

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on April 23, 2014 at 7:30 P.M.

PRESENT:

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

ABSENT: LAURA BRETT, Councilmember

The Council convened at 6:45 p.m. Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried to immediately adjourn into executive session to discuss personnel matters and litigation. Councilwoman Killian made a motion, seconded by Councilwoman Bucci and unanimously carried, to adjourn the executive session at 7:37 p.m. The regular meeting convened at 7:42 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

Announcements were made regarding various meetings, events or other matters of interest to the community.

4. Approval of the election of the Chiefs of the Rye Fire Department

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to approve the election of Peter Cotter as Chief of the Rye Fire Department; Michael Billington as 1<sup>st</sup> Assistant Chief; and Dick Barber as 2<sup>nd</sup> Assistant Chief held at the Annual Fire Department Meeting held on April 3rd.

5. Draft unapproved informal minutes of the Joint Meeting of the City Council and Board of Education held April 5, 2014 and the minutes of the regular meeting of the City Council held April 9, 2014

Approval of the informal minutes of the Joint Meeting of the City Council and Board of Education was deferred so the minutes could be forwarded to the Board of Education.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to approve the minutes of the regular meeting of the City Council held on April 9, 2014.

6. Issues Update/Old Business

- 6.1 Authorization for the Mayor to enter into an Employee Separation Agreement including Release and Waiver of Claims with regard to Scott Pickup

Mayor Sack announced that pursuant to an Employee Separation Agreement, Scott Pickup has submitted a letter of resignation of his position as City Manager effective at 11:59 p.m. on April 23, 2014. Pursuant to the Agreement Mr. Pickup will remain in the employ of the City of Rye as an Assistant to the new City Manager until on or about July 10<sup>th</sup> but no later than July 24<sup>th</sup>.

Councilman Mecca 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 Mayor to enter into an Employee Separation Agreement including Release and Waiver of Claims with regard to Scott Pickup.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Bucci, Killian, McCartney, Mecca and Slack  
NAYS: None  
ABSENT: Councilmember Brett

The Resolution was adopted by a 6-0 vote.

- 6.2 Authorization for the Mayor to enter into an Agreement with Frank Culross to serve as City Manager.

Mayor Sack announced that Frank Culross has agreed to come back as City Manager and will assume the role as of midnight tonight.

Councilman McCartney 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 Mayor to enter into an Agreement with Frank Culross to serve as City Manager of the City of Rye.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Bucci, Killian, McCartney, Mecca and Slack  
NAYS: None  
ABSENT: Councilmember Brett

The Resolution was adopted by a 6-0 vote.

Lot at corner of Central Avenue and Boston Post Road – Councilman McCartney stated that the consensus of the Council at the last meeting was to replant grass at this location but also to await the recommendations of the Traffic and Pedestrian Safety Committee on how to make that intersection safe once traffic patterns settle when the building is complete at 2 Central Avenue.

6A. Authorization for the City Manager to enter into an exclusive agreement with Lessing’s, Inc. for catering services at Whitby Castle at the Rye Golf Club  
Roll Call.

Mayor Sack announced that the City has negotiated an exclusive catering services agreement with Lessing’s, Inc. to provide catering services at Whitby Castle. The Mayor summarized the conditions of the contract which runs for a ten-year term. The Mayor also spoke about the process of choosing the vendor and thanked all the members of the Golf Commission and RFP Committee for their hard work. Members of the Council, Golf Commission and RFP Committee also spoke about their involvement in the selection process and expressed their approval for the chosen vendor.

Councilwoman Bucci 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 or the Mayor to enter into an exclusive agreement with Lessing’s, Inc. for catering services at Whitby Castle at Rye Golf Club.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Bucci, Killian, McCartney, Mecca  
and Slack  
NAYS: None  
ABSENT: Councilmember Brett

The Resolution was adopted by a 6-0 vote.

6B. Golf Club Member food minimum requirement

Mayor Sack said that since the \$300 food minimum requirement for members was not built into the Lessing's contract there is no longer a need to have it. Councilman McCartney said that the Golf Commission had unanimously voted to remove the minimum requirement from the budget.

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

**RESOLVED**, that the Rye Golf Club budget for 2014 is hereby amended to eliminate all food minimum requirements for all members.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Bucci, Killian, McCartney, Mecca  
and Slack  
NAYS: None  
ABSENT: Councilmember Brett

The Resolution was adopted by a 6-0 vote.

7. Resolution authorizing the City Comptroller to amend the 2013 Budgeted revenues to cover fiscal year-end expenditures  
Roll Call.

Deputy Comptroller Joseph Fazzino said that this was a bookkeeping amendment that was suggested by the City's outside auditors.

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

**WHEREAS**, the 2013 Annual Budget has been adopted; and

**WHEREAS**, during the course of the 2013 fiscal year, general fund expenditures exceeded budgeted expenditures by \$751,774; and

**WHEREAS**, during the course of the 2013 fiscal year, the City has received income that positively affects the 2013 budget. 2013 actual mortgage tax revenues exceeded 2013 budgeted mortgage tax revenues by \$982,921.

**NOW, THEREFORE**, be it resolved by the City Council of the City of Rye, New York, that 2013 budget be amended as outlined below to accept \$982,921 in additional mortgage revenue to cover various expenditures exceeding budget, as follows:

**Increase:**

State Aid Mortgage Tax	\$982,921
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**Increase:**

Contingent Account	\$982,921
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This resolution shall take effect as of 12/31/2013

**ROLL CALL:**

AYES:	Mayor Sack, Councilmembers Bucci, Killian, McCartney, Mecca and Slack
NAYS:	None
ABSENT:	Councilmember Brett

The Resolution was adopted by a 6-0 vote.

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

*Sis D'Angelo, 110 Wappanocca Avenue* suggested that the Garden Clubs should be honored for the work they do around Rye. She also suggested that the rock wall under the train trestle should be painted and that something should be done about when Starbucks puts their garbage out on Sundays.

*Ted Carroll, 945 Forest Avenue* spoke about the resignation of City Manager Pickup and wanted assurance that the City would still have access to him in connection with the fraud investigation.

*Joseph Murphy, 75 Franklin Avenue* thanked the Council for modifying the Mission Statement of the Rye Senior Advocacy Committee. He noted the resignation of Committee member Kathleen Lonergan and said he will be coming to the Council with a recommendation for a new member.

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"

This Agenda item was deferred.

10. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department: Approval of new General Order #113.21, "Guidelines for Recording Custodial Interrogations of Suspects"

This Agenda item was deferred.

11. Approval of the recommendation by the Traffic and Pedestrian Safety Committee that a Pilot Study be conducted to test the effect of reducing the speed limit to 25 miles per hour on Stuyvesant Avenue

Brian Dempsey, Chair of the Traffic and Pedestrian Safety Committee (the Committee) said that the Committee has received several requests over the years for reductions in speed limit. Since cities are classified differently from towns, the city-wide speed limit cannot be lower than 30 miles per hour. However, certain roads can be designated at 25 miles per hour (mph). A request came before the Committee from a resident of the Stuyvesant Avenue area and they looked at various options, including reducing the speed limit. There are mixed opinions among Committee members about how much effect reducing the speed limit would have. Speed measurements were taken in the summer and off season with 85<sup>th</sup> percentile speeds in the summer of 31 mph and 34 mph in the off season. The Committee came up with a pilot program to lower the speed limit to 25 mph and do speed measurements at the same locations and the same times of year and compare them. After that phase has been completed sign machines would be installed in each direction that would flash a message that says "slow down" and additional measurements would be taken. There was a discussion among the members of the Council regarding the proposal with several members saying that the speed tests did not seem to indicate that speeding was an issue. Councilwoman Killian, the liaison to the Committee, said she was in favor of the pilot proposal. Suggestions for alternatives to the speed pilot included making Stuyvesant Avenue a one-way street or requiring residents to remove the rocks and curbing from the right-of-ways. Jennifer Neren of 2 Barron Place outlined the concerns she had brought before the Committee; the research she has done in the last year regarding traffic calming solutions; and expressed her support for the pilot program. The Council requested that she submit the data she had collected to the City and to ask her neighbors their opinion about removing the rocks and curbs from the right-of-ways. It was also suggested to Mr. Dempsey that the Committee look at a pilot project to remove the rocks and curbs in the area. The item was put over to the May 21<sup>st</sup> meeting.

12. Consideration of a request by the Lions Club to hold a community event on the Village Green on Sunday, May 18, 2014 from 10:30 a.m. to at 2:00 p.m.

Councilman Mecca 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 Lions Club for use of the Village Green on Sunday,

May 18, 2014 from 8:30 a.m. to 2:00 p.m. to hold a community event.

13. Consideration of a request by Jim Amico of Rye Station Garage for the use of City streets for a Car Show Fundraiser on Saturday, May 17, 2014 from 10:00 a.m. to 4:00 p.m.

Councilwoman Killian 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 Jim Amico for use of a portion of Wappanocca Avenue and a portion of the Highland municipal lot on Saturday, May 17, 2014 (with a rain date of May 18, 2014) from 10:00 a.m. to 4:00 p.m. for a Car Show fundraiser for the Jarrid L. Amico Memorial Scholarship.

14. Consideration of a request by Colin Leslie for the use of City streets for the 8<sup>th</sup> Annual Colin Leslie Walk for Celiac Disease 2014 on Sunday, September 28, 2014 from 9:00 a.m. to 2:00 p.m.

Councilman Mecca 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 preferred route request of Colin Leslie for use of City streets on Sunday, September 28, 2014 from 9:00 a.m. to 2:00 p.m. for the 8<sup>th</sup> Annual Colin Leslie Walk for Celiac Disease.

- 14A. Two appointments to the Sustainability Committee by the Mayor with Council approval

Mayor Sack made a motion, unanimously approved by the Council, to appoint Coleen Margiloff and Elizabeth Mirisola-Desmond to the Sustainability Committee.

15. Miscellaneous Communications and Reports

There was nothing reported under this Agenda item.

16. New Business

There was nothing reported under this Agenda item.

17. Adjournment

There being no further business to discuss Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the meeting at 9:50 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk