

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

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 upcoming events that may be of interest to members of the community.

There was a brief discussion regarding recent filming in the downtown. Sally Wright representing the Chamber of Commerce suggested a Task Force be set up regarding filming in the downtown.

Mayor Sack referred to a discussion on rock chipping that had taken place at the last meeting and said it might be time for the formation of a study group to review the issue and possibly suggest changes to the existing law. The Mayor said he had spoken with Mel Durkee, Andrew Dabonet, Jim Hedges, Al Vitiello and Sue O'Brien about serving on the group and asked Councilmen Slack and Mecca to be the Council representatives and co-chairs. It is hoped that the group can present options to the Council by the end of the year.

Councilwoman Killian congratulated Councilmen Mecca and Slack on their election.

Councilman Slack read a statement from the entire Council that had been sent to the Rye Record by every member of the City Council in response to an article the paper had printed about the recent change to the City Charter regarding the hiring of the Police Commissioner. Mr. Slack noted that the paper had edited the letter before printing it by deleting sentences and a whole paragraph, even though the paper had been requested not to. The Council's original letter will be posted on the City website.

4. Draft unapproved minutes of the regular meetings of the City Council held October 8, 2014 and October 22, 2014 and the informal minutes of the Joint Meeting of the City Council and Board of Education held October 8, 2014

Councilman Slack made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the minutes of the regular meeting of the City Council held on October 8, 2013.

Councilman McCartney made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the informal minutes of the joint meeting of the City Council and Board of Education held on October 8, 2014.

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 October 22, 2014.

5. Issues Update/Old Business

Bond Projects: City Manager Culross reported on the following capital projects that were approved in the 2012 Bond:

- Locust Avenue Sewer: This project is more complicated than originally estimated due to a large amount of rock. Staff is looking at alternative designs and hope to have an idea of the costs by the first quarter of 2015.
- Central Business District Street Scape Improvements: Staff is working with the consulting engineer on the design and a final cost estimate which should be ready by the end of the year. The project should be ready for public review and a comment period in the first half of 2015.
- Boston Post Road Retaining Wall: A large part of the wall is on private property. City Engineer Coyne has worked on an alternative design with a consulting engineer that will be within the design budget and should be bid next summer.
- Safe Streets Projects: Many of the projects have been completed. The Grace Church Street Five Corners project has been withdrawn. City Engineer Coyne has come up with a better solution and the redesigned project is included in the proposed 2015 budget.
- Boston Post Road Roundabout: This project is being designed but is not funded.
- Library Projects: The bids for the projects came in over budget. They are being divided up into pieces in order to meet the budget.

Rocks: Mayor Sack said that letters had been sent to residents in the “loop” area where the 25 mph speed limit pilot is being conducted asking them to remove rocks in the City right-of-ways. DPW workers have picked up the rocks that were not removed by the residents. Mayor Sack and Councilman Mecca have met with some of the homeowners.

Deer: Mayor Sack summarized the discussion about the deer problem that had taken place at a previous Council meeting. *Anne Dooley* of Greenhaven said she believed it was a good idea to reach out to the County and added that she had spoken to Kathleen O’Connor, the Parks Commissioner, about the Deer Management Program. She suggested that the City should gather information regarding what types of Deer Management programs have been successful, the number of deer hit by cars in the City and the number of deer that are found dead on the roadside and provide that information to the County to spur them into action. *Clark Neuringer* suggested that the City work with Mamaroneck on dealing with the issue.

6. Presentation of the FY 2015 Budget by the City Manager

City Manager Culross said that the proposed 2015 Budget is \$50.8 million and is tax cap compliant. The City maintains nine separate funds. The budget includes proposals to rebuild the organizational capacity to meet community service needs by proposing the addition of six positions, and an expansion of capital reinvestment with a total of \$3.2 million of additional capital investment. Before presenting the budget Deputy City Comptroller Joseph Fazzino provided a summary of where the City will be at the end of 2014, and projected that the City will be around \$900,000 better than originally budgeted for last year as a result of City revenues, primarily building permit revenues, outperforming their budget. The presentation of the 2015 Budget focused on the General Fund. General Fund expenditures are \$35,600,000, or \$2,071,665 over what was originally budgeted for 2014. One component is General Fund transfers to the Capital Project Fund and Building & Vehicle Fund of \$1.5 million compared to \$1 million in 2014. This does not affect the tax levy. Budgeted salaries are up \$913,000 over 2014; benefits and taxes have increased \$65,000; pension expenses went down \$112,000; the City’s insurance broker negotiated a decrease in health insurance rates of \$81,000; and Workers’ Compensation costs increase by \$197,000. The budget is balanced by use of Fund Balance and increase in the property tax levy. For 2015 the proposal is to use Fund Balance for capital projects, miscellaneous equipment purchases and to fund the contingency account. \$333,500 of Building & Vehicle Fund balance is proposed to cover the cost of the new positions. The budget proposed generates 65% of total revenues through tax levy. The 2015 property tax levy is \$21,531,492 for an increase of \$718,046 over the 2014 levy, which equals a 3.14% tax rate increase. This is an increase of \$132 to the average home in Rye. The proposed budget is \$77,000 under the Property Tax Cap. Although not included in the budget, there was a brief discussion of the City undertaking a Property Revaluation, which has not been done since the 1970’s. Councilmembers were asked to submit any questions to the Finance Department.

7. Consideration to set a Public Hearing on the 2015 Budget for December 3, 2014

Councilwoman Killian made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the following Resolution to set the public hearing on the 2014 Preliminary Budget for December 3, 2014:

WHEREAS, it is now desired to call a public hearing on the proposed 2014 budget, 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 December 4, 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 budget.

**CITY OF RYE
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held by the Council of the City of Rye on Wednesday, the 3rd day of December, 2014 at 7:30 p.m. at City Hall, 1051 Boston Post Road, in said City, on the Proposed Budgets of the General Fund, Cable TV Special Revenue Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund, and Building and Vehicle Maintenance Internal Service Fund of the City of Rye for the ensuing fiscal year, January 1, 2015 through December 31, 2015, and at such time and place any person interested in said Proposed Budgets will be given an opportunity to provide written and oral comments on any and all of the aforementioned budgets.

CITY OF RYE SUMMARY OF PROPOSED BUDGETS

<u>Fund/Program</u>	<u>Proposed Budgets</u>
General Fund	\$35,661,014
Rye Cable TV Special Revenue Fund	429,910
K.T. Woods Permanent Fund	-0-
Debt Service Fund	402,179
Capital Projects Fund	1,900,000
Boat Basin Enterprise Fund	1,015,510
Rye Golf Club Enterprise Fund	4,444,555
Risk Retention Internal Service Fund	699,760
Building and Vehicle Maintenance Internal Service Fund	<u>6,212,413</u>

TOTAL - All Funds

\$50,765,341

Dawn F. Nodarse
City Clerk
Dated: November 21, 2014

8. Continuation of the Public Hearing 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

Councilman McCartney, a member of the Council subcommittee working on this issue, said they have requested that the Corporation Counsel and City Planner draft the conditional Negative Declaration. The subcommittee has held meetings with the developer and his architect to address the density and height restriction issues. A report has been received from the City's wetland's expert. The subcommittee will have a recommendation for the full Council soon. Clark Neuringer, the architect for the developer reported on the changes that have been made to the proposal based on the Council's concerns regarding density and height. The developer has reduced the proposal by 30% and is now proposing one building including 40 units not to exceed 40-feet in height. There will be 28 one bedroom units and 12 two bedroom units, 27 of which will count toward the HUD Settlement. They developer will agree not to add additional units in the future. Mayor Sack said he has requested that the County allocate funds to move the sewer line that is located under the property and asked the developer to nudge the County to do so

Councilman McCartney made a motion, seconded by Councilwoman Killian and unanimously carried, to continue the public hearing to the November 19th 2014 Council meeting.

- 9 Consideration to set a Public Hearing to add a proposed Local Law to the Rye City Code to establish a Sustainable Energy Loan Program in the City of Rye in accordance with Article 5-L of the General Municipal Law

Mayor Sack said the proposed local law would establish a Sustainable Energy Loan Program. The Mayor said that he, Councilwoman Killian and City Manager Culross met with people advocating for the program over the summer. Mark Thielking, Chairman of the Energy Improvement Corporation, made a presentation regarding the Energize New York Finance Program which allows municipalities to provide capital for building owners who wish to make their buildings more energy efficient. The money is paid back through property taxes. He summarized the benefits of the financing; the criteria for receiving funds; the actions the City must take to enact the program as well as their role; and the requirements of the corporation. Two members of the public spoke about the proposal. *Peggy Hill*, Director of the Wainwright House spoke in favor of the program and outlined what Wainwright House would like to do at their site and encouraged the City to adopt the local law. *Joseph Latwin*, City Court Judge, questioned the program and asked why the City should advance money and be responsible for the payments of people who want to improve their property. Questions were raised by the Council regarding costs associated with defaults in payment; how the reserve fund works; the

history of delinquencies in other municipalities who have enacted the program; and the ability of the City to make language changes to the draft local law.

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

WHEREAS, the Council wishes to consider adding a new Chapter 176, "Energy Conservation" to the Code of the City of Rye to establish a Sustainable Energy Loan Program; 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 November 19, 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 local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

PUBLIC NOTICE
CITY OF RYE

A Local Law to add a new Chapter 176 "Energy Conservation" of the Code of the City of Rye to create a program to assist property owners in financing clean energy systems

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 19th day of November 2014 at 7:30 P.M. at City Hall, Boston Post Road, in said City, at which time interested persons will be afforded an opportunity to be heard concerning a proposed local law to add a new Chapter 176 "Energy Conservation" of the Code of the City of Rye to create a program to assist property owners in financing clean energy systems.

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

Dawn F. Nodarse
City Clerk
Dated: November 12, 2014

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

No one spoke under this Agenda item.

11. Miscellaneous Communications and Reports

Mayor Sack asked about a FOIL appeal submitted by Timothy Chittenden. Corporation Counsel Wilson said that a clarification of the original response was sent out earlier in the day and there are no others pending to her knowledge.

12. New Business

There was nothing discussed under this Agenda item.

13. Adjournment

There being no further business to discuss Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn into executive session to discuss personnel matters and not return to the regular meeting at 10:00 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk