

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on March 26, 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 6:32 p.m. Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried to immediately adjourn into executive session to discuss attorney/client matters. Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the executive session at 7:46 p.m. The regular meeting convened at 7:52 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 by the Council

Councilmember Slack read the following statement on behalf of the Council:

“Last year, the City Council considered bids for awarding a contract for police uniforms. One bid was submitted by John Holmes, on behalf of his company, New England Sportswear. Part of the bid required that the bidder provide a warranty for the uniforms being sold. In connection with the bid, Mr. Holmes submitted a letter from Blauer Manufacturing Inc. purporting to be a signed letter of warranty. The bid was awarded to Mr. Holmes and his company. It later became known that this letter was fraudulent and the award was withdrawn. Mr.

Holmes was charged with two felonies by the Westchester County District Attorney.

“At the time of the charges, Mr. Holmes was a member of the auxiliary police force in Rye and he was removed from that position by the then Police Commissioner.

“The members of the City Council learned late last week that Mr. Holmes had sought reinstatement to the auxiliary police force in Rye after his criminal case was disposed of, apparently with the felony charges being reduced. The case is under seal so we do not know the precise outcome. We understand that the reinstatement was granted. This action was made before the City Council even knew about the request for reinstatement.

“While the selection and reinstatement of auxiliary police officers is not the province of the city council, the council believes that the reinstatement of a person to the auxiliary police force who submitted a false statement to the city council in order to obtain a contract with the city is a mistake.

“We wish the story ended there, but it does not. After the award to Mr. Holmes' company was withdrawn last year, the City instituted a policy for police officers to obtain uniforms individually -- as opposed to being required to use a provider chosen by bid -- and were then reimbursed for doing so. What we understand is that individual police officers went to Mr. Holmes' company for their uniforms leading to the ironic and totally inappropriate result that the person who had submitted an improper bid and falsified a document to the City Council ended up getting a good portion of the business anyway.

“This is not right. So we have requested that the City Manager and corporation council draft and present to the City Council appropriate policies and procedures to (1) stop immediately the procuring of items or services, including uniforms, from someone who has submitted a false document to the city in a bid process and (2) prevent this from occurring in the future. We look forward to voting to enact those policies and procedures.”

Mayor Sack reported that the City's special land use counsel sent a letter to the County of Westchester regarding the City's position on the Playland Improvement Plan (PIP) that is currently being considered by the Board of Legislators. The City maintains it has approval authority with regard to the proposal and wants to make sure the views of all Rye residents are represented and addressed in connection with the proposed changes at Playland.

Additionally, announcements were made regarding upcoming events that may be of interest to residents.

4. Draft unapproved minutes of the regular meeting of the City Council held March 12, 2014

Councilman Mecca made a motion, seconded by Councilman Slack and unanimously carried, to approve the minutes of the regular meeting of the City Council held on March 12, 2014, as amended.

5. Issues Update/Old Business

Filming in Rye: Mayor Sack noted the recent filming in the downtown and said that although it can be disruptive to the downtown, it did bring revenue into the City and various businesses in the area. A portion of the proceeds will be used to purchase additional “Big Belly” garbage compacting machines for the Central Business District. City Manager Pickup said that every request for filming in the City is evaluated individually.

Utility Tax: Mayor Sack said he has been told that the City only receives 1% of the 3% utility tax currently in effect and could receive the entire 3%. City Manager Pickup said it was his understanding that the City currently gets 1% and is permitted to ask for up to 3% but does not believe that the other 2% is being collected. He will look into it.

Banners at Ball Fields: Mayor Sack asked why the City could not hang the banners of the sponsors of the Little League teams in the outfield of City ball fields in order to raise extra money. Corporation Counsel Wilson said there is an interplay of both City and State laws. The City can amend its local law that prohibits this, but there are state law issues regarding using municipal property for private advertising purposes. She will circulate the law and proposed solutions.

“Parkette” at Central Avenue and Boston Post Road: There was a discussion of the site which was graveled over last year and a request to have it turned back to “green space”. A report issued by the Traffic and Pedestrian Safety Committee (TPS) was mentioned. Councilwoman Killian, the liaison to TPS, said the Committee had been evaluating safety issues related to that intersection even before the construction at 2 Central Avenue began and they do not feel comfortable making decisions about anything in the neighborhood until the construction is completed. A question has also been raised regarding the legality of graveling over the lot without alienating the parkland through the State Legislature. Corporation Counsel Wilson will look into the situation and report back on issues such as whether the site is officially parkland. *Anne McCarthy, 24 Central Avenue*, said that she has researched the issue and that New York State considers implied dedication of land sufficient for inclusion as alienated land and, therefore, the City broke the law when it alienated the parkland without going through the State process. Ms. McCarthy was asked to provide the City with the results of her research. *Jim Amico, 350 Midland Avenue*, said he disagreed with the TPS memo and feels that the site would be safer as a park.

6. Public Hearing to revise the Mission Statement for the Rye Senior Advocacy Committee

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

Joseph Murphy, Chair of the Rye Senior Advocacy Committee, said that the original Mission Statement of the Committee focused on assistance and information giving to seniors and the revised Mission Statement focuses on advocacy on behalf of seniors. He also provided a brief summary of the makeup of the Committee and the services they provide. Arthur Stampleman said the Committee is proposing to change the notion of services to individuals. Revisions to the local law were made after a brief discussion with the Council on the proposed language of the Mission Statement.

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

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

**CITY OF RYE
LOCAL LAW NO. 1 2014**

**A Local Law to amend Chapter 10, Committees, Article II,
Rye Senior Advocacy Committee, of the Code of the City of Rye
by amending § 10-4 Legislative Intent**

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

Section 1: Chapter 10, Article II, Rye Senior Advocacy Committee

§ 10-4 Legislative Intent.

The mission of the City of Rye Senior Advocacy Committee is to support the concerns of Rye's elder adults, to advocate for their needs, and seek new models and opportunities to better accommodate Rye's older population in order to develop and maintain a healthy, diverse populace in which citizens of all ages have the opportunity to contribute to the strength of the Rye community.

Section 2. This local law will take effect immediately upon filing in the Office of the Secretary of State.

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

Jim Amico, 350 Midland Avenue, asked that his request for use of City property for his car show be put on an agenda. He also said he was against the reinstatement of John Holmes as an Auxiliary Police Officer.

George Szczerba, 16 Adelaide Street, submitted statements about environmental and public safety concerns regarding the proposed Field House at Playland. He said that Police, Fire and EMS should have been included in the process so their concerns could be addressed.

Leon Sculti said that the changes he had suggested to correct what he believes are inaccuracies in the Rye Golf Club theft report on the City website have not been made. He also asked if there have been further discussions with the City's insurance carrier. Mayor Sack said the Corporation Counsel has been asked to set up meetings or conference calls with the Insurance Carrier, the Insurance Broker and the City Council. The Mayor added that a determination has not been made at this time regarding amending the theft report.

Bob Zahm, Ridgewood Drive, offered thanks to the Police Department for pulling over Gimble bicycle riders, who violate traffic laws.

8. Authorization for the City Manager to enter into a management agreement with Powell Catering Services Inc. to operate the Café/Snackbar and Vendor Cart at the Rye Golf Club
Roll Call.

Mayor Sack said that responses to the RFP to operate the food and beverage operation at Whitby Castle are being reviewed by members of the Council, Golf Club Commission and RFP Committee, and a final decision has not been reached yet. In order to make sure that snack bar operations will be taken care of when the season begins, a decision was made to split the operations at Whitby from the operation of the snack bar for the present. A one-year contract has been negotiated with Powell Catering to cover those services.

Councilman Mecca 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 enter into a management agreement with Powell Catering Services Inc. to operate the Café/Snack bar and Vendor Cart at the Rye Golf Club.

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 proposed revision of the Rules and Regulations of the City of Rye Police Department: Amendment of General Order #113.7, "Domestic Violence"

Corporation Counsel Wilson reported that the proposed revision had been reviewed by ADA Livingston, who suggested changes to the policy. There was a discussion among the Council regarding differences between the last draft presented to the Council for review and the current version and questions as to why certain changes were made. A suggestion was made that Acting Police Commissioner Falk attend the next Council meeting in order to discuss the policy and answer any Council questions regarding the reasons that changes were made and that the Council be provided with a copy of the model that was used in drafting the regulation. Ms. Wilson will pass along Council questions to ADA Livingston.

10. Acceptance of donation to the City of Rye of a bike rack from the Rye Chamber of Commerce and the Farmers Market to be installed in the Central Business District
Roll Call.

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

WHEREAS, the Rye Chamber of Commerce and the Farmers' Market desires to donate a bike rack to the City of Rye; and

WHEREAS, the bike rack will be placed in the Central Business District parking lot for use by bicyclists; and

WHEREAS, the donation will enhance the Central Business District; now, therefore, be it

RESOLVED, that the City Council of the City of Rye accepts the aforementioned donation.

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.

11. Miscellaneous Communications and Reports

There was nothing discussed under this Agenda item.

12. New Business

There was nothing discussed under this Agenda item.

13. The Council will convene into Executive Session to discuss personnel

See Agenda item 14 below.

14. Adjournment

There being no further business to discuss Councilman Mecca made a motion, seconded by Councilman Slack and unanimously carried, to adjourn into executive session to discuss personnel and not return to the regular session at 9:40 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk