

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on March 25, 2015 at 7:30 P.M.

PRESENT:

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

ABSENT: TERRENCE McCARTNEY, Councilmember

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. Recognition of the Rye Girls All Star Basketball Team

Mayor Sack congratulated the members of the Rye Recreation Girls All Star Basketball Team along with their coaches and Recreation Department supervisor on their victory in the 2015 Westchester County Girls Basketball Championship. The Mayor and Councilwoman Brett presented everyone with proclamations.

4. General Announcements by the Council

Announcements were made regarding various topics, events and meetings that may be of interest to residents.

5. Draft unapproved minutes of the special meeting of the City Council held March 9, 2015 and the regular meeting of the City Council held March 11, 2015

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to approve the minutes of the special meeting of the City Council held on March 9, 2015, and the minutes of the regular meeting of the City Council held on March 11, 2015, as amended.

6. Issues Update/Old Business

Mayor Sack reported on the following topics:

Parking Pay Stations: The parking pay stations in the Central Business District now accept credit cards for charges of \$1 or more.

Sewer Discharge: The City has been violated for discharge into Long Island Sound from a pump station. City Manager Culross explained that when the sewage treatment plant reaches capacity, it comes back to the pump station and the pump station bypasses it to the Sound. The City is obligated under its SPEDES permit to self-report. There was a discussion regarding how illegal sump pumps connected into the sanitary sewer system contribute to overflows and ways to rectify the situation.

Hen Island: The Mayor said the Council is still considering the issues on Hen Island but offered his preliminary feedback. Conditions on the island are rustic but idyllic. There was no mosquito infestation the day that members of the Council visited the island. The Mayor said that the cottages on the island are seasonal and are not dwellings under the definitions of the New York State Building Code. Most camp sites have biodegradable toilets, which will probably work for all the cottages based on the seasonal definition. Even though the potable water collection basins had not all been covered in the past, most seem to be covered now. The Building Department has been out to the island recently and there are no open violations. Councilwoman Brett said that although some of the conditions on Hen Island would not be acceptable on the main land, people making changes to the temporary cottages are currently doing so in accordance with the City Code. Councilwoman Killian said that there is a New York State campground statute that they are bound by which is different from other building codes.

Brian Dempsey: A resident has raised concerns regarding Mr. Dempsey serving on the Traffic and Pedestrian Safety Commission because the traffic engineering consulting firm he works for has done work for the City. The Mayor said the City is grateful for its volunteers and for the expertise that Mr. Dempsey brings to an advisory committee. Mr. Dempsey had previously requested an opinion from the Ethics Committee, who opined that disclosure was important. Councilman Slack said it was important to identify conflicts. He noted that the Council and members of City staff fill out conflict of interest forms at the beginning of the year and suggested the Council should further discuss the previous decision by the Council a few years ago of not asking members of Boards and Commission to file these forms.

Harris Beach: Mayor Sack said that Corporation Counsel Wilson is a counsel at the firm of Harris Beach who represents the City in several matters. Some of the matters are covered under the Retainer Agreement; some by specific retention beyond the Retainer Agreement and some as a result of being retained by the insurance company, not by the City. Ms. Wilson was asked to provide a list of cases that Harris Beach is handling and to indicate if they are being handled under the Retainer Agreement, by retention by the Council or by the insurance company.

7. 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 regulation for banners on City owned ball field fences and utility poles on City property

Councilman Slack asked if Section A of the proposed legislation could be revised to reflect what was previously decided by the Council regarding banners on ball fields so the Council can deal with Section B involving banners on utility poles. Corporation Counsel Wilson said the proposed local law reflected additions to the Sign legislation, and she could revise the local law to remove Section A. Mr. Slack said he did not believe there was a great interest in banners in the downtown and suggested that legislation could simply provide that banners on poles in the downtown were not allowed except with express approval of the Council. Other members of the Council agreed with this proposal.

Councilwoman Brett made a motion, seconded by Councilman Slack and unanimously carried, to adjourn the public hearing to the April 8, 2015 meeting.

8. Consideration to set a Public Hearing for April 8, 2015 to amend local law Chapter 177, “Taxation”, Article XII, “Exemption for Historic Districts” by adding Section §177-82, “Historic Districts, to designate portions of downtown Rye as one historic district to allow property owners to apply for the real property tax exemption

Councilwoman Brett said the Landmarks Committee is proposing designation of the City’s first historic district in order for property owners in the district to be able to apply for a tax incentive that phases in tax increases on historic properties that are renovated or rehabilitated rather than torn down in order to encourage adaptive reuse. Councilman Slack raised questions for discussion during the public hearing regarding the large size of the proposed district and how it was determined; whether it was appropriate for discretion on whether properties in this large proposed historic district be given to the Landmarks Committee, which is an advisory committee; whether it is possible to look back ten years to see what renovations have been done in the proposed district to obtain some estimate of the amount of the tax breaks that could be expected over the next ten years if this law was enacted; and the definitions of “alteration” and “rehabilitation” in the City and State codes and how they cross-reference and would be applied in practice.

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

WHEREAS, the Council wishes to consider amending Chapter 177 “Taxation”, Article XII “Exemption for Historic Districts” of the Code of the City of Rye by adding a new Section 177-82 “Designation of Historic Districts”; 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 April 22, 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**

**A Local Law to amend Chapter 177 “Taxation”, Article XII
“Exemption for Historic Districts of the Code of the City of Rye by
adding a new Section 177-82 “Designation of Historic Districts”**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 22nd day of April 2015 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 amend Chapter 177 “Taxation”, Article XII “Exemption for Historic Districts” of the Code of the City of Rye by adding a new Section 177-82 “Designation of Historic Districts.

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

Dawn F. Nodarse
City Clerk
Dated: April 15, 2015

9. Presentation by Sustainable Westchester, Inc. regarding the City of Rye participating in the program Community Choice Aggregation to procure electric and/or gas supply services on behalf of participating residents, businesses and municipal customers within municipal jurisdictional boundaries

Mike Gordon representing Sustainable Westchester made a presentation about the Community Choice Aggregation (CCA) program. He said there are two components on everyone’s electric bill – (1) the transmittal and distribution portion which is the cost for Con Edison to deliver electricity across the poles and wires it owns; and (2) the energy portion, which represents the costs associated with purchasing energy from power plants. Con Edison is the default supplier of energy for people in New York who do not choose a separate competitive Energy Supply Company (ESCO). Sustainable Westchester petitioned the Public Service

Commission to allow the implementation of a CCA in Westchester County, without touching the poles and wires that are controlled by Con Edison. The request was granted in February. There is now an opportunity for municipalities in Westchester to participate in the CCA to purchase energy. Customers who have not already chosen another ESCO will be given the opportunity to opt out, but if they do not, they become a member of the CCA and receive its benefits. The City Council would vote on whether to join the CCA, which will be managed by Sustainable Westchester. Bids will be sent out to all competitive energy service providers in New York for both variable rates and fixed rates. There is no guarantee that the rates will be lower than those charged by Con Edison.

Members of the Council asked questions regarding how often the CCA would go out to bid for rates and who would be included; the mechanics of people opting out and getting back in; how a homeowner would know if they were saving money; who would be contacted in the case of a power outage; whether the City was being put in the position of being a marketing agent for the CCA; what the administrative costs of the CAA program would be; whether it is legal for a town board to pass a resolution to join the CAA or if it would have to be done by voter referendum; and what taxes would still be collected.

Mayor Sack asked Mr. Gordon to advise the Corporation Counsel when an opinion is issued by the Solicitor General's Office regarding the requirement for a referendum so the Council can decide how the issue would come back before the Council.

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

There were no residents wishing to speak under this Agenda item.

11. Resolution authorizing the Corporation Counsel to seek settlement in the litigation *American Leisure Activities of New York City Inc. v. City of Rye*
Roll Call

Corporation Counsel Wilson said this is a breach of contract case dealing with the lifeguard contract for the 2013 summer season at Rye Golf Club. Both sides were awarded summary judgment with the question of damages remaining. After a meeting before the Judge in the case, the parties agreed on a settlement of \$30,000 subject to Council approval. Ms. Wilson said that the firm of Harris Beach is defending the City in this case on an hourly basis and because it is a breach of contract claim, insurance coverage has been denied.

Leon Sculti, Chair of the Golf Commission, raised questions regarding fees that may be the responsibility of the Golf Club Enterprise Fund. He requested a joint meeting between the City Council and the Golf Commission. Councilman Slack pointed out that the Golf Club is owned by all the citizens of Rye and not just the members of the club. He added that the Enterprise Fund is simply an accounting tool. Councilwoman Bucci said she would commit to getting numbers to the Golf Commission regarding what is knowable. City Manager Culross said that it was important for the Golf Commission to be part of the annual CIP process. Mayor Sack agreed to meet with the members of the Golf Commission.

Councilwoman Brett 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 Corporation Counsel to seek settlement in the litigation *American Leisure Activities of New York City Inc. v. City of Rye* in the amount of \$30,000.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

12. Adoption of the 2015 County property tax rates
Roll Call.

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

RESOLVED, that the tax rates for the amounts of Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District charges for the fiscal year beginning January 1, 2015, shall be as follows:

<u>Westchester County</u>	
Levy	\$25,595,478
Taxable Assessed Value	138,453,025
Taxable Rate per \$1,000 Assessed Value	184.868
<u>Blind Brook Sewer District</u>	
Levy	\$5,051,447
Taxable Assessed Value	141,032,369
Taxable Rate per \$1,000 Assessed Value	35.818
<u>Mamaroneck Valley Sewer District</u>	
Levy	\$558,045
Taxable Assessed Value	19,217,154
Taxable Rate per \$1,000 Assessed Value	29.039
<u>Refuse Disposal District No. 1</u>	
Levy	\$2,439,365
Taxable Assessed Value	140,795,573

Taxable Rate per \$1,000 Assessed Value 17.326

And be it further

RESOLVED, that the Council does hereby certify to the City Comptroller the above stated levies and tax rates for Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District No. 1 charges, and the City Comptroller is hereby directed to apportion and extend against each taxable property listed upon the assessment roll of the City of Rye for 2015 at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums computed and determined, and, it is further

RESOLVED, that the tax warrant of Westchester County be signed by the Mayor and directed to the City Comptroller to collect the amount of said taxes with interest as provided by law and any special assessment heretofore authorized and approved.

ROLL CALL:

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

The Resolution was adopted by a 5-0 vote.

12A Resolution to amend the 2015 Adopted Fees and Charges for the Rye Golf Club Enterprise Fund
Roll Call

Councilwoman Bucci outlined the proposed changes which include allowing seniors to come to the pool from Monday through Thursday at a cost of \$5 per day if they are a member of the Rye Recreation Senior Program and a Young Executive Membership program to target golf members between the ages of 27 and 35. Leon Sculti, Chair of the Golf Commission, said the Young Executive Membership program is a pilot program that will be limited to 20 members.

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

RESOLVED, that the 2015 Adopted Fees and Charges for the Rye Golf Club Enterprise Fund are hereby amended to add the following new programs:

Pilot Program for Seniors who are currently members of the Rye Recreation Senior Program to allow them to visit the Rye Golf Club pool once per week on a Monday through Thursday (not including Memorial Day or Labor Day) for a daily access fee of \$5.

Pilot Program establishing a limited “Young Executive” membership category for individuals between the age of 27 and 35. Up to 20 new memberships at the rates of \$2,100 for Residents and \$3,920 for non-residents.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

13. Appointment of one member to the Emergency Medical Services Committee to fill a term expiring on June 30, 2016

Mayor Sack 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 ratifies the appointment of John B. Colangelo to the Emergency Medical Services Committee as the Community Representative from the Village of Port Chester to fill out the term expiring on June 30, 2016.

13A. Resolution to establish a temporary Deer Management Study Group

Mayor Sack said that he believed the best way to continue the momentum from the Deer Summit held last month was to establish an Ad Hoc Temporary Committee to help frame the issues.

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

**RESOLUTION OF THE CITY OF RYE ESTABLISHING
A TEMPORARY DEER MANAGEMENT STUDY GROUP**

WHEREAS, the Rye City Council convened a Deer Management Summit at Rye City Hall on February 25, 2015, in conjunction with the Village of Mamaroneck; and

WHEREAS, the purpose of the summit was to articulate the problems caused by the increasing over-population of deer in our community and the wider Sound Shore area, including

the degrading of our eco-system, the spread of Lyme disease, and the increased danger of automobile accidents; and

WHEREAS, the purpose of the summit was also to consider options in addressing this problem and to identify the most feasible, efficient, and cost-effective solutions; and

WHEREAS, the representatives from the New York State Department of Environmental Conservation and the County of Westchester were in attendance at the summit to offer their expertise and perspective; and

WHEREAS, this is an issue of great concern among members of the Rye community and throughout the region; and

WHEREAS, the Council desires to establish a Deer Management Study Group, to assist in continuing the dialogue in our City coming out of the summit, and to help focus the Council on any decision points as we move forward; now therefore

BE IT RESOLVED, that the Rye City Council hereby establishes a temporary Deer Management Study Group to study such matters and to report back to the Council from time to time over the course of the next year; and

BE IT RESOLVED, that the members of this study group shall be appointed by the Mayor.

Mayor Sack appointed Janice Seitz, Ed Collins and Anne Dooley to serve on the Temporary Deer Management Study Group

14. Miscellaneous Communications and Reports

Nothing was reported under this Agenda item.

15. New Business

There was nothing discussed under this Agenda item.

16. Adjournment

There being no further business to discuss Councilman Mecca made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn into executive session to discuss a personnel matter related to the search for a new City Manager and not return to the regular meeting at 10:45 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk