

*APPROVED MINUTES* of the Regular Meeting of the City Council of the City of Rye held in City Hall on February 24, 2016 at 7:30 P.M.

PRESENT:

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

ABSENT: DANIELLE TAGGER-EPSTEIN  
Councilmembers

The Council convened at 6:30 P.M. Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the Executive Session at 7:00 P.M. A presentation by City Planner Christian Miller and City Engineer Ryan Coyne on the Central Business District Improvements at Purchase/Elm/Smith Streets scheduled to begin this spring preceded the City Council meeting at 7:00 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 made the sad announcement that Peter Marshall, a member of the Rye Golf Club Commission, passed away suddenly last week. He offered the Council's sincerest thoughts and prayers to his wife and son and took a moment of silence in his honor. Councilwoman Julie Killian recalled working with Peter Marshall on the Rye Golf Club Strategic Committee and noted that he had put in a tremendous amount of time on behalf of the Golf Club. He was one of the finest men she has worked with during her time on the City Council; the City will miss him. Councilman McCartney credited Peter as being instrumental in the City's decision to engage Lessing's at the Rye Golf Club with a contract that was beneficial to the Club and the City. He noted his pleasure at Peter's decision to run for the Golf Commission, ultimately garnering the most votes. He spoke of what a wonderful person

Peter was, and a rare volunteer who always had a nice word to say to people: a gentleman, a good person and a huge loss for the City.

Councilwoman Hurd made an announcement on behalf of Councilwoman Tagger-Epstein regarding an Ice Skating Fundraiser on February 27, 2016 at the Playland Ice Casino. She noted that the Public Hearing on the Hidden Springs Lane Residential Historic District will be held at the City Council meeting on March 9<sup>th</sup>. She reminded people that Boat Basin slip applications were due but the Boat Basin was reconfiguring their docks so there may still be time to get your application in.

Councilwoman Bucci highlighted how busy the Professional and Volunteer Firefighters have been and congratulated them on their hard work and service.

Councilman McCartney noted that the early deadline for the Rye Golf Club applications is due by March 15<sup>th</sup>. There will be a notary available at the Rye Golf Club on March 4<sup>th</sup> and 11<sup>th</sup> from 12 to 2 p.m. so people can get their release forms signed. These release forms are for the 35% discount being offered to returning members; the requirement is that a release form must be signed with a notary signature. Recreation still has some spots open in the Summer Kiddy Camp; the K through 6<sup>th</sup> grade registration starts on March 3<sup>rd</sup>; all registrations will be done online this year. He noted that he would be participating in the "Crazy Legs" Rotary fundraiser which will be held on March 2<sup>nd</sup> beginning at 6:45 p.m. for need-based scholarships. He urged drivers to slow down and be careful of pedestrians.

Councilman Mecca reported that as the liaison to the Planning Commission, things have been slow, but he anticipates an uptake with the approach of spring.

Councilwoman Killian gave her thanks to City Engineer Ryan Coyne and the Department of Public Works for their quick work on addressing a parking issue on Purchase Street where the lines had been painted incorrectly.

Mayor Sack noted that the Smoke Shop will be closing at the end of March and encouraged residents to visit the store and give your regards to the proprietors Peggy and Tony. Councilwoman Killian offered her thanks to the Smoke Shop for making the decision to not sell vaping products.

Senior Advocacy Chair Joe Murphy announced that a Rye Senior Summit would be held on Sunday, April 17<sup>th</sup> from 1:00 to 4:00 p.m. and invitations would be going out shortly.

4. Draft unapproved minutes of the regular meeting of the City Council held February 10, 2016.

Mayor Sack made a motion, seconded by Councilwoman Hurd and unanimously carried to approve the minutes as modified of the regular meeting of the City Council held on February 10, 2016.

5A. Motion for the City Council to approve a settlement in principal with Travelers Insurance Company regarding the Scott Yandrasevich theft of services and City funds.

Mayor Sack said that the City had filed a claim in the amount of approximately \$2 million dollars. Corporation Counsel Kristen Wilson and outside Counsel were in Federal Court this afternoon at a settlement conference. Through the very helpful involvement of the Judge, the parties have come to an agreed upon resolution being presented to the Council for approval. The settlement is in the amount of \$1.55 million, which is a significant amount for the City to recover. Corporation Counsel Kristen Wilson noted that the settlement is exclusive of the judgment of \$280,000 from Mr. Yandrasevich's conviction. The City is still free to pursue this money outside of this settlement.

Councilman McCartney believed this was great news for the Golf Club and would allow for the Club to move forward from the past regime. The number itself is a compromise but is close to what the City hoped for. Coupled with the \$280,000 that the City can still pursue, he felt this was a good deal for the Rye Golf Club and the City. The Judge, outside Counsel, and our Corporation Counsel all recommend the settlement and he is in agreement.

Councilwoman Hurd mentioned that several residents have asked to review the documents which have been confidential to date. She hoped that these documents could be made public so all residents can take comfort in the fact that the City Council and Corporation Counsel did their due diligence and recovered as much as possible for the City.

Mayor Sack noted that one outstanding piece from the Rye Golf Club issue is the FLSA lawsuit regarding tips to waitstaff.

Mayor Sack made a motion, seconded by Councilman McCartney, to approve the settlement in principal, to approve the settlement amount of \$1.55 million, and to approve the provision that the City can pursue the \$280,000. He asked that the Settlement document prepared by the City's attorneys come before the Council for a further vote.

ROLL CALL:

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

5. Issues Update/Old Business.

Mayor Sack asked for an update on the proposed LED replacement project. City Manager Serrano said that two LED lights had been installed: one in the City Hall parking lot and one on Library Lane. He asked for direction from the Council on how they wanted to move the project forward; either in a phased approach or the project in its entirety. Councilwoman Killian asked if there was a financial impact to phase the project. Mr. Serrano

said there was not, but that the full savings would not be evidenced until all the lights were replaced. Mayor Sack invited the public to take a look at the LED lights that had been installed and share their feelings with the Council; an email blast would be sent to residents with this request. He asked that this item be added to the March 30<sup>th</sup> Agenda. Councilwoman Bucci asked for information to be supplied to the Council regarding the difference in cost of financing the project by Lumen Lighting or by the City directly.

Mayor Sack asked for an update on the silver box installed by Mrs. Greens without the proper approvals from the City. The City Manager outlined that City staff, including himself, Corporation Counsel Kristen Wilson, Assistant City Manager Eleanor Militana, City Engineer Ryan Coyne, City Planner Christian Miller and the Building Inspector Maureen Eckman held several meetings with the renter Mrs. Greens regarding this hot box which is for the sprinkler system and meter. At a meeting held today with Mrs. Greens and Suez (United Water), they have agreed to move the necessary equipment inside the building and remove the hot box and concrete pad located on Boston Post Road.

Councilwoman Hurd mentioned the recent announcement that the County planned to put \$58 million in capital projects into Playland. She inquired if the City had been notified by Westchester County what these projects would be, noting that there had been talk previously of replacing the swimming pool with a water park which would be obtrusive to the local neighborhood. Mayor Sack said that the City had not been notified by either the County Legislator or County administration regarding the capital investment. He reiterated that the City's position has been clear that any addition or construction of any structure would have to go through the City of Rye's land use Boards for approval. He recognizes that Westchester County takes exception to that, but the City is firm on this. Until there is a proposal and plan to build something, there is no role for the City in approving something. He noted that he read comments from the Chairman of the Board of Legislators who had sticker shock and said that the plan may not happen. Councilwoman Killian noted that an agreement had yet to be signed. Councilwoman Hurd said that the President of Standard Amusements contacted her and wanted to know if the City had any concerns. Mayor Sack noted that neither he nor the City Manager had been contacted by Standard Amusements.

6. Consideration of a Memorandum of Agreement between the City of Rye and the Rye Professional Fire Fighters Association, Local 2029, IAFF, Inc. for 2010-2015.

Councilman Mecca, seconded by Councilwoman Killian to adopt the following Resolution:

**WHEREAS**, the City of Rye and the Rye Professional Fire Fighters Association, Local 2029, IAFF, have negotiated a new Memorandum of Agreement which will replace the agreement which expired on December 31, 2009; and

**WHEREAS**, the Rye Professional Fire Fighters Association, Local 2029, IAFF, ratified the proposed terms of the MOA, now therefore be it;

**RESOLVED**, that the City Council approve the contract MOA between the Rye Professional Fire Fighters Association, Local 2029, IAFF for the contract period of 01/01/2010 to 12/31/2015.

**ROLL CALL:**

**AYES:** Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and Mayor Sack

**NAYS:** None

**ABSENT:** Councilwoman Tagger-Epstein

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

Mayor Sack said that the resolution included with the Agenda had been revised by Corporation Counsel Kristen Wilson to modify the word “confidential” with “non-privileged”. This is significant as it ensures that the City is not waiving the attorney-client privilege. He noted that this distinction was caught by former Councilman Richard Slack. He noted that Councilwoman Hurd had circulated additional changes and asked her to explain those.

Councilwoman Hurd stepped through her changes noting that the first paragraph that she added was to memorialize past practice. The additional changes were made to clarify the intent of the resolution to include the newly-elected members of the Council as soon as possible rather than waiting for specific events, such as a meeting with the Mayor/current Councilmembers, to occur. The other paragraphs highlight the confidential material sent to the Council and noted that Executive Sessions tend to be more of regularity than not.

Mayor Sack felt there was some wisdom in the current system where there is a lag between when people win and when they are sworn in. Yet it is necessary to bring newly elected people up to speed on Council activities. He felt there is a distinction between receiving confidential non-privileged information and being invited into Executive Session. There are often sensitive matters being discussed by the Council in Executive Session with important outcomes, noting that at the end of last year the Council was negotiating the TKI Settlement. It should not be a requirement that people should be allowed to attend Executive Session; it should be at the City Council’s discretion.

Councilwoman Killian noted several challenges switching from being a private citizen to a Councilmember, including access to confidential information and requests from the press. She said that last December the Council was dealing with many sensitive issues of a confidential nature. She felt that a meeting should be held with new Councilmembers, not necessarily a full orientation, before any information is shared of a confidential nature, or be allowed into Executive Session. She recommended updating the Resolution to add signing the Conflict of Information form, noting that Council members would be subject to FOIL, as well as updating the third paragraph to reflect the wording “non-privileged”.

Councilman McCartney was not in favor of these latest round of changes, noting that the document is more complicated with these changes, not simpler. He stated that confidentiality is a huge concern and reiterated that last December the Council was dealing with items such as TKI and Travelers with impacts of \$4 million dollars to the City. He is in favor of Councilmembers getting up to speed; he is in favor of the Resolution as circulated with the changes noted by Councilwoman Killian. He feels there should be discretion in the Office of the Mayor to handle privileged confidential material in the best interest of the City. People who have not been sworn into office, and may not be adept at handling the press initially, is dangerous.

Councilwoman Hurd said there should be a clear process so that it is not something that is discretionary from term to term, and indicated that was her intent with the changes to the document.

Councilman Mecca noted that similar to Councilwoman Killian he was first appointed to the City Council and questioned how quickly they were brought up to speed. He did not participate in an orientation initially. Councilwoman Killian agreed that there is so much information to learn that it can't be addressed in one meeting. The Council is always changing and felt that this Resolution must cover what happens in the future.

Councilwoman Bucci was in favor of sharing the Confidential packet where there isn't privileged information. She felt it is in everyone's best interests to bring new Councilmembers up to speed as quickly as possible. She is less comfortable with the Executive Session access both for the privileged information piece as well as the dynamic in the room. It is not just about where the information can be disseminated to the public and press but the dynamic in the room is sensitive and needs to be protected.

Councilman McCartney mentioned that Rye Golf Club Commissioner Mack Cunningham asked that this Resolution be extended to other Commissions that are elected. Councilwoman Hurd felt that this reflects the desire for a clear process for new Council and Commission members.

Mayor Sack requested that the Council put off that request for now and deal with what was included on the Agenda. Mayor Sack made a motion to approve the Resolution as circulated in the packet with the changes: substitute "often" for "sometimes", the new Councilmember must sign the same Conflict of Interest Form as the Council, and the addition of "non-privileged" in the third paragraph.

Councilwoman Hurd asked that a vote on the Resolution be held over to the next meeting so that Councilwoman Tagger-Epstein could weigh in.

The Resolution was held over to the City Council meeting of March 9, 2016.

8. Resolution to appoint the next eligible member from the Rye Golf Club election of November 13, 2015 to the Rye Golf Club Commission until the next regular election.

Mayor Sack made a motion, seconded by Councilman Mecca, to enter into Executive Session for five minutes to discuss a personnel matter.

Mayor Sack made a motion, seconded by Councilman McCartney and unanimously approved by the Council to appoint Robert Munsie to the Rye Golf Club Commission until the next regular election.

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

Mr. Philip Cicchiello of 203 Purchase Street provided the Council with written documentation regarding an issue with a fence on the property at 203 Purchase Street. He wanted to install a new fence at the property and discovered after a survey that his neighbor's fence was on his property. This fence had been installed without a permit. He expressed an issue with response time from the City and the decisions rendered by City departments and the City Court. He spoke at length about the fence and the decision by the Court. Corporation Counsel Kristen Wilson noted that the goal in Court is to get compliance and that the violation that was issued was resolved. It was noted that there are conflicting surveys on the property. Mr. Cicchiello noted several violations that he felt the City should issue regarding this fence. Mayor Sack said the Building Inspector is very good at her job and does a good job. He asked that the City Manager review the situation and report back to the City Council. He asked the Corporation Counsel to follow up with Mr. Cicchiello.

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

This agenda item was withdrawn.

11. Miscellaneous communications and reports.

Councilwoman Killian asked Councilwoman Hurd, liaison to the Landmarks Committee, to present a list of areas they have interest in landmarking for the next City Council meeting.

Councilwoman Hurd noted that the Sustainable Port Chester Committee would be having a meeting at the Knights of Columbus at 7:00 p.m. on Thursday, March 3<sup>rd</sup> regarding the Starwoods project.

12. New Business.

Councilwoman Hurd spoke of the residential teardown Moratorium undertaken by the Village of Larchmont and the Town of Mamaroneck as seen in the New York Times. She felt that this was a topic that has not been addressed by the Council and saw this as a starting point for a public conversation regarding this in Rye. She read an excerpt from the

Larchmont/Mamaroneck moratorium which discussed the trend of removing one home and replacing it with a larger one has been happening for a while, but the trend to develop multiple homes where one stood is more recent. If not controlled this trend could have negative affects on: the unique architectural character, the exacerbation of flooding issues, the impact of rock removal, and effects on an aging water and sewer infrastructure. Councilwoman Hurd urged that Rye engage in a similar analysis to that undertaken by Larchmont/Mamaroneck. She noted that Rye's Master Plan had not been updated since 1985 and felt that time is of the essence with respect to critically evaluating residential development in Rye. She asked for the Council to set a date to have a public discussion on the topic of residential development in Rye.

Mayor Sack indicated that the Master Plan Committee would be meeting shortly to begin a review and revision of the Master Plan. An independent consultant would be chosen to assist the City with the process of reviewing and revising the Master Plan; the Council would be updated as the Master Plan Committee proceeds. He noted that there has been a multi-year process beginning in the early 2000's to review land use and development that resulted in updates to the Zoning Code. He referred to a newspaper article that examines Rye as an older community, struggling against the tide of expansion, to maintain its suburban character. The article was dated April 26, 1965 from the New York Herald Tribune. These issues are not new and will continue to be discussed. He noted that the Council will be updated on the process as it moves forward.

Councilwoman Killian commented that a community conversation is difficult unless there are specifics that are being addressed. She noted that the changes to the attic law was amazing since it produced so many different points of view and that people felt there were unintended consequences. In relation to Larchmont and the changes they enacted, she felt it would be interesting to see what their rules are for FAR. She noted that often you find that other communities are strict on some rules but loose on others.

Councilwoman Hurd proposed to start with a conversation on subdivision with a broader look at development overall. She agreed that this is essential and integral to the Master Plan which the City is addressing, but expressed her hope that this process move forward thoughtfully but quickly being mindful that some changes are irreversible.

13. Adjournment.

There being no further business to discuss within the public meeting of the City Council, Mayor Sack made a motion at 9:47 P.M. and unanimously carried, to enter into Executive Session to discuss personnel and litigation matters. It was anticipated that the Council would not reconvene for the public meeting.

Respectfully submitted,

Eleanor M. Militana  
Assistant City Manager