

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on February 10, 2016 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
KIRSTIN BUCCI
EMILY HURD
JULIE KILLIAN
TERRENCE McCARTNEY
Councilmembers

ABSENT: RICHARD MECCA

DANIELLE TAGGER-EPSTEIN
Councilmembers

The Council convened at 7:00 P.M. Councilman McCartney made a motion, seconded by Councilwoman Hurd and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman McCartney made a motion, seconded by Councilwoman Hurd 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.

Councilwoman Hurd announced that The Man on a Mission documentary was a huge success and turnout for the Sustainability Committee at the Rye Country Day School. On behalf of the Sustainability Committee, Councilwoman Hurd thanked the Rye Country Day school for their cooperation. Councilwoman Hurd also commented that she received Rye's annual report in the mail and she is looking forward to the City events of 2016.

Councilwoman Killian also commented on the great turnout of the "Idle Threat" film, dedicated to awareness concerning the City's idling legislation. She commented that the Cable committee is doing great work and the Sustainability Committee is working with them on spreading the word about idling awareness.

Councilman McCartney announced that early-bird applications for Rye Golf Club membership ends March 15, 2016. In order to receive the 35% discount formerly approved

by the Council, 2016 applications must be in by that date. To receive the discount, members must sign a release, which can be notarized at the City Clerk's office. Councilman McCartney also made announcements on behalf of the Recreation Committee. He stated that summer camp registration has started, and he was happy to report a strong response so far. During the February 2016 winter break, there will be activities for families, such as the "mad science" events, golf camp, and open gym time at Rye Country Day School. Councilman McCartney further stated that the Council is asking people driving cars throughout the City to be mindful of pedestrians. He also reminded residents that when it snows, homeowners are responsible for shoveling the sidewalk in front of their property. Without that done, it can be dangerous for pedestrians. Councilman McCartney further asked pedestrians to wear bright clothing in order to be recognized. Lastly, Councilman McCartney announced that he will be a contestant in the Rye Rotary Crazy Legs contest. The contest date is March 2, 2016 at Rye Bar and Grill, which will raise money for need-based scholarships for Rye High School seniors.

Councilwoman Killian announced that the Rye Alcohol and Drug Coalition has distributed a parent survey. She asked that all parents complete and return the survey. The survey has been set out through the School listserv and City listserv.

Councilwoman Hurd stated she attended the New York Conference of Mayor's (NYCOM) winter legislative meeting. She stated it was fascinating to hear from various representatives from the State. She further stated that Rye has many common issues with other municipalities across New York State and she looks forward to working with those municipalities.

Mayor Sack reminded the community that Boat Basin application slips are due Feb 15, 2016.

4. Draft unapproved minutes of the regular meeting of the City Council held January 27, 2016.

Councilwoman Hurd made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the minutes of the regular meeting of the City Council held January 27, 2016.

5. Issues Update/Old Business.

City Manager Serrano updated the Council on the Deer Study. In 2015, the Council approved a consultant, Mr. Birdsall, to complete a count of the deer population and create a report from his findings. Mr. Birdsall's report indicates there are four concentrations of deer throughout the City, with two "major" concentrations of deer. He will be reaching out to residents and performing pellet counts in March and April 2016 to gather more detailed information and create a report from that data.

Mayor Sack added that this report corroborates the City's earlier reports that the deer population is not sustainable.

Councilman McCartney stated he helped in the effort to count the deer. He invited members of the community to count and add to the efforts. He stated residents who see deer should document them and take a photo. He announced that the counts typically take place in the morning and at dusk.

Mayor Sack asked City Manager Serrano to discuss the recent County sewer line overflow. City Manager Serrano responded and stated that the City received a report of sewage on the roadway on Park Avenue. The City of Rye DPW responded immediately and attempted to work with the County to resolve the issue. However, the responses from the County were not as quick as the City had hoped, so the City of Rye DPW crew worked in the meantime to ensure the sewage did not enter into the storm drain. City Manager Serrano reported that this is entirely the County's responsibility and the DEC is aware of it. The DEC was present and reported that the sewage would not enter the storm drain.

Councilman McCartney added that the workers he spoke with were certain that the sewage did not enter the brook.

City Manager Serrano updated the Council about the ongoing project on Purchase, Elm and Smith Streets concerning the streetscape improvement. The City will be holding a public workshop on February 18, 2016 at 9:00 AM in City Council Chambers, and again at 7:00 P.M. on February 24, 2016 at the City Council meeting.

Councilman McCartney stated that the 35% discount that has been discussed for the Rye Golf Club is an incentive, but not a refund, to encourage members to rejoin. When everyone signed their membership application in 2015, they acknowledged the 'no refund' policy.

6. Presentation on the 2015 New York State Equalization Rate.

City Manager Serrano introduced City Assessor Whitty and Acting Comptroller Fazzino.

City Assessor Whitty explained that the equalization rate is set by the State. She further explained that throughout the state, communities assess at various levels. In order to equalize values, the equalization rate is applied to the assessed value. Therefore, the total tax will vary between communities based on the growth of their assessments.

Mayor Sack confirmed that each community's taxes will vary based on this equalization rate. For example, the same type of house in two different communities could be assessed differently. The equalization rate helps balance this disparity when applied to County taxes.

City Assessor Whitty added that for County taxes, the City of Rye will face an approximate 6% increase in County tax for the current tax year. Westchester County's property tax levy has remained the same for the last five years. However, City Assessor Whitty reported that Rye has seen an increase. The reason behind this is the application of the equalization rate. Once the rate is applied to the assessed value within that community, the County portion is determined. Assessor Whitty stated that while it is good news that property values are increasing, this variable increases the tax levy. An increase in County taxes is a result of the City of Rye properties appreciating, while properties in other communities are depreciating. While the County tax levy has remained the same, with Rye's increase in property value, the levy on residents within the City has increased. To explain this more thoroughly to residents and the Council, Assessor Whitty presented a slideshow identifying the relevant tax figures. She stated that the tax increase over a five year period has been 21%. City Assessor Whitty then displayed a chart that compared Westchester municipalities. It showed that properties within the City of Rye experienced the greatest appreciation.

Mayor Sack commented that the City is a victim of its own success. While City property values are rising, its share of the county tax increases.

Councilwoman Killian inquired about a possible revaluation and mentioned that the Town/Village of Scarsdale had recently experienced a revaluation. City Assessor responded that the revaluation may have hurt Scarsdale, but it is worth a discussion. Councilwoman Killian then asked about sales and the methodology for valuation. City Assessor Whitty responded that the comparative sales help determine full market value.

Mayor Sack thanked City Assessor Whitty for her presentation. Last year the City had spoken to the Finance committee and determined there may be unintended consequences of doing a City-wide revaluation. The City should explore both sides of the argument concerning a revaluation.

7. Home Rule Resolution supporting S6334(Latimer)/A9111(Otis) to amend the public officers law in relation to qualifications for holding the office of Comptroller in the City of Rye.

City Manager Serrano stated that we would like to allow our current Acting Comptroller to become the City Comptroller while living in Connecticut. A Home Rule is required for this action. Mayor Sack stated he was grateful to our state legislators for sponsoring this endeavor. He thanked Senator Latimer and Assemblyman Otis for all that they continue to do to support the City. Councilwoman Killian added that Acting Comptroller Fazzino has been wonderful to work with and thanked him for his service to the City.

Councilwoman Killian made a motion, seconded by Councilman McCartney, and unanimously carried to adopt the following Resolutions 2016-10, and 2016-11:

RESOLVED, to support S6334(Latimer) to amend the Public Officers Law in relation to qualifications for holding the office of Comptroller in the City of Rye.

RESOLVED, to support A9111(Otis) to amend the Public Officers Law in relation to qualifications for holding the office of Comptroller in the City of Rye.

ROLL CALL

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

8. Discussion regarding the *Mayors Against Illegal Guns* Statement of Principles.

Mayor Sack stated that he was approached by Cynthia Howard, who introduced me to a document regarding Mayors Against Illegal Guns Statement of Principles. The principles resonated with Mayor Sack and looked like a fair approach. Mayor Sack stated he has agreed to sign the Statement of Principles. In this instance, he felt that it was important to do so. Mayor Sack continued and stated that there are at least two sides to the gun debate. He cited a recent Op Ed piece in the New York Times which indicated important statistics on the correlation between gun control and gun-related deaths by state. Mayor Sack stated that he would be signing the document in his capacity as Mayor, but he does not speak for the remainder of the Council.

14. Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to approve a parade to commemorate Memorial Day to be held on Monday, May 30, 2016 from 9:45 a.m. to 10:15 a.m.

This item was taken out of order.

Robin Latimer approached the Council and spoke about this request. She stated the parade lineup will be 8:45 A.M. and step off will be 9:30 A.M. The parade is anticipated to around 10:15. The main concern is that with the Purchase Street streetscape improvement project, there could be issues. City Manager Serrano confirmed that holding the parade would not be a problem, but stated the route may have to be slightly altered.

Councilwoman Killian thanked Ms. Latimer for all her work. Councilman McCartney agreed that it will be a great event.

9. Discussion regarding amending 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", to designate Hidden Spring Lane as an Historic District.

Councilwoman Hurd stated that she recently joined the Landmarks Committee as liaison. She stated that at a recent meeting, she learned that Jared Peck, a resident of Rye and U.S. Congressman, has been seen by the Landmarks Committee as a historic figure. Mr. Peck resided on Hidden Spring Lane when he lived in Rye. Further, she stated that the old Apawamis Golf Club was also located on Spring Lane.

Jack Zahringer, Chair of the Landmarks Committee, approached the Council. He stated that it was the intent of the Committee to designate Hidden Spring Lane as a historic district. He highlighted that a historic person, Jared Peck, once resided on Spring Lane. He further stated that Hidden Spring Lane embodies the distinctive characteristics of historic buildings, and lastly, that it ---- the growth of the City. Mr. Zahringer stated that the Committee's agenda is to keep historic Rye. Councilwoman Hurd added that there are five homes on the lane preserved in the style of the time.

Jerry Coleman, also of the Landmarks Committee, stated that on February 2, 2011 he witnessed the bulldozing of the Peck house. Since then, the surrounding properties have been maintained. He stated that it is the hope of the Committee that the passage of this legislation would have saved the Peck house.

Councilwoman Hurd added that this would be the first historic district of a residential area in Rye. The commercial district has already been approved by the Council. In order to create this district, the City Council would need to set up a public hearing to amend the lane within the code, and amend the law to change the 100 year requirement.

Corporation Counsel Wilson stated that this would simply be a historic district in which a boundary is created, where the homeowners can avail themselves of the tax incentives through historic improvements. This would set the framework for the homeowners to approach the landmarks committee with changes.

Mayor Sack inquired if there was anything historic about the current structures?

Mr. Zahringer responded that unfortunately, there was no historic significance of the current structures.

Mayor Sack acknowledged the unique situation of this neighborhood, as there are a small number of homes on the street. He then inquired into the notice requirements and possible homeowner objections, if any.

Corporation Counsel Wilson responded that the creation of this type of district would have no negative ramifications. It would provide options and incentives to homeowners to avail themselves of benefits received from maintaining their homes with historic design. She stated that she will draft legislation and send to it to the Landmarks Committee. She recommended setting it for a public hearing if the Council wished to move forward.

Mayor Sack made a motion, seconded by Councilman McCartney and unanimously carried, to set a public hearing for March 9, 2016.

Councilwoman Killian added thanks to former Councilwoman Laura Brett for her work on this issue for many years.

10. Resolution regarding Confidential Information to Council Members-elect.

Mayor Sack reiterated that this item was on the agenda for the previous meeting, January 27, 2016.

Councilwoman Hurd commented that she is in support of this resolution and suggested to attach detail concerning timing to include the words “immediately following the election.”

Mayor Sack suggested deferring this agenda item to the next meeting to incorporate Councilwoman Hurd’s suggestions.

11. Resolution for City Council approval of the changes to the Fire Department Bi-Laws as approved by the Board of Fire Wardens.

This agenda item was withdrawn.

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

There was no discussion under this agenda item.

13. Authorize payment of the balance of the 2015/2016 Rye Neck Union Free School District taxes collected by the City to the School District.

City Manager Serrano explained that agenda item is the result of the City’s annual process in which the City is responsible for collecting school taxes. After collection, the City pays the balance of the Rye Neck Union Free School District taxes collected by the City to the school district. This allows the school district to be made whole.

Councilwoman Hurd made a motion, seconded by Councilwoman Bucci to adopt the following Resolution 2016-12:

RESOLVED, that the City Council of the City of Rye hereby authorizes that payment of the balance of \$212,349.87 of unpaid Rye Neck U.F.S.D. taxes, on property within the City of Rye as of December 31, 2015 be made to the Treasurer of the Rye Neck U.F.S.D.

ROLL CALL

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

15. Consideration of a request by the Rye Chamber of Commerce for the use of City Car Park #2 on Sundays from May 29, 2016 through December 4, 2016 from 8:30 a.m. to 2:00 p.m. for the Rye Farmers Market.

Councilman McCartney made a motion, seconded by Councilwoman Hurd and unanimously carried, to approve the request by the Rye Chamber of Commerce for the use of City Car Park #2 on Sundays from May 29, 2016 through December 4, 2016 from 8:30 a.m. to 2:00 p.m. for the Rye Farmers Market.

16. Miscellaneous communications and reports.

Councilwoman Killian discussed the impending streetscape improvement project within the downtown area of Rye and stated that valet parking may be appropriate to offset possible parking issues and help both customers and merchants within the construction period.

Joseph Murphy, 57 Franklin Avenue, inquired about the specifics of Agenda Item #10 concerning the confidential packets. Mayor Sack explained that there has been a desire among councilmembers to memorialize the practice for councilmembers-elect to receive confidential packets and be invited to executive session. Councilwoman Hurd stated that it has been the practice for 25 years and would like the Council to consider memorializing this practice going forward.

17. New Business.

There was no discussion under this agenda item.

18. Adjournment.

There being no further business to discuss within the public meeting of the City Council, Councilman McCartney made a motion at 9:05 P.M., seconded by Councilwoman Killian and unanimously carried, to adjourn the meeting.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk