

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on December 17, 2014 at 7:30 P.M.

PRESENT:

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

ABSENT: RICHARD MECCA
RICHARD SLACK
Councilmembers

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

Councilman McCartney read a statement on behalf of the Golf Club General Manager saying that Golf Club property cannot be used for sleigh riding or skating.

Mayor Sack noted the passing of Councilman Mecca's father, Daniel Mecca, and former Councilman James Flick's son, Thomas and called for a moment of silence for each.

3A. Approval of the election of two new members to the Rye Fire Department

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

RESOLVED, that the City Council of the City of Rye hereby approves the election of Andrew Wood to the Poningoe Hook and Ladder Co. as approved by the Board of Fire Wardens and their December meeting.

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

RESOLVED, that the City Council of the City of Rye hereby approves the election of Lief Skodnick to the Poningoe Engine and Hose Co. as approved by the Board of Fire Wardens and their December meeting.

4. Draft unapproved minutes of the Regular Meeting of the City Council held December 3, 2014

Councilwoman Brett made a motion, seconded by Councilman McCartney and unanimously carried, to approve the minutes of the regular meeting of the City Council held on December 3, 2014.

5. Issues Update/Old Business

There was nothing discussed under this Agenda item.

5A. Resolution to transfer \$50,000 from the 2015 Contingency account to fund expenses associated with the hiring of staff for the Fire Department
Roll Call

Mayor Sack noted that the City Manager's original proposed budget proposed four additional new firefighters. The Council was not in agreement with that proposal but is prepared to add one firefighter. The new firefighter will be added in March, not October, and, upon completion of Fire Academy training in July, a current firefighter can be promoted to lieutenant. The lieutenant will be a day time position, in order for a lieutenant to be on duty seven days a week, and will add a new layer of oversight over the department.

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

WHEREAS, additional staffing needs have been identified for the Rye Fire Department including the hiring of a Firefighter and a Fire Lieutenant; and

WHEREAS, it is anticipated that the Firefighter will have a starting date of March 1, 2015 and the Fire Lieutenant a starting date of July 1, 2015; and

WHEREAS, City staff has determined that the amounts required to fund salaries associated with these additional Fire Department Staff were not anticipated and were not provided for in the proposed budget, now, therefore be it:

RESOLVED, that the City Comptroller is authorized to transfer \$50,000 from the General Fund Contingent Account to the Fire Protection Account.

ROLL CALL:

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

The Resolution was adopted by a 5-0 vote.

6. Continuation of the Public Hearing on the proposed 2015 Budget

No one from the public wished to comment on the proposed 2015 budget.

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

7. Resolution to adopt the 2015 Budget and establish the 2015 tax levy and 2015 tax rate
Roll Call

Deputy Comptroller Fazzino said that the proposed tax increase is 3.14% or \$155.11 per \$1,000 of assessed value. The tax levy is \$77,500 under the tax cap.

Councilwoman Killian said that she had voted against the 2014 Budget because she did not agree with the increase suggested for mortgage tax revenues and noted that the mortgage tax revenues for 2014 have come in even lower than the original estimate. She said she was happy with this budget. Mayor Sack explained that 2/3 of the revenue comes from property taxes and 1/3 comes from elastic revenues which include mortgage tax revenue, building permit fees and sales tax revenue, which are estimated.

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

WHEREAS, on November 5, 2014 the 2015 Tentative Budget was presented to the City Council, and,

WHEREAS, since November 5, 2014 the City Council has discussed possible amendments to the 2015 Tentative Budget, now, therefore be it

RESOLVED, that the tentative budgets and fee schedules as amended for 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, are hereby adopted for the fiscal year ending December 31, 2015, and be it further

RESOLVED, that the City Council does hereby certify to the City Comptroller the 2015 City of Rye tax rate of \$155.11 per \$1,000 taxable assessed valuation and the 2015 City of Rye tax levy of \$21,531,492 and be it further

RESOLVED, that the City Council does hereby direct the City Comptroller to apportion and extend against each taxable property listed upon the assessment roll at the tax rate certified in this resolution to produce the tax levy certified in this resolution, and to render tax notices for, and receive and collect, the several sums so computed and determined, with interest as provided by law, and any special assessments heretofore authorized and approved.

ROLL CALL:

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

The Resolution was adopted by a 5-0 vote.

8. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers
Roll Call

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

RESOLVED, that the City Comptroller is hereby authorized to make the necessary 2014 fiscal year-end budget transfers in City accounts, provided a list of such transfers over \$10,000 is furnished to the City Council after completion of such transfers.

ROLL CALL:

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

The Resolution was adopted by a 5-0 vote.

9. Resolution to amend the Administrative Pay Plan
Roll Call

Mayor Sack said that in recent years, this item has not come before the Council, but in order for there to be more transparency, and, at the recommendation of the City Manager, the Council wants to bring back the practice of passing resolutions with regard to the Administrative

Pay Group that is made up of those employees who are not members of bargaining units. The Mayor said the resolution not only provides for salary increases but also for a 1% increase in the health care contributions made by current employees and an amount up to 9.5% for any new employees hired to this group from this date forward. Additionally, all new hires will be required to pay 50% of their health care upon retirement.

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

WHEREAS, the administrative pay plan encompasses all full time employees of the City of Rye who are not represented by one of four collective bargaining units with the exception of the City Manager and the Corporation Counsel; and

WHEREAS, Administrative employees receive merit increases determined by the City Manager based on performance and accomplishment of identified objectives during the previous year; be it

RESOLVED, that the City Manager be authorized to make adjustments to the salaries of the 27 persons in this group at a total maximum cost of \$80,000; and be it further

RESOLVED, that the City Council increase the employee health insurance contribution for this group to the lesser of 25% of premium or 5% of salary; and be it further

RESOLVED, that the City Council determine that all persons hired by the City of Rye after December 17, 2014 and subsequently assigned to the Administrative Pay Group, pay 25% of health premiums up to 9.5% of their base salary and for such persons, the City would pay 50% of health premiums for the retiree and family upon their retirement during the lifetime of the retired employee; and be it further

RESOLVED, that the City Manager be directed to notify the City Council within 30 days of any salary adjustments to members of the Administrative Pay Group.

ROLL CALL:

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

The Resolution was adopted by a 5-0 vote.

10. Resolution to authorize participation in Westchester County contracts
Roll Call

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

WHEREAS, by Act No. 8-1983, The County Board of Legislators authorized the County Purchasing Agent to act as Purchasing Agent for any city, town, village, school district or other unit of local government within the County of Westchester County, provided that said unit of local government by act, ordinance or resolution authorizes the County Purchasing Agent to act as its Purchasing Agent for items purchased by the County, and empowering designated officers and employees to sign requisitions, and further directing the proper official of local government to audit and pay County bills for the cost of County services within thirty (30) days after the receipt of said bill by the local government, and to provide the County with such insurance coverage as may be required by the County's Director of Risk Management, NOW, THEREFORE, be it

RESOLVED, that the County Purchasing Agent is hereby authorized to act as Purchasing Agent for the City of Rye, New York on a continuing basis, and be it further

RESOLVED, that the City Manager, the Assistant City Manager, the City Comptroller, and/or the City Engineer are hereby authorized to sign appropriate requisitions, and be it further

RESOLVED, that the City Comptroller is hereby authorized and directed to audit and pay County bills for the cost of County services within thirty (30) days after receipt of said bills, and be it further

RESOLVED, that the City Comptroller is hereby authorized to secure and provide to the County of Westchester any and all insurance required by the County's Director of Risk Management, in Accordance with County Act No. 8-1983.

ROLL CALL:

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

The Resolution was adopted by a 5-0 vote.

11. Resolution authorizing the City Manager to engage an independent audit firm to perform the examination of the City's Comprehensive Annual Financial Report for the fiscal years ending December 31, 2014, 2015, and 2016
Roll Call

Mayor Sack said that the City has used the same auditing firm for many years and the Council believes it is time to change firms as a matter of good practice. They believe auditors should be changed at least every six years with the principal partners being changed every three years. Deputy Comptroller Fazzino and City Manager Culross received seven responses to an RFP for auditing services. After telephone interviews conducted by City staff one company was invited to be interviewed in person. The City Council Audit Committee reviewed the proposals and endorses the recommendation of City staff.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to engage the firm of SaxBST LLP to perform the examination of the City's Comprehensive Annual Financial Report for the fiscal years ending December 31, 2014, 2015 and 2016.

ROLL CALL:

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

The Resolution was adopted by a 5-0 vote.

12. Resolution to transfer \$50,000 from the Contingency account to fund expenses associated with the recruitment of the next City Manager
Roll Call

Mayor Sack said that the Council sub-committee consisting of Councilwomen Killian and Bucci and Councilman Mecca were asked to locate a search firm for the recruitment of the next City Manager. Ten firms across the country were identified and written proposals were received from five firms. The Council spoke with all five firms and the consensus is to retain S. Renée Narloch & Associates, a professional executive recruitment firm based in Florida.

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

WHEREAS, City staff has determined that the amounts required to fund expenses associated with the recruitment of the next City Manager were not anticipated and were not provided for in the adopted 2014 budget, and;

WHEREAS, the General Fund Contingent Account has a balance of \$140,000, now therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$50,000 from the General Fund Contingent Account to the City Manager's Consultant Account.

ROLL CALL:

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

The Resolution was adopted by a 5-0 vote.

- 12A. Resolution authorizing Mayor Sack to enter into an agreement with S. Renée Narloch & Associates to provide services in connection with the recruitment of the next City Manager
Roll Call

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

RESOLVED, that the City Council of the City of Rye hereby authorized Mayor Sack to enter into an agreement with S. Renée Narloch & Associates to provide services in connection with the recruitment of the next City Manager.

ROLL CALL:

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

The Resolution was adopted by a 5-0 vote.

13. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2015
Roll Call

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

RESOLVED, that the Mayor is hereby authorized to finalize an agreement with the Rye Free Reading Room to furnish library services for 2015.

ROLL CALL:

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

The Resolution was adopted by a 5-0 vote.

14. Continuation of Public Hearing to amend local law Chapter 165 , “Signs”, of the Rye City Code by adding Section §165-10, “Regulation of banners”, to establish regulations for banners on City owned ball field fences and utility poles on City property

Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried to continue the public hearing to the January 14, 2015 meeting.

Councilman McCartney suggested some changes to the language in the proposed local law so the Farmers Market would not be impacted.

15. Resolution designating the days and time of regular meetings of the City Council for 2015 setting January 14, 2015 as the first regular meeting

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

RESOLVED, that January 14, 2015 is hereby fixed as the first regular and the organizational meeting of the City Council; and be it further

RESOLVED, that the following dates are designated for the regular meetings of the City Council in 2015:

January 14
January 28
February 11
February 25
March 11
March 25
April 8
April 22
May 6
May 20
June 10
July 8
August 3 - Presentation of the CIP
August 5
September 16
October 7
October 21

November 4
November 18
December 2
December 16

16. Consideration to set a Public Hearing for January 28, 2015 to amend local law Chapter 117, Landmarks Preservation, of the Rye City Code by amending Section §117-5, “Designation of Preservation Districts or Protected Sites and Structures”, Subsection E, to add (9) Protected site and structures: 600 Milton Road, the Bird Homestead, and 624 Milton Road, the Rye Meeting House as landmarks

Councilwoman Brett said that the Landmarks Committee recommended this change, which was sent to the Board of Architectural Review and Planning for comment. Both boards are in agreement with the recommendation.

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

WHEREAS, the Council wishes to consider amending Chapter 117, “Landmarks Preservation” of the Code of the City of Rye by amending §117-5; 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 January 28, 2015 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**

Notice of Public Hearing on a proposed local law to amend Chapter 117, Landmarks Preservation, of the Rye City Code by amending §117-5, “Designation of Preservation Districts or Protected Sites and Structures” Subsection E, by adding: (9) Protected site and

structures: 600 Milton Road, the Bird Homestead, and 624 Milton Road, The Rye Meeting House, as landmarks

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 28th day of January 2015 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 §117-5 to add: (9) Protected site and structures: 600 Milton Road, The Bird Homestead, and 624 Milton Road, The Rye Meeting House, as landmarks.

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

Dawn F. Nodarse
City Clerk
Dated: January 21, 2015

17. Consideration of a request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, April 18, 2015 from 9:00 a.m. to 10:15 a.m.

Mayor Sack made a motion, unanimously approved by the Council, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby approves the request of the Midland Elementary School PTO for use of City streets for a parade to precede the Midland Elementary School Fair on Saturday, April 18, 2015 from 9:00 a.m. to 10:15 a.m.

18. Appeal of denial of FOIL request by Leon Sculti

Corporation Counsel Wilson said that the original request was for “the Breen Report”, and it was denied under Public Officers Law §87(2)(g) as an inter or intra-agency document and §87(2)(a) as being exempt under a federal or state statute (New York CPLR §4503 – attorney/client privilege). An appeal was submitted challenging the provisions under which the records were withheld. Mayor Sack said that the report was issued in February 2014 as a result of an investigation conducted by the firm of Brune and Richard, who were hired by the Council to assist in the investigation of the Golf Club. Brune and Richard retained the Breen forensic accounting firm to assist in the investigation. The Breen firm was retained by Brune and Richard in order to preserve the attorney/client privilege. Councilman McCartney said he believed that the attorney/client privilege was waived when the information was shared with an outside party. Leon Sculti said that much of the information in the report was subject to FOIL and that some of

the information in the report had already been made public. Ms. Wilson indicated that she believed Mr. Sculti was seeking additional records than those already made public on the City website when she issued her denial. Mayor Sack asked Mr. Sculti to provide him with the case law that he referred to so the Council could review it in connection with the attorney/client privilege issue prior to issuing a decision on his appeal. Councilwoman Brett said that the issue is that the Council is considering litigation and the documents were prepared in anticipation of potential litigation. Disclosing them at this time would compromise the City's ability to pursue that litigation and disclosing them to the City's insurance carrier may not have waived attorney/client privilege. The appeal was adjourned to the January 14, 2015 meeting.

Mayor Sack asked Corporation Counsel Wilson regarding an email from Timothy Chittenden regarding a possible FOIL appeal. Ms. Wilson said she reviewed the original FOIL where he was provided documents and the reasons for redactions and that he subsequently requested CAD reports and County Police files. The CAD reports were provided and he was informed of how to obtain the County records. She said she did not believe this was not a valid appeal.

19. Miscellaneous Communications and Reports

There was nothing reported under this Agenda item.

20. New Business

There was nothing discussed under this Agenda item.

21. Adjournment

There being no further business to discuss Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn the meeting at 8:55 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk