

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

PRESENT:

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

ABSENT: None

The regular meeting of the Rye City Council convened at 8:45 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. Recognition of the Rye City School District Girls High School Basketball Team.

This item was moved to the agenda of the regular meeting of the Rye City Council on April 13, 2016.

4. General Announcements.

Mayor Sack announced the sad news of the passing of two of Rye's prominent citizens: Patricia Carey and Robert Rispoli. Mrs. Carey was the wife of former Judge John Carrey. Mayor Sack remembered her for her positive, friendly attitude toward others. Mr. Rispoli, husband of City staffer JoAnn Rispoli, was remembered as a great asset to the community through his years as a volunteer firefighter and his vibrant plumbing business. He was diligent, friendly, and extremely well-liked by everyone in Rye. The Council held a moment of silence for both Mrs. Carrey and Mr. Rispoli.

Councilwoman Tagger-Epstein announced that there will be Senior Summit on April 17, 2016 at 1:00-4:00 PM in the Library Annex. It will be an afternoon of speakers and events covering various topics such as aging in place, avoiding scams, and yoga demonstrations. Councilwoman Tagger-Epstein recommended the event for all ages.

Joseph Murphy, 57 Franklin Avenue, addressed the Council as Chairman of the Senior Advocacy Committee. He explained that the goal of the upcoming Senior Summit is to bring the community together. Through this initiative, the Committee hopes to form a coalition throughout the community.

Councilman McCartney announced that the Rye Golf Club greens opened on Friday, March 25, 2016, and the golf shop is also open for business. Further, he stated that golf tee times will now be available to schedule online, and the Opening day Scramble will be held at the Rye Golf Course on May 1, 2016. Councilman McCartney also announced that the pool membership early enrollment discount has begun and the deadline is May 13, 2016. Lastly, the Rye Recreation Spring Program registration opens on April 4, 2016 at 10:00 A.M. Interested residents may apply online at the Recreation Department website, and summer camp registration is also still open.

Councilwoman Killian suggested that residents walk down Manursing Way to admire the flowers that are in full bloom. She also announced that there will be a meeting of the Rye Youth Council on March 31, 2016 at 7:00 P.M. at the Rye High School Performing Arts Center.

Councilwoman Hurd stated that the Rye Chamber of Commerce has put out a survey to residents regarding how to keep the downtown vibrant. She encouraged residents to fill out the survey. She also announced that Peter Fox will be retiring from the Rye Boat Basin and the City will be looking to fill his position. Councilwoman Hurd thanked Mr. Fox for his service on behalf of the Council and noted that the City is looking forward to many great years ahead at the Boat Basin. Mayor Sack also thanked Mr. Fox for his service to the City of Rye.

10. Proclamation setting April 20, 2016 as “Healthy Teen Brain Day”.

This item was taken out of order. Councilwoman Killian introduced the issue and explained that the Rye Drug and Alcohol Coalition (Rye-ACT) has been encouraged by the County to declare April 20, 2016 “Healthy Teen Brain Day. She introduced Nancy Pasquale, Rye-ACT Coalition Coordinator, who made the following statement to the Council:

“Mayor Sack and Members of the City Council:

I am here tonight to ask for your support in issuing a proclamation declaring April 20th (4/20) Healthy Teen Brain Day as part of a larger effort to prevent and reduce youth marijuana use and its impact on the teen brain. April 20th has widely become known as a day associated with smoking marijuana. Rye-ACT Community Coalition would like to reclaim April 20th as a day dedicated to prevention and the defense of the adolescent brain. With the advent of medical marijuana and legal marijuana in some states, there has been a shift in attitudes and perceptions around the risks of marijuana use among youth and adults. There are a lot of myths that marijuana is “safe” and that it is “not addictive.” This could not be further from the truth- especially when it comes to marijuana use by teens.

Research available through the National Institute on Drug Addiction (NIDA) shows:

- Marijuana use impairs learning, working memory, reduces attention span and concentration, impairs planning, organizational, problem-solving, and decision-making skills.
- Regular marijuana use causes cognitive impairment and a drop in IQ of up to 8 points; the degree of impairment is higher if onset of use is before age 18.
- Teen marijuana use is linked with early adult demotivation, including lack of employment, and failure to obtain a bachelor's degree in college.
- Approximately 1 in 10 people who use marijuana at least once will become addicted.
- The risk of addiction increases to 1 in 6 people if marijuana use starts in adolescence and goes up to 25-50% if used daily.
- Teens are 5-6 times more likely to become addicted to marijuana if they begin use by age 14.
- Among young people in drug abuse treatment, marijuana accounts for the single largest percentage of admissions, 61% of those under the age of 15 and 56% of those aged 15-19.
- Animal research has shown marijuana use in adolescence primes the brain to seek opioids in adulthood.

A proclamation from our local government alerts our community to the potential risks associated with marijuana and sends a strong message to Rye's youth that we support the health of their developing brains. Rye-ACT joins coalitions all across Westchester County in asking our municipalities to issue proclamations like the one you have before you. Our mentor coalition, The Westchester County Coalition for Drug and Alcohol Free Youth will be hosting a news conference at 4:20 on 4/20 to share those proclamations and further broadcast our prevention message.

Dr. Bertha Madras, Professor of Psychobiology at Harvard Medical School and former Deputy Director of the White House Office of National Drug Control Policy said it most eloquently, "This is not a war on drugs, it is a defense of our brains. The brain is the repository of our humanity, wisdom, our ability to love, learn, create, compute, compose, contemplate, think, to remember, to feel empathy for others, to administer justice and compassion. How precious, unique, and fortunate we are to be the bearers of unclouded minds. We are united in a passionate desire to defend the minds of our youth."

We appreciate your support of our work and hope that you will consider our proclamation request."

Mayor Sack made a motion, unanimously carried by the Council, to adopt the following resolution:

WHEREAS, our youth are our greatest joy and our hope for the future so it is necessary for us to support them in making safe and healthy decisions, while creating a supportive environment that safeguards their future, and;

WHEREAS, many of our youth are making very healthy and safe decisions to remain marijuana-free and providing leadership in their schools and communities to help other youth remain marijuana-free, and;

WHEREAS, there is strong objective evidence that marijuana is harmful to the adolescent brain, with the potential to cause distorted perceptions, difficulty with thinking and problem solving, disrupted learning and memory, and impaired reaction time, attention span, judgment, balance and coordination, and;

WHEREAS, it is with special pleasure that I join with the youth and adult leaders of the Rye-ACT (Rye Action for Children and Teens) in celebrating the first “Healthy Teen Brain Day” to applaud and support our youth who are making healthy decisions, and;

WHEREAS, on behalf of the citizens of the City of Rye, I am pleased and proud to join all associated with the inception of Healthy Teen Brain Day and urge all citizens to acknowledge this very important day, and;

RESOLVED, that I Joseph A. Sack, Mayor of the City of Rye, on behalf of the City Council and citizens of the City, Proclaim Wednesday, April 20, 2016 to be Healthy Teen Brain Day in Westchester County and proudly join my fellow residents in marking this very special occasion.

5. Draft unapproved minutes of the regular meeting of the City Council held March 9, 2016.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to approve the minutes of the regular meeting of the City Council held March 9, 2016, contingent upon the inclusion of modified language within Resolution 2016-13 concerning Councilmembers-elect and confidential sessions.

6. Issues Update/Old Business.

There was nothing discussed under this agenda item.

7. Continuation of the Public Hearing to amend local law Chapter 177 “Taxation” of the Code of the City of Rye by adding Section 177-82(A)(2) “Hidden Spring Lane Historic District” as a separate Historic District.

Councilwoman Hurd reminded the Council and the public that it was decided at the March 9, 2016 meeting that the public hearing on this matter would be kept open for possible discussion prior to the Council taking a vote.

Councilman McCartney stated that he is generally in favor of this law, and that it is a good idea in principal. He stated he is happy with the work done by the Landmarks Committee. He stated he agrees with the designation of Hidden Spring Lane, as it does have historic value. However, the City Council must also decide what is best for the City of Rye as a whole. Councilman McCartney expressed concern that this particular location may not benefit the City

as a whole, as it is a private road that is not often traveled by the public. Traffic may be discouraged by the signage of this area as a private road. Further, it has been suggested that there may be a potential conflict of interest in this current situation, as a member of the committee could also benefit from the designation of Hidden Spring Lane. Prior to this particular location, Councilman McCartney expressed his thought that prior to this particular designation, other locations should be considered.

Councilman Mecca added that he is in agreement with most of what the Landmarks Committee does propose, such as its work with the downtown historic designation. He asked that this specific issue of designation be postponed until the Master Plan is identified. Councilman Mecca stated that at this point, most of the City could be designated as historic, and waiting for the Master Plan would help the City to prioritize these potential areas of interest. Lastly, he stated that unlike the downtown area, Hidden Spring Lane does not host a large amount of traffic to the community.

Councilwoman Hurd reviewed the tax incentives that would be possible for those availing themselves of the potential district. The residents of Rye would absorb the difference made by the tax benefit, but it would be a very small increase for the other City residents. She then reviewed the characteristics that qualify a property for historic designation. She stated her opinion that homes on Hidden Spring Lane encompass the qualities identified. She further stated that it is her hope that the Landmarks Committee continues its work. She feels that there is no need to wait for a comprehensive plan, and waiting for the Master Plan may take years. The tax incentive being offered in this situation may prevent further demolition.

Councilwoman Killian stated that she is torn with respect to this issue. She appreciates the work performed by the Landmarks Committee on this project and others for Rye. With respect to this agenda item, Councilwoman Killian stated that she would be more comfortable if all potential historic districts were laid out prior to designating Hidden Spring Lane.

Mayor Sack inquired, and Councilman Mecca confirmed, that a responsible option would be for the Council to expedite a comprehensive review of historic issues throughout the City prior to the Master Plan being completed, to better understand this district.

Councilman McCartney added that he would prefer that there be a comprehensive list compiled on possible historic areas throughout the City. He stated that the private road issue may present an issue because he does not feel that the City as a whole would benefit from such designation.

Mayor Sack asked Councilwoman Hurd, liaison to the Landmarks Advisory Committee, to work with the Committee by looking at the entire City of Rye in its entirety and compile a comprehensive list to identify possible historic areas and review the historic criteria.

Maurio Sax, Landmarks Committee member, stated that historical preservation is part of Rye's DNA. He added that if the City did not have historic preservation, there would be no Jay Mansion, the Rye Golf Club, or the library. He then stated that the Landmarks Committee's goal is to preserve and protect the historic identity of this community, and it not about tax

incentives. He added that preservation has a price, and we benefit from the inherited homes in Rye. He felt that the entire City is historic, and the Committee is empowering neighborhoods to save the inherent historic character.

Mayor Sack responded that historic preservation is a City-wide effort, and perhaps this should be a City-wide type of review with City-wide standards. The Committee can work with City staff and the liaison to develop these ideas.

Councilwoman Bucci added that she appreciates all the work that the Landmark Committee does. She inquired as to the reason that Hidden Spring Lane was chosen as the first of its kind. Mr. Sax responded that the Committee felt it would be a beneficial place to start.

Councilwoman Tagger-Epstein stated her concern that if the Council waits for a comprehensive list, approving all areas at once may run the risk of having six or seven homes taking advantage of tax incentives all at once, creating a possible financial issue. While she does not generally support a piecemeal approach, this is a concern.

Councilwoman Killian responded that it would be beneficial for the Council to see the list prior to making designation decisions.

Mayor Sack stated the he would like to see this resolution pass. However, it should be considered in a way that the Council feels comfortable with the designation. He hopes that the Council takes a vote soon.

Jerome Coleman, 2 Hidden Spring Lane, addressed the Council. He stated he was compelled to make comments because of some erroneous statements made and to clarify in that regard. He first complimented the Mayor with his introductory comments on those two individuals who have passed away. He then acknowledged the Rye Girls High School basketball team who has grown in the past few years. He stated that Rye is proud of them. With regard to Hidden Spring Lane, he stated it is a private road, but a public thoroughfare. He reminded the Council of the Peck Manor House that was demolished. As a result of that demolition, the community came together and spent over one year before the zoning board. He further stated that Chairman Zahringer suggested that the Committee consider Hidden Spring Lane first, and the recommendation of Hidden Spring Lane was the result of a unanimous vote of the advisory committee. He lastly stated that there was no conflict of interest within his actions.

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

13. Discussion of request from the Landmarks Committee for additional funds for the restoration and placement of the City of Rye Mile Markers.

This item was taken out of order. City Manager Serrano stated that this has been an ongoing project. The money for this project was not budgeted previously, and the Landmarks Committee would like the Council consider additional funds for the endeavor.

Maurio Sax, Landmarks Committee member, commented that when the Committee undertook this project in 2013, there were four mile markers in Rye. He stated that in order to conserve these and protect them, the Committee was charged with doing so in accordance with historic preservation parameters. The additional funds would allow the Committee to preserve mile marker 25 along Boston Post Road. The Committee made a mold of that particular mile marker to preserve the original inscription for future generations.

City Manager Serrano stated that in July 2014, the Council approved the transfer of \$15,000 to the Committee, and subsequently spent another \$15,000 for the same purpose. The Landmarks Committee currently has approximately \$7,300 left. This current request does not exceed more than \$7,300.

Mayor Sack made a motion, seconded by Councilwoman Hurd, to approve the appropriation of funds not to exceed \$7,300 in accordance with the proposal for the Old Post Road Mile Marker submitted by the Landmarks Committee.

ROLL CALL

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

8. Resolution to approve the changes to the Rye Fire Department By-Laws as adopted by the Board of Wardens.

Councilwoman Bucci introduced the item and stated that the Board of Wardens changed their bylaws. The primary objectives of the changes focus firstly on who can volunteer as a firefighter, and secondly, broadening the pool of those who can run for Fire Chief. One of the requirements is now that the volunteers may live in the vicinity, and not necessarily in the City of Rye. Further, Councilwoman Bucci reported that active members will only need to attend three meetings per year. Also, the number constituting a quorum changed from 50 to 20 members. To be eligible for the position of Fire Chief, one will need to live in the City of Rye, but not for a significant length of time. Another change in the bylaws will mandate that within six months of being elected to Fire Chief, the Chief will have served as an officer in the company.

Councilman Mecca explained that the reason for some of the changes in the bylaws was to make it a better-operated fire department. He stated that the past chiefs were not required to have "Firefighter 1 Training" and the training moving forward will be more extensive, and include parameters of communication. It is important that our chiefs understand that moving forward the communications will all be done in the English language. Each company typically nominates one person in their company for chief. The new bylaws reflect that each Chief must have been either second lieutenant, first lieutenant, or captain. Councilman Mecca recommended that the Council approve these changes.

Councilwoman Bucci made a motion, seconded by Councilman Mecca, to adopt **Resolution 2016-14**, which would approve the changes to the Rye Fire Department By-Laws as adopted by the Board of Wardens as follows:

**Fire Department of the City of Rye
a/k/a Rye Fire Department
Rye, New York**

To maintain perfect discipline, to define duty and to promote efficiency in saving life and property where endangered by fire or other emergency, for which purpose the department was organized, the Board of Fire Wardens of the City of Rye Fire Department does enact the following for its government:

ARTICLE I

NAME AND ORGANIZATION

Section 1. Name. This organization shall be known and designated as the “RYE FIRE DEPARTMENT, CITY OF RYE, COUNTY OF WESTCHESTER, STATE OF NEW YORK”.

Section 2. Organization.

The members of the several fire companies of the City, enumerated below, shall constitute the Fire Department of the City of Rye, the head of which shall be the Board of Fire Wardens. The maximum number of members of each company shall be fixed by the Council. The Fire Chief, the first and second Fire Chiefs and the Wardens of such companies shall constitute the Board of Wardens.

Poningoe Engine and Hose Company
Poningoe Hook and Ladder Company
Milton Engine and Hose Company
Fire Police Patrol

ARTICLE II

MEMBERS

Section 1. Active members. Active members shall be those members of any Company of the Fire Department who serve as Volunteer Firemen according to the laws of the State of New York. ~~The Active membership shall be limited to two hundred and thirty (230) men as provided in Section 2 of Article I of these by Laws. Any person of at least 21 years of age, a citizen, and of good character shall be eligible for Active membership in a Company of the Fire Department.~~

- a) Applicants for membership in the Department must be:
1. **The minimum age of 18.**
 2. **A resident of the City of Rye or meet the requirements of the New York State law on nonresident members by reason of his/her residency in the vicinity of the City’s boundaries.**

3. A citizen of the United States.
4. Each applicant must be approved by the Board of Fire Wardens and the City Council.

- b) An active member shall mean a member who has attended at least six (6) company meetings in the twelve months immediately preceding the annual election of departmental officers and has either: (i) responded to at least twelve alarms in the twelve months immediately preceding the election of departmental officers and who has either completed or is exempt from completing all training required by law including, but not limited to, Firefighter I or an equivalent course offered by the State Office of Fire Prevention and Control, or, if you are a member of the Fire Police Patrol, Basic Exterior Firefighting Operation, or (b) has been a member of the department for more than twenty years. Full time students and volunteers whose professions prevent them from attending the minimum company meetings in the twelve months immediately preceding the annual election of the departmental officers are exempt from this requirement; however, volunteers falling within these two categories shall first be approved for this exemption and shall still attend at least three (3) company meetings in the twelve months immediately preceding the annual election of the departmental officers.

Section 2. Election and Confirmation. The election of members of any company shall be pursuant to the By-laws of such companies. The names of all newly elected members shall be presented to the Board of Fire Wardens and to the City Council of the City of Rye for their approval and their membership shall not be effective until confirmed.

ARTICLE III

BOARD OF FIRE WARDENS

Section 1. Members. The Board of Fire Wardens of the City of Rye Fire Department shall consist of the Fire Chief, the two assistant chiefs and two wardens from each of the four companies. Each of the several companies shall elect annually by ballot from their own members a warden for a term of two years.

Section 2. Powers and duties of the Board.

- A. The Board of Fire Wardens, in conjunction with the City Manager, shall have control and supervision of the Fire Department and of all equipment and apparatus thereof, subject to the authority and control of the Council.
- B. The Board, in conjunction with the City Manager, shall make recommendations with employment of such persons as the Council may deem necessary and proper in the Department within budgetary limitations.
- C. The Board shall fill any vacancies in the office of Fire Chief and First and Second Assistant Fire Chiefs subject to the approval of the Council.
- D. The Board, in conjunction with the City Manager shall, subject to the approval of the Council, adopt and enforce rules and regulations, not inconsistent with the provisions of the Civil Service Law or any other law, for the control, disposition and discipline of the officers, members and employees

- of the Department, for their training and efficiency, and for the use and care of equipment and apparatus of the Department.**
- E. **The Board shall approve the by-laws adopted by the several fire companies for the government and discipline of their members.**
 - F. **In all of its actions, the Board shall comply with city regulations, practices and procedures relating to administration, employees, purchasing and accountability of city property, except as otherwise provided by the Council.**
 - G. **The Board shall review and make recommendations as to the annual budget prior to the submission to the City.**
 - H. **The Board shall prescribe By-Laws as shall be by them deemed necessary or proper for the management of the affairs and the disposition of the members funds of the Department, subject to the approval of the Council.**
 - I. **The Board shall call meetings of members, regular or special, except the annual meeting of the Department as hereinafter provided, and may designate one or more days in each year for public exercise, inspection and review.**
 - J. **The Board shall have such other and further powers and duties as may be from time to time conferred upon it by the Council or By-Laws of the Department.**

Section 3. Annual Meeting and Officers. The Board of Fire Wardens shall meet on the second Monday in April of each year and choose a secretary and treasurer of the City of Rye Fire Department who shall hold their respective offices for one year or until their successors have been appointed unless removed by the Board for cause. A vacancy in the office of secretary or treasurer shall be filled by the Board at its next meeting for the balance of the unexpired term.

Section 4. Regular Meetings. Regular meetings of the Board of Fire Wardens shall be held monthly on the second Monday of each month.

Section 5. Special Meetings. Special meetings of the Board shall be held upon the call of the Chief or upon the written request of five members of the Board in good standing.

Section 6. Quorum. A majority, in person or by proxy, shall constitute a quorum at all meetings of the Board.

Section 7. Duties of the Secretary. It shall be the duty of the Secretary to issue notices of all special meetings of the Board at least three days prior to the meeting, to designate the business for which it is called. He/she shall call the roll at every meeting of the Board and of the Department and to keep a record of the same. He/she shall also call a meeting of the Fire Department, by order of the Chief, to be held on the first Thursday following the first Tuesday in April of each year, at 8:00 P.M. or upon any subsequent day as determined by the Board of Fire Wardens, at which time he/she shall present his yearly report. He/she shall keep and be responsible for a roster of all members of the Department. And whether they are active pursuant to ARTICLE II. He/she shall prepare an agenda for the next ensuing Board meeting and distribute it to the Wardens and City Manager three days prior to the meeting.

Section 8. Duties of the Treasurer. It shall be the duty of the Treasurer to keep the accounts of the City of Rye Fire Department, receive all moneys, pay all bills approved by the Board of Fire Wardens and preserve proper vouchers therefore. He/she shall supervise any campaign for the solicitation of contributions to the Department and he/she shall have such other and further duties as may from time to time be delegated by the Board.

ARTICLE IV

DEPARTMENTAL MEETINGS AND ELECTION OF DEPARTMENTAL OFFICERS

Section 1. Annual Meeting and Nominations. The annual meeting of the Department shall be held on the Thursday following the first Tuesday in April of each year, or any subsequent day as may be determined by the Board of Fire Wardens at 8 o'clock P.M. at which time the nomination and election of departmental officers shall take place.

Section 2. Special Meetings. Special meetings of the Department may be held at the direction of a majority of the Board of Fire Wardens, or of the Fire Chief or shall be called upon the written request of not less than twenty five members of the Department.

Section 3. Quorum. ~~Fifty~~ **Twenty** members present at any Departmental meeting shall constitute a quorum.

Section 4. Nomination and Election of Departmental Officers. The nomination and election of Departmental officers shall be made in accordance with the latest edition of Roberts Rules of Order. **Only active members shall be eligible to vote. At least twenty days prior to the Departmental annual meeting, the Secretary of each company shall certify a list of active members to the Secretary of the Department. Such lists shall be posted in a conspicuous place in each fire station. Any member who claims to qualify as an active member but whose name was omitted from such list may, upon written notice to the Board of Fire Wardens, at least five days prior to the annual meeting, petition to be eligible to vote. Such member shall produce either a written statement from the Company Secretary that the omission was a clerical error or proof that such member is qualified to vote. Such petitions and proof shall be heard by the Board of Fire Wardens immediately prior to the Annual Meeting. Upon a finding by the Board that such member is qualified to vote, the member's name shall be added to the list of active members.**

Section 5. Order of Business at Annual Meeting. The order of business at the annual meeting shall be as follows:

1. Salute to the Flag
2. Roll call
3. Reading of minutes
4. Report of committees
5. Report of Treasurer
6. Report of Secretary

7. Report of Chief
8. Appointment of tellers
9. Nomination and election of 2nd Assistant Chief
10. Nomination and election of 1st Assistant Chief
11. Nomination and election of Chief
12. New Business
13. Adjournment.

Section 6. Rules of Order. The proceedings of the Department and of the Board of Wardens shall be governed by Parliamentary Rules as set forth in Robert Rules of Order.

ARTICLE V

DEPARTMENTAL OFFICERS

Section 1. Departmental Officers. The officers of the City of Rye Fire Department shall consist of Fire Chief, first Assistant Chief and second Assistant Chief respectively, each of whom: 1) shall be a member of the Department; 2) ~~qualified to vote in the City of Rye;~~ **3) shall be a resident of the City of Rye for one year immediately preceding his/her election or appointment; 3) shall be an active member of the Department (as defined in Article II section 1b) for at least one calendar year immediately preceding his/her election or appointment; 4) shall have completed Firefighter 1 or an equivalent course offered by the State Office of Fire Department and Control; 5) shall have served as an officer in his/her company; and 6) shall have successfully passed the Incident Command System (ICS) level 400 course within six (6) months of being elected to office.**

Section 2. Duties of the Chief. The Chief shall be Chairman of the Board of Fire Wardens and of the meetings of the Department. He/she shall have exclusive control of the members at all fires, departmental drills, inspections, reviews and other emergency duties. He/she shall, under the supervision of the Board of Fire Wardens, in conjunction with the City Manager, have control of the engines, hose and other apparatus owned by the City for the prevention or extinguishment of fires, of all property owned by the Department and of all officers and employees thereof elected or employed by the Board, the City Manager or the City Council. He/she shall, at the annual meeting of the Department, or when required by the City Council or Board of Fire Wardens, report the condition of the property of the Department and furnish such other information respecting the Department as may be required. He/she shall hold the members, officers and employees of the Department strictly to account for the neglect of duty and may suspend them at any time subject to the approval of two-thirds of the members of the Board at the next meeting and further subject to the rules under the Civil Service Law. **Such suspension shall not become effective until after two-thirds of the Board votes in favor of such suspension.**

The Chief shall perform such other duties prescribed by the Board or City Council.

Section 3. Duties of Assistant Chiefs. The first and second Assistant Chiefs shall rank second and third respectively in command of the Department and in case of the temporary inability or absence of the Chief, the first Assistant Chief, and in the absence or inability of both Chief and first Assistant Chief, the second Assistant Chief shall perform the duties and have all the powers of the Chief. The first and second Assistant Chiefs, respectively, shall perform such duties and be responsible for such departmental activities as may have been assigned to them by the board of Wardens or the Chief.

- A. In the event of ~~death or inability of the Chief to continue in office, the first Assistant Chief will assume the duties of Chief, the second Assistant Chief will assume the duties of the first Assistant Chief, and an election shall be held for the position of second Assistant Chief.~~ **the extended absence of the Chief, first Assistant or second Assistant Chief, the Board of Fire Wardens shall, subject to the approval of the City Council, appoint a member of the Department to serve as second Assistant Chief until the Chief and/or first Assistant Chief and/or second Assistant Chief is able to resume the duties of his/her office but said appointment shall not extend beyond the next annual election of officers by the Department. The first and second Assistant Chiefs shall perform such duties and be responsible for such departmental activities as may have been assigned to them by the Board or the Chief.**

ARTICLE VI

COMPANY ELECTIONS AND BY-LAWS

Section 1. Election. Each of the four companies whose members constitute the City of Rye Fire Department shall hold an annual meeting on the first Tuesday in April of each year, subject to their by-laws and subject to the approval of the Board.

ARTICLE VII

ALARMS AND CONDUCT DURING DUTY

Section 1. Duties generally. In addition to their fire duties in case of alarm of fire, all companies of the Department are hereby designated for the purpose of rendering assistance in case of accidents, calamities or other emergencies.

Section 2. Alarms. Upon actual knowledge, or upon information and belief, of the existence of a fire within the limits of the City or of any territory which is afforded fire protection by the Department pursuant to a contract for such protection, an alarm shall be sounded electronically. In like manner an electronic alarm shall be sounded in the case of any accident, calamity or other emergency in connection with which the services of any fireman may be required to render assistance pursuant to the Westchester County Mutual Aid Plan (including services of fire-fighting, fire police, emergency relief, rescue and stand-by) but no such aid is to be given, or apparatus removed without the consent of the Chief, or in the absence of the Chief and the Assistance Chiefs, the next ranking officer, the City Manager or a member of the Board of Fire Wardens.

Section 3. Conduct. Members while on duty shall avoid all unnecessary noise or confusion, and any member who shall at such time disobey orders of the proper officer or shall be guilty of misconduct or shall be under the influence of drugs or intoxicating beverages, or attempt to obstruct the workings of the Department or the execution of the orders of the proper officers, shall be immediately suspended by the officer in charge, pending a hearing.

ARTICLE VIII

SUSPENSION, ALTERATION OR AMENDMENT

Section 1. Suspension. Any section of these By-Laws may be suspended at a meeting by the Board by unanimous vote of the members present, but such suspension shall expire with the meeting at which it is ordered.

Section 2. Amendment. These By-Laws may be altered or amended by a two-thirds (2/3) vote of the members of the Board present at a regular meeting or a special meeting held for that purpose, provided the substance of the proposed amendment to be voted upon is incorporated in the notice of such meeting and a vote shall not be had until 30 days after the amendment is proposed to the Board of Wardens, or until the next regular meeting. **Such amendment shall not become effective until approved by the City Council.**

ROLL CALL

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

9. Resolution electing City of Rye participation in the New York State Health Insurance Program (NYSHIP).

City Manager Serrano explained that one of the provisions of the new contract with the firefighters was for the firefighters to switch health insurance to save cost. POMCO is terminating its coverage on May 15, 2016 and the NYSHIP coverage will start May 1, 2016.

Councilman McCartney made a motion, seconded by Councilwoman Killian, to adopt **Resolution 2016-15** and approve the City of Rye's participation in the New York State Health Insurance Program.

ROLL CALL

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

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

Phillip Cicchiello, 203 Purchase Street, spoke at length concerning a building permit for a neighboring property's fence. Corporation Counsel Wilson state that the building inspector went out several times to the properties in question and does not believe there are any violations.

Mack Cunningham complemented the Mayor on the earlier meeting on the Rye Town Park Commission. The outcome of that meeting showed that the committee seems divided. He stated that the decisions to be made are off to a very rough start. He inquired about the entity managing the fees. He further stated that the City has always struggled with day-to-day issues with the park, and the City of Rye does not have a conflict.

Sal Ingaunti, of the Building Commission, asked the City to comment on the future of the Building Department with the retirement of Maureen Eckman.

City Manager Serrano responded that Kerry Lenihan will be in charge temporarily and the City will be looking into civil service.

Mr. Inguanti offered that the Building Committee would be happy to help in any way.

12. Adoption of the 2016 County property tax rates.

Mayor Sack made a motion, seconded by Councilman Mecca, to adopt the 2016 County property taxes.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and
Tagger-Epstein

NAYS: None

ABSENT: None

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

A) One appointment to the Conservation Commission/Advisory Council for a three-year term.

B) Two appointments to the Flood Advisory Committee for a three-year term.

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

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

E) Three appointments to the Rye Town Park Advisory Committee for a three-year term.

F) Four appointments to the Traffic & Pedestrian Safety Committee for a three-year term.

These appointments were deferred to a later date.

15. Consideration of a request by the Lustgarten Foundation Cancer Research Institute for use of city streets on Sunday, April 17, 2016 from 9:00 a.m. to 12:00 p.m. for their annual Westchester Pancreatic Cancer Research Walk.

Assistant City Manager Eleanor Militana explained that this event has taken place annually since 2010.

Councilwoman Killian made a motion, seconded by Councilwoman Tagger-Epstein, and unanimously carried, to approve the request by the Lustgarten Foundation Cancer Research Institute for use of city streets on Sunday, April 17, 2016 from 9:00 a.m. to 12:00 p.m. for their annual Westchester Pancreatic Cancer Research Walk.

16. Miscellaneous communications and reports.

There was nothing discussed under this agenda item.

17. New Business.

Councilwoman Killian raised the issue of the Smith Street/ Purchase Street intersection. She suggested spending more money to include brick or a material that helps define the raised pedestrian walkway. Mayor Sack asked City staff to present options with regard to this matter

18. Adjournment.

There being no further business to discuss at the general meeting, Councilman Mecca made a motion at 10:36 P.M., seconded by Councilman McCartney and unanimously carried, to adjourn into executive session to discuss personnel matters. Following executive session, Councilman Mecca made a motion at 11:15 P.M., seconded by Councilman McCartney, to exit executive session and adjourn the meeting.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk