

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on May 25, 2016 at 7:30 P.M.

PRESENT:

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

ABSENT: RICHARD MECCA, Councilmember

The Council convened at 6:30 P.M. Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman McCartney 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 invited Acting City Manager Eleanor Militana to address the Council. Assistant City Manager Militana stated that she was very happy to announce that George Hogben will fill the role of Municipal Boat Basin Supervisor. She stated that Mr. Hogben was the best candidate for the position, and is extremely knowledgeable and very well versed in the area of moorings. Mr. Hogben has very strong ties to the Rye community, as he grew up in the City. He has also been a member of the Rye Fire Department for 25 years and was a past Fire Chief. He is committed to making the Boat Basin great and implementing improvements. On behalf of the City and the Recreation Department, Assistant City Manager Militana thanked Mr. Hogben for his service to the City.

Mr. Hogben introduced himself to the Council and community and stated he was very excited to start his position with the City of Rye.

Mayor Sack expressed his enthusiasm about Mr. Hogben's experience within the City of Rye and looks forward to Mr. Hogben's tenure with the Boat Basin.

Councilman McCartney announced that as promised, he wrote an article for the Rye City Review concerning real issues surrounding the consumption of alcohol. Councilman McCartney stressed the importance of the subject matter and stated that the City needs to get a handle on the underage drinking and drug issues that have hit Rye. He expressed urgency with this issue, as kids are dying of drug use within the community, and it is imperative to talk to our children.

Councilman McCartney then announced that there are still a few camp spots open and fees will increase on June 1, 2016. Also, with regard to Recreation there will be a Food Truck Festival on June 25, 2016. Councilman McCartney then stated that the Rye Golf Club tournament season is in full swing. He commented that the course is in great shape and fully recovered from the greens issues last year. The Rye Golf Club pool opens Saturday, May 28, 2016. There have been improvements made to the pool area in response to members' comments. Councilman McCartney also announced that the City of Rye will be holding a Memorial Day Parade and ceremony from 8:30 to 11:30. He encouraged all residents and their families to attend. Lastly, he announced that on Sunday, May 29, 2016, there will be a Veterans Appreciation Day event held at Rye Playland from 11:30 A.M. to 4:00 P.M. Everyone is welcome at the event.

Councilwoman Killian congratulated the Rye High School Rowers who won the New York State Championship. They will be in the U.S. Rowing Youth National Championship and National Scholastic Championship. Councilwoman Killian further stated that on May 24, 2016, there was a Rye ACT (Drug and Alcohol Coalition) meeting which explained the focus of Rye ACT and also discussed of the results of the survey given to children between grades 7-12 concerning drugs and alcohol. This event was taped and will be shared on Rye City TV. The Rye Youth Council is having a forum on June 1, 2016 from 7 to 9 at Rye Rec about addiction. There will be some powerful speakers and issues presented.

Councilwoman Bucci stated that the Rye Fire Department had a good showing at the Bailout Training that was recently held.

Councilwoman Hurd announced that the Chamber of Commerce is having a Gala on June 22, 2016 from 6:00 to 8:00 P.M. at American Yacht Club. Councilwoman Hurd further announced that on behalf of the Landmarks Committee, the mile marker in City Hall has been moved to an alcove on the main floor, which the committee is happy with. In June, the Rye Landmarks Committee will be moving "Mile Marker 25" to a more prominent spot on Boston Post Road. She explained that Benjamin Franklin put out mile markers between Boston and New York, which determined postage in his day. She then discussed that the Rye Free Reading Room is a landmark, but will be undergoing some renovations. They have been working with the Landmarks Committee to renovate the building, but keep it preserved. She then stated that there have been coyote sightings throughout the City lately and the police are aware of the issue. Councilwoman Hurd also encouraged residents to attend the Memorial Day celebration in the City. She lastly stated that she attended the Public Hearing on the proposed development at the

United Hospital site on May 24, 2016. She complimented Mayor Sack on his comments at the hearing.

Mayor Sack announced that he is wearing a Mayors Against Illegal Guns pin as a part of the group's "Wear Orange Campaign" with a National Gun Violence Awareness Day to be held on June 2, 2016. Gun violence is a serious issue and should be focused a little bit more. It can come into Rye at any time, even if an unusual occurrence.

4. Draft unapproved minutes of the regular meeting of the City Council held May 11, 2016.

Councilman McCartney made a motion, seconded by Councilwoman Hurd and unanimously carried, to adopt the minutes of the regular meeting of the City Council held May 11, 2016.

5. Issues Update/Old Business.

Mayor Sack mentioned that the City may be taking action to acquire the Thruway property across from Rye Country Day School. The logistics need to be worked out, but it is important that the community is aware of this intention. There will be a status report at a future meeting.

Councilwoman Hurd stated that the City has been working with the County on how to address the new oversized Playland sign. She expressed concern over the County's proposal for filling in the existing swimming pool, as there is a possibility that replacing that area with a restaurant setting could negatively affect residents in the adjacent neighborhood.

Mayor Sack commented that to date, there has been no proposal for a restaurant setting in that area.

Councilwoman Killian commented that there will likely be a request for proposal for a restaurant in Rye Town Park this year, so if the County is also proposing a restaurant, it could negatively impact the neighborhood.

Councilwoman Tagger-Epstein inquired as to the status of the RFP for the Rye Town Park management position and Mayor Sack responded the Council would be updated in the future as to any progress.

6. Authorization for City Manager to sign the proposed amendment to the existing License Agreement for 88 Davis LLC.

Mayor Sack stated that this is the second time this item is on the agenda and the Council has had a chance to consider it. Since the last meeting, many Council members have visited the site and the applicant was able to stake the property lines to make the boundaries of the proposed license area more visible. Mayor Sack further stated that the Councilmembers noticed that

improvements had already been implemented and so there was concern that there was bad faith involved.

Leo Napior, attorney for the applicant, stated that this has been a long process. There were meetings with city staff and it was the applicant's understanding that Davis Avenue was a private street. It was discovered that the City had an interest in Davis Avenue, which is why the applicant is before the City Council, asking for permission to have a license over this area.

Councilwoman Tagger-Epstein stated that her concern was that the work had already been completed. There was then general discussion among the Council and Mr. Napior about what had transpired and how the project came to be.

Councilwoman Bucci stated that she would feel comfortable if all neighbors gave support, as the applicant has only showed the support of two neighbors.

Councilwoman Tagger-Epstein stated that the City has several options in deciding how to act in this situation. The City needs to explore precedents on this issue.

Mr. Napior and Mayor Sack discussed the history of the fact that Davis Avenue was once a paper street, and became improved at some point. It was noted that the subject area of Davis Avenue was not maintained by the City.

Corporation Counsel Wilson stated that the portion in question of Davis Avenue is a mapped, private street. The main difference between a public and private street is whether the street has been dedicated and accepted. Here, there was an offer of dedication, but this portion was never accepted by the City and so it is privately maintained.

Councilwoman Hurd stated that she has opposes unnecessary development. She suggested that a license agreement not be considered, but rather consider a de-mapping part of the paper street. There was discussion on this topic among the Council.

Councilwoman Killian asked about the previous license agreement of the subject property. Corporation Council Wilson explained that the prior owner had a retaining wall within the right-of-way that required a license agreement.

Councilwoman Tagger-Epstein stated that she thinks the Council should wait to act until they explore precedent, possible violations, and any other relevant actions in this case.

Councilwoman Bucci stated that what she wants most is for all of the people's voices to be heard that may be affected. She stressed the importance of the Council operating in a manner than considers everyone's perspective.

Councilwoman Hurd stated that the lack of clarity about the property lines and license area until recently was frustrating. However, she is looking forward to reaching a resolution.

Mayor Sack stated that it is such a large piece of property that a ten dollars yearly license fee may not be appropriate compensation to the City, as the applicant has exclusive use of this license. Mayor Sack suggested that the issue be adjourned to gather additional information.

Councilwoman Hurd asked that the applicant give notice to each neighbor so that they may have an opportunity to be heard on the issue.

Mr. Napior agreed to provide notice to all neighbors on Davis Avenue and submit proof to the Council.

Mr. Peter Morrow, the resident applicant in this case, made a statement to the Council. He apologized for any confusion that has occurred over the past three weeks. He stated that impressed with the diligence of the Council and staff on this issue, and that he was trying to make improvements that enrich the entire community. He stated he will respect whatever decision that Council makes regarding this issue.

Mayor Sack stated that the issue will be adjourned to June 8, 2016 to gather further information.

7. Discussion on the proposed revision to the Rye City Charter to rescind Article 12 “Police Department” and Article 13 “Fire Department” and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety” which position shall have charge and supervision of the Police and Fire Departments.

Councilwoman Bucci stated that this issue has evolved over many months. She recognized Councilman Mecca’s hard work and involvement in this project, as he is so knowledgeable on the issue. She stated that in the last budget season, the Council approved a position for fire administrator. Since then, a Public Safety Commissioner has been proposed, which would oversee both the police and fire department. This would eliminate the Board of Wardens and the Police Commissioner role. This role would need to be approved by the Council and then

Assistant City Manager Militana expressed her thanks to the Fire Department and Councilmembers Bucci and Mecca for their diligence during this effort.

Fire Chief Michael Billington made a statement to the Council. He stated that he has been in Rye for many years. Growing up, it was a huge honor to volunteer for the Fire Department, but demographics have changed over the years. He then stated that Rye needs more paid firefighters, and that the City has an opportunity to make something great with a Public Safety Commissioner. Mr. Billington further stated that it is important for everyone to understand this change. He said that he is in a position right now to make the department better. Mr. Billington stated that his goal is to create a cohesive relationship between paid and volunteer members of the Fire Department. He wants to make the Rye Fire Department great again.

Mayor Sack commended Mr. Billington’s service and statement to the City. He stated that the City is at a time when a Public Safety Commissioner makes sense.

Assistant City Manager Militana stated that the issue would go to public referendum in November if approved by the Council.

Councilwoman Hurd stated that her only concern is that at the outset, this position will require a lot of rethinking and organization and there is a need to find someone with experience with both Police and Fire backgrounds.

Mayor Sack announced that the issue will be up for Council approval and Public Hearing on the June 8, 2016 meeting.

There was discussion among the Council concerning the volunteers and paid members of the department and officers and the language of the draft law.

Councilwoman Tagger-Epstein inquired as to the organization of the Fire Department.

Councilwoman Bucci made a motion, seconded by Councilwoman Hurd and unanimously carried, to set a public hearing for June 8, 2016 on the proposed revision to the Rye City Charter to rescind Article 12 "Police Department" and Article 13 "Fire Department" and create a new Article 12 "Department of Public Safety" and to create a new position of "Commissioner of Public Safety" which position shall have charge and supervision of the Police and Fire Departments.

ROLL CALL

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

7A. Discussion to amend Local Law Chapter §197, "Zoning", of the Rye City Code, Section §197-86, "Tables of Regulations", to allow accessory seasonal outdoor customer seating in the B-1 Neighborhood Business District.

Mayor Sack stated that there has been interest in expanding this law to include the entire B-1 Neighborhood Business District. Applicants who are covered by this local law must apply to the Planning Commission for approval.

Councilwoman Hurd stated that she is generally in support of outdoor dining. She expressed that her one concern with this proposal is that it might be too broad. She explained that with outdoor seating at venues that are not restaurants there may lack the ability to control loitering.

Councilwoman Tagger-Epstein was concerned about traffic and pedestrian safety in relation to those dining outdoors.

Councilman McCartney was supportive of the amendment to the law.

Mayor Sack commented that the Planning Commission would use proper discretion with each approval.

Douglas Kooluris, owner and operator of G. Griffin Wine & Spirits, addressed the Council. He stated that he made a complaint to the City against Playland Market and the store's outdoor dining that was not previously approved, nor covered under the law. He said that he shares a parking lot with Playland Market. He expressed concern over the site parking and the possible negative impacts the proposed amendment would have on turnover.

Councilwoman Hurd stated that she felt the amendment was too broad. There was general discussion of the legislation among the Council.

Councilwoman Killian thanked Commissioner Corcoran for enforcing the City's laws. He has been dedicated to many issues, first and foremost the substance abuse problem with our children. She stated that enforcement under Mr. Corcoran has been wonderful, especially considering that he has only been here since February 1, 2016.

Mr. Kooluris stated that he is doing his part as a liquor store owner to prevent underage drinking. He encouraged the City to enforce the laws.

8. Resolution to amend the Nominations, Elections and Voting Eligibility procedures for the Rye Golf Club Commission regarding voting procedures and the Commission level of members.

Councilman McCartney introduced Pat Geoghegan. Ms. Geoghegan, current Chair of the Rye Golf Club Commission, stated that the goal is to change the election procedures. She stated that after Labor Day, voting members decrease. The goal is for Rye Golf Club elections to take place when the season is busy, which was the thought process behind the changes proposed.

Councilman McCartney agreed that these changes would be positive. Councilwoman Bucci also agreed that seven (7) Commission members would be more efficient and agreed with the suggestion regarding the timing of voting.

Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried, to approve the proposed changes regarding voting procedures and Commission level for the Rye Golf Club Commission.

**Rye Golf Club  
Nominations, Elections and Voting Eligibility**

- 1) Commission

- a) The Rye Golf Club Commission will consist of seven adult Club members in good standing elected by the eligible voting Club members. The Commission shall at no time have more than one non-resident member.
- b) The term of each Commission member shall be three years, commencing January 1 of the year following a regular election year. There is no limit to the number of terms a Commission member may serve.
- c) A Commission member-elect shall be allowed to attend Commission meetings from their date of election but may not participate in voting until they are sworn in.
- d) The Commission members will select a chairperson from their group for a one-year term (the "Chairperson") at the first regular Commission meeting in an applicable calendar year. A Chairperson may serve as Chairperson for an unlimited number of terms. The Chairperson will appoint a Vice Chairperson who will act as Chairperson in his/her absence.
- e) Commission vacancies shall be filled at the next regular election following the vacancy for the remainder of the vacant term. In the event the Commission falls below seven members, the person(s) with the next number of highest votes from the previous election shall, if such person is otherwise eligible and willing to fill such vacancy, be appointed to the Commission to maintain seven Commission members until the next regular election. In the event there is no one to fill the vacancy a special election will be held to fill the vacancy and maintain seven Commission members until the next regular election.
- f) A quorum of the Commission is established by four members present at a meeting.

## 2) Nominating Committee and Nominations

- a) For each election, a Nominating Committee shall be formed and comprised of three adult Club members in good standing, comprised as follows:
  - i) One club member appointed by the Commission (this member shall not be a current Commission member); and
  - ii) One current Commission member who is not standing for re-election shall be appointed by the Commission Chairperson. This member will serve as chairperson of the Nominating Committee; and
  - iii) One club member elected by the membership in the previous regular election.
- b) The Nominating Committee will review all submissions for Commission candidacy and Nominating Committee candidacy as described in Paragraph 2(e). The Nominating Committee shall provide a ballot with at least one more candidate than the number of members being elected. If the Nominating Committee receives fewer submissions by the submission deadline date than the number of members that will be elected, the

Nominating Committee shall provide a ballot with at least as many candidates as the number of Commission members to be elected.

- c) No member of the Nominating Committee shall be eligible for election as a candidate for the Commission for the regular election for which the Nominating Committee member is providing nominations.
  
- d) The term of each Nominating Committee member shall be for one year, commencing January 1 of the year following the regular election. There is no limit to the number of terms a Nominating Committee member may serve.
  
- e) Nominations
  - i) The Nominating Committee shall not be required to include more than the minimum number of candidates as provided in Paragraph 2(b);
  - ii) A proposed candidate for election to the Commission or Nominating Committee shall be an adult member in good standing. The Golf Club Member Handbook shall indicate membership categories and members entitled to be considered for candidacy.
  - iii) A Club member may request to be considered as a candidate for election to the Commission or the Nominating Committee in the next regular election by submitting a written request to the Nominating Committee chairperson on or after January 1 and prior to May 15 of such year. Any such request must be submitted by email to [nomination@ryegolfclub.com](mailto:nomination@ryegolfclub.com) or in person to the membership office during regular business hours in a sealed envelope addressed to the "Nominating Committee Chairperson" indicating whether such person wishes to be considered as a candidate for the Commission or the Nominating Committee and such other information as a member may wish to provide the Nominating Committee for its consideration. The Nominating Committee may in its sole discretion select or reject any such submissions or select one or more other eligible Club members, subject to the minimum candidate requirements set forth in Paragraph 2(b). The proposed slate of candidates shall be posted on the Club website by July 5.
  - iv) Any eligible member submitting a valid request for consideration as a candidate that is not selected by the Nominating Committee may be included as a candidate on the ballot by fulfilling each of the following requirements:
    - (1) Completing a petition for candidacy form available from the Club Manager for the period June 15 to July 5 of such year;
    - (2) Receiving and submitting signatures of fifty (50) eligible voting members in support of the petition for candidacy (see Golf Club Member Handbook for eligible voting members).
    - (3) Submitting a complete petition form in accordance with the instructions supplied therewith to the Club Manager prior to July 5.

The Club Manager shall verify the status of members signing in support of such petition. Any submitted petition form not complying with the foregoing requirements shall not be considered and such member shall not be included on the ballot.

- v) The final ballot form will be posted on the Club website at least one week prior to the start of the annual election.

**3) Election**

- a) Voting will take place over a two-week period online through a secure online service approved by the Nominating Committee and/or Commission that suits our needs.
- b) An invitation email will be sent to all eligible voters with instructions on how to cast your vote online.
- c) For those members wishing to cast their vote onsite, a computer kiosk will be available at the club during normal business hours throughout the voting time period.
- d) Votes will be tallied in accordance with the instructions provided therewith and will not be counted as a result of any of the following:

- i) Vote is not cast within the specified time period; or
- ii) Vote is not cast in accordance with specified instructions; or
- iii) Vote is rejected for any reason by the online service being used.

- e) Valid ballots shall be tallied for each Commission candidate and Nominating Committee candidate by the online service. The results will be forwarded to the City Clerk who shall submit a list of election results to the City Council for approval no later than November.

**4) Voting eligibility**

- a) An invitation email shall be sent (to the email on file) to each eligible voting member. The Golf Club Member Handbook shall indicate the membership categories and members entitled to voting privileges.
- b) To receive an invitation email and vote in an election, the voting member must have an email on file and have a member logon account established prior to the election.
- c) No Club member shall be entitled to vote more than once in an election.

**Rye Golf Club**

**Commission Responsibilities**

**1) The Commission.**

- a) Role. The Commission shall serve in an advisory capacity on behalf of the members of the Golf Club and shall have the responsibilities set forth in Section 1(c) below. Neither the Commission, any Committee of the Commission nor any member of the Commission or member of any Committee thereof, shall have any direct authority or responsibility for execution, implementation or management of any activity, program, employment matter,

or contract involving the Golf Club. The Golf Club Manager (who reports to the City Manager) shall be responsible for the execution, implementation and management of the authorized operation of the Golf Club.

- b) **Advisory Recommendations.** The Commission shall make such recommendations as it deems proper in respect of the current and proposed activities, programs, policies and other matters related to the Golf Club, the Commission shall also make recommendations concerning the duties and responsibilities of independent contractors (e.g., Golf Professional), including recommendations concerning employment of prospective individuals to fill those positions, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Golf Club Manager. The Commission shall also make recommendations concerning the duties and responsibilities of the Golf Club Manager, including recommendations concerning employment of prospective individuals to fill the position, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Rye City Manager.
  
- c) **Responsibilities.** The Commission shall:
  - i) Adopt, interpret, apply and enforce such rules and regulations relating to the use of the Golf Club as it deems appropriate, which rules and regulations shall not be inconsistent or conflict with any agreement of the City of Rye or any published policy of the Rye City Council;
  - ii) review, advise on and approve an annual budget for the Golf Club provided and prepared by Golf Club staff and finance committee. Annual budgets shall include proposed annual membership categories and fees and proposed charges for other services provided by the Golf Club, prior to timely submission of such annual budget to the Rye City Manager;
  - iii) select a Commission Chairperson; and
  - iv) decide such matters as may be properly brought before the Commission for a decision.
  
- d) **Commission Chairperson.** The responsibilities of the Commission Chairperson shall be:
  - i) to appoint a chairperson to each Standing Committee of the Commission;
  - ii) to organize limited duration Ad Hoc Committees of the Commission as may be necessary from time to time for the purpose of making recommendations to the Commission in respect of matters not properly within the scope of the usual and customary advisory role of a Standing Committee of the Commission;
  - iii) to appoint a chairperson to each Ad Hoc Committee of the Commission;
  - iv) to serve as an ex-officio member on each Committee of the Commission;
  - v) to appoint a Vice-Chairperson of the Commission who shall serve as Chairperson during the absence of the Chairperson; and

vi) to direct such matters as the Chairperson deems necessary and appropriate to a Committee of the Commission for the advice and recommendation of such Committee.

2) Committees of the Commission.

- a) Standing Committees. The Commission shall have Standing Committees to advise and make recommendations to the Commission on such matters that properly come before a Standing Committee or as may be directed to such Committee by the Commission or the Commission Chairperson. The Standing Committees of the Commission initially shall include Committees relating to Golf, Pool, House and Finance.
- b) Ad Hoc Committees. The Commission shall have such Ad Hoc Committees as may be constituted from time to time pursuant to Section 1(d)(ii) above.
- c) Nominating Committee. The Nominating Committee shall not be considered a Standing Committee or Ad Hoc Committee and shall be subject solely to the rules set forth in the Rye Golf Club Nominations, Elections and Voting Eligibility Section 2 concerning Nominating Committee and Nominations.
- d) Committee Members and Chairpersons.
  - i) Each Standing Committee and Ad Hoc Committee of the Commission shall be constituted with no fewer than three members and no more than seven members; provided that a Committee may be constituted with two members and up to nine members in appropriate circumstances with the approval, by majority vote, of the Commission.
  - ii) A Committee member shall be a member of the Golf Club holding a valid current membership entitling such member to voting privileges.
  - iii) The Chairperson appointed to each Standing Committee shall be a Member of the Commission, other than the Chairperson of the Commission.
  - iv) The Chairperson of an Ad Hoc Committee may be a Member of the Commission.
  - v) The Chairperson of a Committee shall make efforts to seek out qualified members to serve as members of such Committee. The Committee Chairperson will then make recommendations to the Commission of any such qualified members it believes should serve on such Committee. Such nominees shall serve as Committee members upon approval by majority vote of the Commission. Such nominees will serve as Committee members at the convenience of the Commission and can be removed from such Committee service at any time and for any reason at the sole discretion of the Commission. A Committee member shall serve until the earlier of the end of the Golf Club year for which he or she serves as a member or the date a Committee terminates, or the date on which such member is removed by the Commission.

ROLL CALL

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

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

Joseph Murphy, 57 Franklin Avenue, congratulated the City Council on addressing the issues of alcohol and drug abuse. He specifically commended Councilman McCartney for his sincere and honest article on alcoholism and the issues surrounding abuse.

Mayor Sack addressed Mr. Philip Cicchiello, 203 Purchase Street, and reviewed Mr. Cicchiello's previous concerns that expressed to the Council concerning a fence between his property and his neighbor's property. Mayor Sack asked if Mr. Cicchiello had anything new to offer.

Philip Cicchiello, 203 Purchase Street, spoke at length about his issues with the fence disputes between his property and his neighbor's property.

10. Consideration of Resolution establishing a new policy for filing Small Claims Assessment Review Petitions and for reviewing the assessment of properties when building permits are issued for property owned by City Department Heads and Rye City Council Members.

Mayor Sack stated that the basis for this resolution is to avoid a potential conflict of interest. This new policy would apply to City Manager and Assistant City manager position. The Corporation Counsel would work with an independent Appraiser to resolve any challenges made with regarding to Small Claims Assessment Review should a situation arise. The policy would also include Department heads and members of the City Council.

Councilwoman Tagger-Epstein stated that she researched the information provided on the Office of the State Comptroller website to help define the term "conflict of interest." She stated that according to New York State, no other municipality has such a policy in place. In state law, the Board of Assessment Review (BAR) is the only municipal body that is provided for. Councilwoman Tagger-Epstein stated that in the past, if there was a conflict of interest, the City Assessor has worked with an independent body. She also defined the term "conflict of interest" as defined by the New York State Comptroller and stated after applying the definition, no conflict of interest would exist here. Councilwoman Tagger-Epstein lastly stated that RPTL § 572 requires the assessor to assess property within her municipality.

Councilwoman Bucci stated that her concern is that the added costs associated with an outside appraiser.

Corporation Counsel Wilson explained that in the proposed policy, an appraisal would be done if any prior work that had completed on a property within the past year.

Councilwoman Hurd stated that while she appreciates the resolution, the City has seen that the Assessor in the past has acted accordingly if a potential conflict presented itself. She added that the City is so lucky to have Noreen Whitty as the City Assessor.

Councilman McCartney stated that the City should try to avoid the appearance of impropriety at every opportunity. However, this proposal would be more responsible if it was easier and less expensive for the City. The Council at this point is deciding where to draw the line.

Mayor Sack made a motion to adopt the following resolution:

**A RESOLUTION ESTABLISHING A NEW POLICY FOR FILING SMALL CLAIMS ASSESSMENT REVIEW PETITIONS AND FOR REVIEWING THE ASSESSMENT OF PROPERTIES WHEN BUILDING PERMITS ARE ISSUED FOR PROPERTY OWNED BY CITY DEPARTMENT HEADS AND RYE CITY COUNCIL MEMBERS**

WHEREAS, every year numerous City of Rye property owners avail themselves of the opportunity under the law to file grievances and small claims assessment review petitions in New York State Supreme Court (SCAR petitions) seeking reductions to their property tax assessments; and

WHEREAS, City of Rye property owners also apply for and receive building permits to make certain improvements to their properties within the City, which prompt a review of the assessed value; and

WHEREAS, the City of Rye has an interest in avoiding any possible conflict of interest issues with regard to such SCAR petitions and in the review of building improvements for purposes of assessment of value; now therefore

BE IT RESOLVED, that it is now and hereafter the policy of the City of Rye to have the City Corporation Counsel upon consultation with an independent appraiser, review and resolve, whether by hearing or settlement, any SCAR petition filed by a City Council Member, City Manager, Assistant City Manager or other Department Head; and

BE IT FURTHER RESOLVED, that it is now and hereafter the policy of the City of Rye that when a property is owned by a City Council Member, the City Manager, Assistant City Manager or other Department Head, the assessor shall engage an independent appraiser to review any property improvements made as the result of a building permit and the assessor shall consult with such independent appraiser for purposes of assessing the value of such improvement(s); and

BE IT FURTHER RESOLVED, that this policy applies to any residential or commercial property interest within the boundaries of the City of Rye.

As there was no second to the motion, the motion failed.

11. Resolution to amend the 2016 Adopted Fees and Charges for the Rye Boat Basin Enterprise Fund.  
Roll Call.

Assistant City Manager Militana stated that the fee schedule adopted for 2016 states that the boats must be put into the water by June 15, 2016. The Boat Basin asked that the Council approve moving the required date to July 8, 2016 so that anyone within dry storage should not be charged the \$20/\$25 resident/non-resident day fee during the month of June.

Councilwoman Killian stated that if the Boat Basin Commission felt that this change was necessary, the Council should defer to their judgment and support this proposal.

Councilwoman Hurd stated that her understanding was that there is a shortage of mechanics to get the boats ready for the water and people are desperate to get in line for these services. Because of this wait, approximately 2/3 of the boats were still not in the water.

Councilman McCartney stated that in his experience, July 8 is a reasonable date for this request.

Councilwoman Hurd made a motion, seconded by Councilman McCartney, to amend the 2016 Adopted Fees and Charges for the Rye Boat Basin Enterprise Fund.

ROLL CALL

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

12. Consideration of Bid for 2016 Rye Recreation Summer Camp Bus Services (Contract #2016-04).  
Roll Call.

Assistant City Manager Militana explained that the bus bids for the upcoming summer camp recreation season had been opened by the City Clerk on May 17, 2016. Unfortunately, two of the bids were incomplete, and the third bid could only provide one type of busing, when the City's needs were for both coach and school buses.

Councilman McCartney made a motion, seconded by Councilwoman Killian, to reject all bids for Contract 2016-04, "2016 Rye Recreation Summer Camp Bus Services."

ROLL CALL

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

13. Consideration of a request by the Rye Chamber of Commerce for the use of City Car Park #2 on Sundays from May 24, 2016 through December 6, 2016 from 8:30 a.m. to 2:00 p.m. for the Rye Farmers Market.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to approve the request of the Rye Chamber of Commerce for the use of City Car Park #2 on Sundays from May 24, 2016 through December 6, 2016 from 8:30 a.m. to 2:00 p.m. for the Rye Farmers Market.

14. Miscellaneous communications and reports.

There were no comments made under this agenda item.

15. New Business.

There were no comments made under this agenda item.

16. Adjournment.

At 10:05 P.M., Councilwoman Tagger-Epstein made a motion, seconded by Councilwoman Killian to adjourn the regular meeting of the City Council. Councilwoman Tagger-Epstein made a motion, seconded by Councilwoman Killian, to reopen the public meeting of the City Council. Councilman McCartney made a motion, seconded by Councilwoman Bucci, to adjourn into Executive Session to discuss litigation matters. At 10:50 P.M., Councilman McCartney made a motion, seconded by Councilwoman Bucci, to adjourn Executive Session.

Respectfully submitted,

Carolyn E. D'Andrea  
City Clerk