

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on January 27, 2016 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor  
KIRSTIN BUCCI  
EMILY HURD  
JULIE KILLIAN  
RICHARD MECCA  
DANIELLE TAGGER-EPSTEIN  
Councilmembers

ABSENT: TERRENCE McCARTNEY  
Councilmember

The Council convened at 7:00 P.M. Councilman Mecca made a motion, seconded by Councilwoman Bucci and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman Mecca made a motion, seconded by Councilwoman Bucci and unanimously carried, to adjourn the Executive Session at 7:30 P.M. The regular meeting convened at 7:35 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.

Mayor Sack acknowledged Henry King for his dedication and attendance for each City Council meeting and welcomed him back after a brief absence. Mayor Sack thanked Mr. King for his service to the community and involvement.

Councilwoman Tagger-Epstein announced that prior to the City Council meeting, the Rye Arts Center awarded the winners of the Distracted Walking and Driving Poster Contest: Lara Martin, Crispian Thorne, and Manon Veltman. All posters in the contest will be on display at the Rye Arts Center for January and February 2016. On Friday, January 29, 2016, at 6:30 P.M., a film on "Idle Threat" and the idling law in Rye will be shown at the Rye Country Day School.

Mayor Sack congratulated Councilwoman Killian for being appointed Deputy Mayor.

4. Draft unapproved minutes of the regular meeting of the City Council held January 13, 2016.

Councilman Mecca made a motion, seconded by Councilwoman Hurd and unanimously carried to approve the minutes of the regular meeting of the City Council held on January 13, 2016.

5. Issues Update/Old Business.

Mayor Sack announced that at the end of 2015, the Council approved a settlement with TessengerloKerley, Inc. (TKI). He stated that the Council also indicated that as part of the 2016 budget, there would be a discount to returning Rye Golf Club members in good standing to incentivize them to rejoin, provided those members signed a release. There have been questions about clarifying this discount and Mayor Sack asked Councilwoman Bucci to clarify further for residents.

Councilwoman Bucci explained that the 35% discount will be applied to both the regular golf membership and the total comprehensive membership.

Councilwoman Killian asked City Manager Serrano to revisit the issue about rocks within the right-of-way. She then spoke about notice for the Board of Architectural Review meetings and asked that the website system be more effective in letting people know about the meeting dates and agendas. Councilwoman Killian also spoke about the Cable Commission and the first meeting she attended. She asked that an email distribution list be put together for the Cable Commission activities.

Mayor Sack announced that the Recreation Commission is considering potential upgrades and improvements at Disbrow Park, and has asked the Recreation Committee to inform the community about any potential actions on this item. He advised the community to reach out to the City Manager's office if anyone wishes to participate in the discussion. Mayor Sack also alerted the community to an article in the Westchester County Business Journal that stated Port Chester residents are favorable to the United Hospital project. He felt that Rye residents likely did not agree with this sentiment. Mayor Sack further stated that the Final Environmental Impact Statement (FEIS) will not be ready prior to the end of January 2016. Mayor Sack asked City Manager Serrano to remain in close contact with Port Chester on this issue. He reminded the community that hearings may be held to comment on the FEIS once it is released and asked City Manager Serrano to update the Council with any developments.

Councilwoman Killian added that there is also another housing unit site plan proposed in close proximity to the United Hospital site.

Mayor Sack stated that Rye Town Park is currently looking for proposals for management. The Council will update the community with any developments.

City Manager Serrano updated the Council on the Forest Avenue Sidewalk project. The City has received estimates for the project and will be performing a survey and a title search. Following those action items, the City's options will be discussed.

City Manager Serrano also updated the Council on the New York Rising Request for Qualifications, which has been released. The project proposal pursuant to the grant was presented to the State, who has approved the process. The City plans on moving forward with the applicant that best meets its qualifications, and price will be determined and negotiated at a later date.

Mayor Sack asked City Manager Serrano to keep the Council advised of any updates with the City's Flood Advisory Group.

6. Consideration of a request from the Rye Fire Department that Captain Dan Bochicchio of the Milton Point Engine & Hose Company fill the position of Second Assistant Chief on a temporary basis.

This agenda item was tabled for future review.

7. Appointments to Boards and Commissions, by the Mayor with Council approval.

**A) Two appointments to the Board of Appeals for a three-year term.**

This item was deferred for discussion at a future meeting.

**B) One appointment to the Board of Ethics for a three-year term.**

Mayor Sack made a motion, unanimously approved by the Council, to appoint Owen Nee to the Board of Ethics for a three-year term expiring on January 1, 2019.

**C) Four appointments to the Flood Advisory Committee for a three-year term.**

This item was deferred for discussion at a future meeting.

**D) Eight appointments to the Rye Cable and Communications Committee for a three-year term.**

This item was deferred for discussion at a future meeting.

**E) Two appointments to the Rye Playland Advisory Committee for a three-year term.**

This item was deferred for discussion at a future meeting.

**F) Two appointments to the Rye Town Park Advisory Committee for a three-year term.**

This item was deferred for discussion at a future meeting.

**G) Six appointments to the Traffic & Pedestrian Safety Committee for a three-year term.**

Mayor Sack made a motion, unanimously approved by the Council, to reappoint Chairman Brian Dempsey, and appoint new member Dan Chorost.

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

Acting Police Commissioner Scott Craig approached the Council. Mayor Sack introduced the issue of dogs within the Rye Town Park. Last year, the City Council implemented the Rye Town Park off-leash policy, allowing off-leash licensed dogs between the hours of 6:00 and 9:00 A.M. This program was conditioned on strict enforcement, and residents are currently concerned about the police presence enforcing the off-leash rules.

Acting Commissioner Craig agreed with the Mayor's statement. He stated that the City's enforcement is relatively new and unique for the Rye Town Park. Through the enforcement program, the Police have educated the dog owners about Rye Town Park licensing, as well as New York State dog licensing. The goal of the Police Department is to balance the needs of the dog owners and other park users. He further stated that the enforcement officer at Rye Town Park is a new position that did not take away from any other enforcement. It also has allowed the City to increase traffic enforcement for problem areas. Acting Commissioner Craig stated that overall, the Police have tried to balance and meet the needs of the entire community.

Councilwoman Killian inquired as to why the enforcement officer drives onto the grass at Rye Town Park. Acting Commissioner Craig explained that the officer needs the first aid equipment and other equipment located within the car for safe enforcement. Additionally, it is a focal point for residents to seek help within the park. The department needs the enforcement officer to be as mobile as possible to be able to quickly respond to an emergency.

Councilwoman Hurd thanked Acting Commissioner Craig for his service and response to the Council's questions. She expressed that she is happy that people are using the Rye Town Park for this purpose and that more dogs are now licensed. She then asked if there were any dog bite incidents. Commissioner Craig responded that there have been no incidents since the program was implemented. Councilwoman Hurd then inquired as to whether the City could have a bicycle patrolman in the park rather than a car. Acting Commissioner Craig responded that while it is possible, the department implements bicycle patrol solely within the downtown. There is a concern that without a vehicle, it could inhibit the enforcement officer from responding quickly to an emergency.

Mayor Sack thanked Acting Commissioner Craig for his service as Acting Commissioner and praised him for his work.

9. Discussion regarding a switch to LED lighting for street lights in the City of Rye.

City Manager Serrano announced that City Engineer Coyne has been exploring Light Emitting Diodes ("LED") street lights and has attempted to work with the New York Power Authority (NYPA) on this endeavor. He stated that the City has not been progressing as it

had hoped with NYPA regarding this issue. City Manager Serrano also explained that the with an LED program, street lights would have an extended life of approximately 15-20 years, while saving money and “going green” at the same time. The current street lights are effective for two years. He stated that the City would put together GPS coordinates for the lights to effectively switch them out. City Manager Serrano introduced Heather Cuffel, Project Manager from Lumen Light Solutions, who gave a brief overview of a potential LED implementation program to the City Council.

Ms. Cuffel explained that Lumen Lighting assists municipalities in the transition to LED lighting. The municipality would be permitted to fund an LED conversion program from the energy savings realized as a result of the switch, pursuant to a provision in the New York State Energy Law. Ms. Cuffel explained that the City of Rye, under General Municipal Law Section 103, could effectuate a “piggy-back” provision onto the City of New Rochelle’s current contract with Lumen Light Solutions. Ten other municipalities have availed themselves of this option in Westchester County. The process would include a quick installation and audit period, at which time light installation crews would have the coordinates of each light and record the conversions. Ms. Cuffel stated that in Yonkers, Lumen installed 11,000 lights in nine months. Ms. Cuffel further discussed the colors of the lights, which are a neutral white light. LED lights do not have any “up-lighting” or “backlighting.”

Councilwoman Hurd commented that it is important to maintain the historic nature of it and that she was happy to hear that an LED light would not have a blue tint that would negatively impact the aesthetic historic look.

Councilman Mecca commented on the cost of energy savings of 23 cents per watt, and was concerned that with NYPA, the Council could use less cents per watt. Ms. Cuffel clarified that with the Con Edison delivery charge, the energy savings cost results in a total of 23 cents per watt. Councilman Mecca was also concerned about the “piggy-back provision” with New Rochelle’s current contract. Ms. Cuffel responded that General Municipal Law Section 103 allows the municipality to piggy-back off of another contract. Lastly, Councilman Mecca referred to page 2 of the handout that was provided to the Council and inquired as to how the energy savings would work. Ms. Cuffel stated that the energy savings from using LED lights in general would be used to pay for the conversion. The lights would be rented by the City and then purchased at the end of the lease period.

City Manager Serrano added that the City will explore the best financial options.

Councilwoman Bucci discussed the financing for the purchase of the LED lights. She asked if the annual interest would be approximately a fixed 5%. Ms. Cuffel confirmed that this is correct. Councilwoman Bucci further inquired as to how Lumen could guarantee energy savings. Ms. Cuffel responded that Lumen guarantees that the price the City will pay to Lumen will be a result of energy savings. After the installation, the savings per watt will be calculated as of the price of energy on that day.

City Manager Serrano stated that the next steps will be to gather Council feedback concerning this procedure. If the Council would like to move forward, staff will present financing calculations.

Mayor Sack stated that he did not want the colors of the lights to be an issue for residents, and asked that the City convert a small number of lights to LED so that the community could provide feedback.

10. Discussion on the legislation and use of Drones in the City of Rye.

City Manager Serrano stated that with the development of drone technology, staff would like to approach the issue from a legal standpoint.

Corporation Counsel Wilson stated that the drone issue first came up with the Rye Golf Club, who is interested in using drones to help run operations. Corporation Counsel suggested that the Council and staff develop an internal control policy. She also stated that it would be important to consider possible legislation for the community. The FAA requires registration of drones over a certain weight and if being used for commercial purposes. State and County regulation of drones will be forthcoming, and New York City is currently drafting regulations. For next steps concerning this issue, Corporation Counsel Wilson will provide draft policies for department uses and draft code legislation.

11. Consideration of a request by the Rye Little League to approve a parade to kickoff Opening Day of the 59<sup>th</sup> Little League Season on Saturday, April 9, 2016 beginning at 12:00 p.m.

The City Council unanimously agreed to approve the request of the Rye Little League to hold a parade to kickoff Opening Day of the 59<sup>th</sup> Little League Season on Saturday, April 9, 2016 beginning at 12:00 p.m.

12. Consideration of a request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, April 16, 2016 from 9:00 a.m. to 10:15 a.m.

The City Council unanimously agreed to approve the request of the Midland Elementary School PTO to hold a parade to precede the Midland Elementary School Fair on Saturday, April 16, 2016 from 9:00 a.m. to 10:15 a.m.

13. Consideration of a request by the Rye YMCA for the use of City streets for the 28<sup>th</sup> Annual Rye Derby on Sunday, April 24, 2016 from 9:00 a.m. to 2:00 p.m.

The City Council unanimously agreed to approve the request of the Rye YMCA for the use of City streets for the 28<sup>th</sup> Annual Rye Derby on Sunday, April 24, 2016 from 9:00 a.m. to 2:00 p.m.

14. Miscellaneous communications and reports.

Councilwoman Killian asked that the proposed Hidden Spring Historic District be included on an upcoming City Council agenda. She asked that the City send out notice for the meeting to neighbors that it may affect. Councilwoman Killian also discussed the Safe Routes to School program, started by the Rye YMCA in 2007. In 2012, the group hired a consultant, who proposed 4-5 projects and began working with the City on different items. "Complete Streets" is a program that emerged from Safe Routes to School, and its policies were approved in October 2013. Councilwoman Killian further clarified that these two groups are separate entities from the City's Traffic and Pedestrian Safety Committee (TPS), but TPS typically reviews these types of projects.

15. Old Business.

There was no discussion under this agenda item.

16. New Business.

Mayor Sack added an item to the agenda for the approval of the law firm Beveridge & Diamond to defend the City of Rye in the Save the Sound litigation. City Corporation Council Wilson announced that eight municipalities are currently involved in a lawsuit with Save the Sound, and that it is her opinion that the City retain special counsel with respect to this federal litigation.

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to retain the law firm of Beveridge & Diamond for services related to the defense against the Save the Sound litigation.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and  
Tagger-Epstein  
NAYS: None  
ABSENT: Councilmember McCartney

Mayor Sack introduced the discussion issue of a resolution regarding the confidential information to Councilmembers-elect. He stated that it is important for Councilmembers-elect to be apprised of City issues ahead of taking office. Mayor Sack stated that he memorialized those thoughts in a resolution for discussion.

Councilwoman Hurd stated that she and Councilwoman Tagger-Epstein knew that for the past 25 years the Councilmembers-elect have been invited into executive session and be given confidential packets, and as a result, asked for a resolution to memorialize this practice. Councilwoman Hurd stated that at the time that Councilmembers are sworn in, they have a great deal of responsibility. She suggested that an orientation meeting could be created so that there are no inconsistencies in the future.

Mayor Sack suggested placing the resolution on the agenda for the next Council meeting for a vote.

17. Adjournment.

There being no further business to discuss within the public meeting of the City Council, Mayor Sack made a motion at 9:05 P.M., seconded by Councilman Mecca and unanimously carried, to enter into Executive Session to discuss personnel matters and a confidential real estate acquisition matter.

Respectfully submitted,

Carolyn E. D'Andrea  
City Clerk