to have TPS look into the issue and make a recommendation.
- City Manager's Compensation – The City Manager explained the difference between his base salary as listed in his contract and amount listed on his W-2. There are three reasons: (1) As part of the Administrative Pay Group, the Manager has the ability to receive payment for five days of unused annual vacation; (2) there is a car allowance benefit; and (3) a reimbursement for not utilizing City health benefits.

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

*Jim Amico, 350 Midland Avenue*, spoke about the tone of Council meetings going forward.

8. Appointment of the 2014 Deputy Mayor by the Mayor

Mayor Sack appointed Councilwoman Brett as Deputy Mayor for a one-year term commencing on January 1, 2014, to serve as Acting Mayor in the Mayor's absence.

9. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term

Mayor Sack appointed Councilman McCartney as Trustee of the Police Pension Fund for a one-year term commencing January 1, 2014.

10. Designation of the City Council's Audit Committee by the Mayor

Mayor Sack appointed Councilwoman Killian and Councilwoman Bucci, to the City Council's Audit Committee for a one-year term commencing January 1, 2014.

11. Designation of the City Council Liaisons by the Mayor

Mayor Sack said he felt that, in some cases, City Council Liaisons to Boards and Commissions should be obsolete and suggested that possibly Councilmembers should be liaisons to City Departments instead. He also suggested that the Chairs of the Board and Commissions could server as the liaisons and report directly to the Council. This agenda item was deferred.

12. Designation of official City newspaper

Corporation Counsel Wilson reviewed the statutory requirements for naming an official City Newspaper for the purpose of publishing legal notices. She added that the Council does have the ability to designate an official newspaper and an alternate paper as long as they both meet the statutory requirements. There was a discussion among the Council regarding naming a daily newspaper or a weekly newspaper, or both, in order to meet the mandated noticing requirements.

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

**RESOLVED**, that the Journal News is hereby designated as the official City newspaper for purposes of publishing legal notices.

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

**RESOLVED**, that the Rye City Review is hereby designated as the alternate City newspaper for purposes of publishing legal notices.

This Agenda Item was taken prior to Agenda Item 3.

13. Appointment of two City Council Members for terms expiring January 1, 2015

Mayor Sack said that the two vacancies on the Council, created by his election as Mayor and Catherine Parker's election to the County Board of Legislators, would be filled at this meeting. As per the City Charter, the appointments are made by majority vote of the Council. There are two years remaining on the terms. The appointees will serve for the remainder of this year and a special election will be held in November to determine who will serve the last year of the term.

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to adopt the following Resolution:

**RESOLVED**, that the City Council of the City of Rye hereby appoints Richard Mecca to serve as a Member of the Rye City Council until January 1, 2015.

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

**RESOLVED**, that the City Council of the City of Rye hereby appoints Richard Slack to serve as a Member of the Rye City Council until January 1, 2015.

After the vote was taken, the new Members of the Council were sworn in by City Court Judge Joseph Latwin and both made brief remarks.

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

A) Two appointments to the Board of Appeals for a three-year term

Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried, to reappoint Alan Weiner to the Board of Appeals for a three-year term expiring on January 1, 2017.

Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried, to appoint Susan Brown to the Board of Appeals for a three-year term expiring on January 1, 2017.

B) Four appointments to the Board of Architectural Review for a three-year term

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to appoint Lisa Hogan Luthringer to the Board of Architectural Review for a three-year term expiring on January 1, 2017.

Mayor Sack made a motion, seconded by Councilman McCartney and unanimously carried, to appoint Kevin Grainger to the Board of Architectural Review for a three-year term expiring on January 1, 2017.

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to appoint Kathy Grainger Hobbins to the Board of Architectural Review for a three-year term expiring on January 1, 2017.

C) One appointment to the Board of Ethics for a three-year term

Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried, to reappoint Beth Griffin Matthews to the Board of Ethics for a three-year term expiring on January 1, 2017.

D) One appointment to the Conservation Commission/Advisory Council for a three-year term

This appointment was deferred.

E) Two appointments to the Finance Committee for a three-year term

These appointments were deferred.

F) Four appointments to the Flood Advisory Committee for a three-year term

These appointments were deferred.

G) Three appointments to the Landmarks Advisory Committee for a three-year term

These appointments were deferred.

H) Two appointments to the Planning Commission for a three-year term

Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried, to reappoint Hugh Greechan to the Planning Commission for a three-year term expiring on January 1, 2017.

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to appoint Al Vitiello to the Planning Commission for a three-year term expiring on January 1, 2017.

I) Two appointments to the Recreation Commission for a three-year term

Mayor Sack made a motion, seconded by Councilwoman Bucci and unanimously carried, to reappoint Caroline Surhoff to the Recreation Commission for a three-year term expiring on January 1, 2017.

Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried, to appoint Tim Walsh to the Recreation Commission for a three-year term expiring on January 1, 2017.

J) Four appointments to the Rye Cable and Communications Committee for a three-year term

These appointments were deferred.

K) Five appointments to the Rye Playland Advisory Committee for a three-year term

Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried, to reappoint Lloyd Emmanuel to the Rye Playland Advisory Committee for a three-year term expiring on January 1, 2017.

Mayor Sack made a motion, seconded by Councilwoman Bucci and unanimously carried, to reappoint Lucinda McKinnon to the Rye Playland Advisory Committee for a three-year term expiring on January 1, 2017.

Mayor Sack made a motion, seconded by Councilman McCartney and unanimously carried, to reappoint Bill Meyers to the Rye Playland Advisory Committee for a three-year term expiring on January 1, 2017.

Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to appoint Mike Visci to the Rye Playland Advisory Committee for a three-year term expiring on January 1, 2017.

Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to appoint Ken Ball to the Rye Playland Advisory Committee for a three-year term expiring on January 1, 2017.

L) Two appointments to the Rye Town Park Advisory Committee for a three-year term

These appointments were deferred.

M) Two appointments to the Traffic & Pedestrian Safety Committee for a three-year term

Mayor Sack made a motion seconded by Councilman Mecca and unanimously carried, to reappoint Jim Burke to the Traffic and Pedestrian Safety Committee for a three-year term expiring on January 1, 2017.

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to reappoint Ben Stacks to the Traffic and Pedestrian Safety Committee for a three-year term expiring on January 1, 2017.

15. Designation of the amounts of faithful performance bonds:

Councilwoman Brett made a motion, seconded by Councilman Slack, to recommend the following amounts of faithful performance bonds:

A.	City Comptroller	\$ 1,000,000
B.	City Clerk	\$ 500,000
C.	City Marshall	\$ 100,000

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney,  
Mecca and Slack

NAYS: None

ABSENT: None

The Resolution was adopted by a 7-0 vote.

16. Continuation of Public Hearing to 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

A suggestion was made to close the public hearing and move the item off the Agenda until the new Council decides they are ready to put it back on.

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

17. New Business

There was nothing discussed under this Agenda item.

18A. The Council will convene into Executive Session to discuss litigation and personnel matters

Councilwoman Brett made a motion, seconded by Councilman Slack and unanimously carried, to adjourn into executive session do discuss litigation related to Rye Town Park and the Rye Golf Club and personnel matters related to a potential Acting Police Commissioner at 9:10 p.m. Councilwoman Killian made a motion, seconded by Councilwoman Killian and unanimously carried to adjourn the executive session at 10:58 p.m. No decisions were made.

18. Adjournment

There being no further business to discuss Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn the meeting at 11:00 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk