

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on February 5, 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

The Council convened at 6:35 p.m. Councilman Mecca made a motion, seconded by Councilman Slack and unanimously carried to immediately adjourn into executive session to discuss the Rye Golf Club RFP/Contract. Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn the executive session at 7:56 p.m. The regular meeting convened at 8:00 p.m.

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.

3. General Announcements

Announcements were made about issues and events of interest to the residents of Rye.

4. Draft unapproved minutes of the Strategic Workshop/Council Orientation held January 25, 2014 and the regular meeting of the City Council held January 29, 2014

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to approve the minutes of the Strategic Workshop/Council Orientation held on January 25, 2014, as submitted.

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to approve the minutes of the regular meeting of the City Council held on January 29, 2014, as amended.

5. Issues Update/Old Business

Mayor Sack reported that he forwarded the report with questions directed toward the County, the Board of Legislators, SPI and the City of Rye that was presented at the last meeting by the Rye Playland Advisory Committee to the various parties and asked them to provide answers as soon as possible. The Mayor has spoken with the County Executive's Office, County Legislator Catherine Parker and the President of SPI. Another public information session regarding the Playland Improvement Plan (PIP) will be held at City Hall on February 25th. Ms. Parker has advised that the PIP will be referred to the Parks Committee on February 10th and the Board of Legislators will review it for up to three months.

6. Consideration to set a Public Hearing for February 26, 2014 to change the zoning designation of County-owned property located on Theodore Fremd Avenue and North Street to the RA-5 District to provide for the construction of affordable senior housing

Councilwoman Brett reported that the Planning Commission had issued a formal recommendation regarding the proposed zoning map change which would enable the construction of affordable senior housing. She noted that environmental concerns regarding the site were raised, which the Commission feels must be adequately addressed. City Planner Christian Miller said the recommendation memo also discusses the process and its relationship to the housing settlement; includes a planning analysis; and, discusses the responsibilities regarding the environmental review. He said that the County supports the application.

Mayor Sack said in addition to the City Hall public hearing he would like to have an on site weekend public hearing and would like to provide written notice to neighbors. Corporation Counsel Wilson suggested that a sign could be put up on the property. Councilwoman Brett stressed that the public hearing would only be in connection with the proposed zoning change and not on the affordable housing proposal.

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

WHEREAS, the City Council wishes to consider amending the Zoning Map of the City of Rye, New York; and

WHEREAS, it is now desired to call a public hearing on such proposed amendments to the zoning map, 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 February 26, 2014 at 7:30 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 amendment to the Zoning Map.

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 the "Zoning Map of the City of Rye, New York" to change the Zoning Designation of a property known on the City of Rye Tax Map as Section 146.10, Block 1, Lot 66 from B-6, General Business, District and B-1, Neighborhood Business, District to RA-5, Senior Citizens Apartment District.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 26th day of February 2014 at 7:30 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 the "Zoning Map of the city of Rye, New York" to change the Zoning Designation of a property known on the City of Rye Tax Map as Section 146.10, Block 1, Lot 66 from B-6, General Business, District and B-1, Neighborhood Business, District to RA-5, Senior Citizens Apartment District.

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

Dawn F. Nodarse
City Clerk
Dated: February 14, 2014

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

Ted Carroll read a statement about management and accountability in the auditing process for claim and purchase order approvals for invoices from RM Staffing. He asked if former City Manager Paul Shew, former Corporation Counsel Kevin Plunkett or former Mayor Steve Otis had been deposed in connection with the Golf Club Investigation. Mayor Sack said that outside counsel had conducted an investigation, criminal charges have been raised and insurance claims are being pursued.

Ken Ball spoke about three issues related to the proposed Field House at Playland. He suggested that the original fields at Playland should be restored instead of building the Field House; asked if SPI, the County and the City would insure residents in the flood zone in case they incurred property damage due to a flood surge; and said that the Council should consider the property values of the seniors in the area whose tax payments are 100% revenue for the schools.

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried to adjourn into executive session to discuss potential litigation matters and receive advice of counsel at 8:35 p.m. Councilman McCartney made a motion, seconded by Councilman Slack and unanimously carried, to adjourn the executive session at 9:26 p.m. The regular meeting reconvened at 9:30 p.m.

7A. Authorization for the City Manager to engage an attorney to represent the City in the proceedings before the New York Public Service Commission on the petitions of United Water Westchester to raise rates and to merge with United Water New Rochelle

Mayor Sack noted that four years ago when United Water requested a rate increase from the Public Service Commission (PSC) a settlement agreement was negotiated that provided for certain rate increases. The City was represented in those negotiations by Joel Dichter, Esq. The settlement agreement has expired and United Water is again requesting a rate increase. There is a proposal to again retain Mr. Dichter to represent the City in opposing the requested increase. Corporation Counsel Wilson said that the rate quoted is \$250 per hour with an estimated expenditure of \$32,000, which includes fees for an expert. Some of the costs will be shared with Rye Brook and possibly with Port Chester if they decide to oppose the request.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to engage Joel Dichter, Esq. to represent the City in the proceedings before the New York Public Service Commission on the petitions of United Water Westchester to raise rates and to merge with United Water New Rochelle.

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.

7B. Authorization for the City Manager to engage an attorney to represent the City in the negotiations with a foodservice operator from the Rye Golf Club RFP for a management agreement to operate the catering food and beverage at Whitby Castle

Mayor Sack said that the RFP Review Committee is proceeding with their work. The Council would like to retain a law firm to assist in negotiations in connection with the RFP. Jack Gordon, Esq. from the firm of Kent, Beatty & Gordon has been identified as a potential attorney.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to engage Jack Gordon, Esq. of the firm of Kent, Beatty & Gordon to represent the City in the negotiations with a foodservice operator from the Rye Golf Club RFP for a management agreement to operate the catering food and beverage at Whitby Castle subject to confirmation by Corporation Counsel Wilson that he meets the City's qualifications and that a conflict check has been successfully completed; and be it further

RESOLVED, that the Corporation Counsel is asked to try to negotiate a lower rate than the \$550 per partner and \$240 per associate hourly rates that have been quoted.

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.

8. Authorize payment of the balance of the 2013/2014 Rye Neck Union Free School District taxes collected by the City to the School District
Roll Call.

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

RESOLVED that the City Council of the City of Rye hereby authorizes that payment of the balance of \$185,168.04 of unpaid Rye Neck U.F.S.D taxes, on property within the City of Rye as of December 31, 2013, be made to the Treasurer of the Rye Neck UFSD.

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.

9. Consideration of a request by the Rye Little League to approve a parade to kick off Opening Day of the 57th Little League Season on Saturday, April 5, 2014 beginning at 12:00 p.m.

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

RESOLVED, that the City Council of the City of Rye hereby approves the request of the Rye Little League for use of City streets on Saturday April 5, 2014 beginning at 12:00 p.m., for a parade to kick off Opening Day of the 57th Little League Season.

10. Consideration of a request by the Rye YMCA for the use of City streets for the 26th Annual Rye Derby on Sunday, April 27, 2014 from 9:00 a.m. to 2:00 p.m.

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

RESOLVED, that the City Council of the City of Rye hereby approves the request of the Rye YMCA for use of City streets on Sunday, April 27, 2013 from 9:00 a.m. to 2:00 p.m. for the 26th Annual Rye Derby.

11. Resolution to declare the following RTV equipment as surplus: Power Mac G5 computer

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

WHEREAS, the staff of RTV has recommended that the following equipment be declared surplus: Apple Power Mac G5, now, therefore, be it

RESOLVED, that the said equipment is 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.

12. Miscellaneous Communications and Reports

Mayor Sack reported on the following items:

- The Rye Golf Commission has requested that their meetings be videotaped in Council Chambers during the winter months and at the Golf Club during golf season. The City Manager was asked to provide a report on the costs involved in taping meetings in City Hall and at the Golf Club.
- A request has been received from the coach of the Rye High School Crew team to have the Rye Police boats in the water in March when the team starts early morning training. The City Manager was asked to provide information on when the Police boats normally are put in the water; what their purpose is; and what hours they work. The Mayor will follow up with the crew coach to determine what they are looking for.
- Stakeholder interviews in connection with replacing the Police Commissioner have been conducted by the firm engaged by the City. An idea has been raised that possibly the position should be replaced with a Public Safety Commissioner, who would have oversight and responsibility over both the Police and Fire Departments. The Mayor said that this possibility should be considered prior to continuing with the Police Commissioner search.

13. New Business

See Agenda items 7A and 7B above.

14. Adjournment

There being no further business to discuss Councilman Slack made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn into executive session and not return to the regular meeting at 9:47 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk