

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on December 3, 2014 at 7:30 P.M.

PRESENT:

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

ABSENT: RICHARD MECCA, Councilmember (attended executive session)

The Council convened at 6:35 p.m. Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried to immediately move into executive session to discuss personnel. Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the executive session at 7:40 p.m. The regular meeting began at 7:45 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 events and activities that may be of interest to residents, including a rededication ceremony for City Hall to be held on December 10th. Mayor Sack noted the passing of former Mayor Frederick Hunziker and asked for a moment of silence in his honor.

4. Draft unapproved minutes of the Budget Workshops held November 17, 2014 and November 19, 2014 and the Regular Meeting of the City Council held November 19, 2014

Councilman McCartney made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the minutes of the Budget Workshops held on November 17, 2014 and November 19, 2014.

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the minutes of the Regular Meeting of the City Council held on November 19, 2014.

5. Issues Update/Old Business

Reports were made on the following topics:

- Deer – Mayor Sack said he has been in contact with representatives of the County. A regional Deer Control Summit will be held, hopefully in February, which will be hosted by the City. Speakers will be invited from the NYS Department of Environmental Conservation, the USDA and the County and possibly other organizations or communities that have implemented deer control solutions.
- Rock Chipping Study Group – Councilman Slack said that Councilman Mecca will be sending an email out in a few days with proposed dates for a first meeting. Mayor Sack asked for a recommendation from the group by the end of January.
- Sis D’Angelo – Mayor Sack said he had spoken with Mrs. D’Angelo regarding several issues she is concerned about: (1) the condition of the sidewalk in front of the Rye Country Store; (2) the flower pots on Purchase Street taking up space; and (3) rebuilding the small “Morehead Bridge”. City Manager Culross said that the bridge will be removed and brought to DPW to preserve it because the City cannot afford to repair it at this time.

6. Mayor and Council amendments to the proposed 2015 City of Rye Budget
Roll Call.

Mayor Sack said that as a result of budget workshops, discussions among themselves and with the City Manager, the Council would like to make some changes to the proposed 2015 Budget. The proposed changes include:

- Fire Department – the Council does not want to proceed with the proposal for four additional paid firefighters or the hiring of a new Assistant City Manager dedicated primarily to public safety. The Council will have a full discussion of issues regarding the Fire Department next year.
- Rye TV – the Council does not want to proceed with the proposal for building a Cable TV studio in City Hall.
- Police Department – Police Patrol/Investigation positions will be increased from 36 to 37 in order to hire a new officer dedicated to traffic and speed enforcement and dogs in Rye Town Park.

Additionally, City Manager Culross explained that a change has been made to the Golf Club budget because an amendment made on the night that the Golf Commission adopted the budget was never put into the computer system.

A question was asked about how the proposed amendments would affect the City's use of Unassigned Fund Balance. Deputy Comptroller Fazzino said that the changes would not be to the Unassigned Fund Balance but to the Building & Vehicle Fund Balance, which would not be decreased by as much as originally stated. Additionally, members of the Council expressed their reasons for supporting the proposed deletions and additions to the Budget. There were also discussions about the proposed mortgage tax figures for 2015; what may happen with NYS Chips funding; and the areas where Fund Balance will be used including the Contingency Account and Workers Compensation

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

RESOLVED that the preliminary 2015 General Fund Budget be amended as follows:

- Estimated Building Permit Revenues be increased by \$100,000 to \$1,550,000;
- The proposed transfer of \$333,500 from the Building and Vehicle Fund balance for personnel expenses is eliminated;
- The City Comptroller is directed to make decreases in various Recreation Department expenditures of \$67,500 permitting with the above adjustments, the addition of the proposed Assistant Recreation Superintendent and Groundskeeper without use of any fund balance; and be it further

RESOLVED, that the Building and Vehicle Maintenance Fund be amended as follows:

- The City Hall TV Studio project is eliminated;
- The \$333,500 transfer to the General Fund is eliminated; and be it further

RESOLVED, that the Rye Golf Club Employee Benefits and Taxes Budget be increased by \$12,000 to \$592,890 to incorporate an adjustment made by the Rye Golf Club Commission.

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Mecca

The Resolution was adopted by a 6-0 vote.

7. Public Hearing on the proposed 2015 Budget

Councilwoman Brett made a motion, seconded by Councilman McCartney and unanimously carried, to open the public hearing on the 2015 Budget as amended.

No one from the public spoke on the proposed budget.

Councilwoman Brett made a motion, seconded by Councilman McCartney and unanimously carried to keep the public hearing open until the December 17, 2014 meeting.

8. Continuation of the Public Hearing to add a proposed Local Law amending the Code of the City of Rye by creating a new chapter, Chapter 176, "Energy Conservation", to establish a Sustainable Energy Loan Program in the City of Rye in accordance with Article 5-L of the General Municipal Law

The public hearing remained open from the last meeting. No one from the public spoke on the proposed local law.

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

Councilwoman Killian spoke about restricting access to the program in the City of Rye to non-profit organizations and asked if this decision could be amended in the future. Alyssa Roth, Director of EIC Membership at Energize NY explained the process for how that could be accomplished if the City adopts the proposed local law. Ms. Killian also said she accepted that the City could not change the language in the local law as drafted but expressed her concerns with that requirement. Councilwoman Bucci expressed her concerns with the EIC program and said she was not sure if it is a core responsibility of the City.

Councilwoman Brett made a motion, seconded by Councilman McCartney, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 10 2014**

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 as follows:

Section 1: Chapter 176, Energy Conservation

§ 176-1. Legislative findings; intent and purpose; statutory authority.

A. It is the policy of both the City of Rye and the State of New York to achieve

energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The City finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This article establishes a program that will allow the Energy Improvement Corporation (EIC), a local development corporation, acting on behalf of the City, to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this article and fulfilling an important public purpose.

- B. The City of Rye is authorized to implement this Energize NY Benefit Financing Program pursuant to Article 5-L of the New York General Municipal Law.
- C. This article shall be known and may be cited as the "Energize NY Benefit Financing Program Law of the City of Rye."

§ 176-2. Definitions.

For purposes of this article, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

AUTHORITY

The New York State Energy Research and Development authority, as defined by Subdivision 2 of § 1851 of the Public Authorities Law, or its successor.

EIC

The Energy Improvement Corporation, a local development corporation, duly organized under § 1411 of the Not-for-Profit Corporation Law, authorized hereby on behalf of the City of Rye to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this article) and providing for repayment of such funds from monies collected by the City Comptroller as a charge to be levied on the real property and collected in the same manner and same form as the City taxes.

ENERGY AUDIT

A formal evaluation or "assessment" of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the authority, or certified by a certifying entity approved by the authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

ENERGY EFFICIENCY IMPROVEMENT

Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost effective pursuant to criteria established by the authority,

not including lighting measures or household appliances that are not permanently fixed to real property.

QUALIFIED PROPERTY OWNER

An owner of residential or commercial real property located within the boundaries of the City of Rye that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this article.

RENEWABLE ENERGY SYSTEM

An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the authority, not including the combustion or pyrolysis of solid waste.

RENEWABLE ENERGY SYSTEM FEASIBILITY STUDY

A written study, conducted by a contractor certified by the authority, or certified by a certifying entity approved by the authority, for the purpose of determining the feasibility of installing a renewable energy system.

§ 176-3. Establishment of program.

- A. An Energize NY Benefit Financing Program is hereby established by the City of Rye, whereby EIC, acting on its behalf, may provide funds to qualified property owners in accordance with the procedures set forth under this article, to finance the acquisition, construction and installation of renewable energy systems and energy efficiency improvements and the verification of the installation of such systems and improvements.
- B. The funds provided shall not exceed the lesser of 10% of the appraised value of the real property where the renewable energy systems and/or energy efficiency improvements will be located, or the actual cost of installing the renewable energy systems and/or energy efficiency improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

§ 176-4. Procedures for eligibility.

- A. Any property owner in the City may submit application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the City Clerk's office.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the City, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in Subsection A of § 176-5 of this article. EIC may also request further information

from the property owner where necessary to aid in its determination.

- C. If a positive determination on an application is made by EIC acting on behalf of the City, the property owner shall be deemed a qualified property owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under § **176-6** of this article, provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of energy efficiency improvements and/or renewable energy systems be deemed a qualified property owner.
- D. At no one time shall the total of all payments being collected for this program by the City exceed \$50,000 per annum.

§ 176-5. Application criteria.

- A. Upon the submission of an application, EIC, acting on behalf of the City, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:
 - (1) The proposed energy efficiency improvements and/or renewable energy systems are determined to be cost effective by the authority;
 - (2) The proposed energy efficiency improvements and/or renewable energy systems will generate an estimated annual cost savings greater than the annual charge payments;
 - (3) Sufficient funds are available to provide to the property owner;
 - (4) The property owner is current in payments on any existing mortgage;
 - (5) The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
 - (6) Such additional criteria, not inconsistent with the criteria set forth above, as the City, or EIC acting on its behalf, may set from time to time.

§ 176-6. Energize finance agreement.

- A. A qualified property owner may participate in the Energize NY Benefit Financing Program through the execution of an energize finance agreement made by and between the qualified property owner and EIC, acting on the behalf of the City.
- B. Upon execution of the energize finance agreement, the qualified property owner shall be eligible to receive funds from EIC, acting on behalf of the City, for the acquisition, construction, and installation of qualifying renewable energy systems

and energy efficiency improvements, provided that the requirements of § **176-7** of this article have been met.

- C. The energize finance agreement shall include the terms and conditions of repayment set forth under § **176-8** of this article.

§ 176-7. Energy audit; renewable energy system feasibility study.

- A. No funds shall be made available for energy efficiency improvements unless determined to be appropriate through an energy audit as defined in § **176-2**.
- B. No funds shall be made available for a renewable energy system unless determined to be feasible through a renewable energy system feasibility study as defined in § **176-2**.
- C. The cost of such energy audit and/or renewable energy system feasibility study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§ 176-8. Terms and conditions of repayment.

The energize finance agreement between the qualified property owner and EIC, acting on behalf of the City, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the qualified property owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on his or her property tax bill and shall be levied and collected at the same time and in the same manner as City property taxes, provided that such charge shall be separately listed on the tax bill. The City shall make payment to EIC or its designee, in the amount of all such separately listed charges within 30 days of the City property tax due date.
- B. The term of such repayment shall be determined at the time the energize finance agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the City.
- C. The rate of interest for the charge shall be fixed by EIC, acting on behalf of the City, at the time the energize finance agreement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

§ 176-9. Verification and report.

- A. EIC shall be responsible for verifying and reporting to the City on the installation and performance of renewable energy systems and energy efficiency improvements financed by such program.
- B. The City shall verify and report on the installation and performance of renewable energy systems and energy efficiency improvements financed by the Energize NY Benefit Financing Program in such form and manner as the authority may establish.

Section 2: This local law will take effect immediately on filing in the office of the Secretary of State.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Killian, McCartney and Slack
NAYS: Councilwoman Bucci
ABSENT: Councilman Mecca

The Local Law was adopted by a 5-1 vote.

Mayor Sack asked Corporation Counsel Wilson and City Manager Culross to prepare a letter to the Board of Directors of the EIC to limit the application of the local law to only Not-For-Profits in the City of Rye. Councilman Slack asked to clarify that the reference to Not-For-Profits referred to Not-For-Profit Corporations as incorporated under New York State law. The Mayor asked if any member of the Council was opposed to the restriction as stated and no one indicated that they were.

- 9. Public Hearing to amend local law Chapter 191, “Vehicles and Traffic”, of the Rye City Code by amending Section §191-20, “Parking time limited”, Subsection (E) “Fifteen-minute limit” to designate three parking spaces on the west side of First Street as fifteen minute parking spaces

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to open the public hearing.

No one from the public commented on the proposed local law. Mayor Sack referred to other instances where 15 minute parking spaces had been designated and said that it also makes sense to do so at this location.

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

Councilwoman Brett made a motion, seconded by Councilwoman Killian, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 11 2014**

**A local law to amend the City Code of the City of Rye Chapter 191 “Vehicles and Traffic”
Part 1, Article III “Parking Regulations” Section 191-20 “Parking time limited” to
establish a 15 minute parking limit along the West side of First Street as follows:**

Section 1:

Article III, Parking Regulations, of the Code of the City of Rye is hereby amended:

§ 191-20. Parking time limited.

E. Fifteen-minute limit. The parking of vehicles is hereby prohibited in the following locations for a period longer than 15 minutes between the hours of 7:00 a.m. and 7:00 p.m., except on Sundays:

Name of Street	Side	Location
Boston Post Road	East	From Central Avenue to Rectory Street
Elm Place	North	3 spaces on the north side closes to Theodore Fremd Avenue
First Street	West	3 spaces along the west side of First Street parallel to the building and the curb
Forest Avenue	West	From the southwest driveway of the service station to Elmwood Avenue
Purchase Street	East	From Elizabeth Street southerly for 140 feet
Purdy Avenue	North	From the east side of the post office property to Third Street
Sylvan Avenue	South	2 spaces on the south side closest to Midland Avenue
Third Street	East	From Purdy Avenue to the post office driveway
Third Street	West	From Purdy Avenue to a point 100 feet north thereof

Section 2.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 3: This local law will take effect immediately upon filing of with the Secretary of State.

ROLL CALL:

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

The Local Law was adopted by a 6-0 vote.

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

There were no residents wishing to speak.

11. Consideration of a request by the Rye Little League to approve a parade to kickoff Opening Day of the 58th Little League Season on Saturday, April 11, 2015 beginning at 12:00 p.m.

Councilman McCartney made a motion, seconded by Councilwoman Brett 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 for a parade to kickoff Opening Day of the 58th Little League Season on Saturday, April 11, 2015 beginning at 12:00 p.m.

11A. Appeal of denial of FOIL request by Leon Sculti

Upon consent of Leon Sculti, this agenda item was deferred to the December 17th meeting.

12. Miscellaneous Communications and Reports

There was nothing reported under this Agenda item.

13. New Business

Mayor Sack said the City would be deciding on a new auditor by the end of the year and asked the City Manager for a report on responses to an RFP. City Manager Culross said that several responses have been received and a recommendation will be made to the Audit Committee and City Council prior to the December 17th meeting. There was a brief discussion about the City's policy for changing auditors and the procedure that will be followed. The Mayor also asked about the process for choosing the City's Insurance Broker. City Manager Culross said that the agreement with the Insurance Broker is an annual agreement that typically

does not go before the Council. Mr. Culross was asked to provide the Council will more information on how the process works.

14. Adjournment

There being no further business to discuss Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn into executive session to discuss collective bargaining and not return to the regular meeting at 9:05 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk