

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on July 13, 2016 at 7:30 P.M.

PRESENT:

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

ABSENT: DANIELLE TAGGER-EPSTEIN, Councilmember

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilman McCartney 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 7:40 P.M. The regular meeting convened at 7:46 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 Boys High School Rugby Team.

Mayor Sack and the Council recognized the Rye City School District Boys High School Rugby Team for their recent successes winning the New York State Division 2 Championship.

Coach Jim O'Hara addressed the Council. He discussed the championship weekend, the successes of the team, and their hard work to win the championship. He thanked the community for their support, which he felt brought the team to its success. He stated it was a privilege to coach the team.

The Mayor presented a proclamation to the High School Rugby Team for their hard work, dedication and success.

4. General Announcements.

Mayor Sack asked that the community keep the Trainor and Thomas families in its thoughts who recently suffered an accident. He wished them a continued and speedy recovery. Mayor Sack also announced that on July 20, 2016 at 6:00 P.M. there will be a rededication ceremony at Rye Recreation for the remembrance of the Israeli victims of the 1972 Olympics in Munich. Mayor Sack thanked the Recreation Department under the supervision of Sally Rogol, who refurbished the plantings for this important memorial. The rededication ceremony will host some speakers and everyone is welcome to attend.

Mayor Sack further announced that on July 20, 2016 at 7:00 P.M. there will be a community opioid overdose training session at the Damiano Recreation Center hosted by Westchester County. Councilwoman Killian stated that this event will train individuals on utilizing Narcan in the case of an opioid overdose. Interested parties may register at the Westchester County website.

Mayor Sack announced that the City of Rye has a new building inspector. He congratulated Kerry Lenihan on the position and looks forward to working with him in this new capacity.

Councilman McCartney addressed the community and announced that Recreation has an assortment of programs for interested families this summer. There will be some one-week specialty camps offered in August and encouraged those interested to contact the Recreation Department. Councilman McCartney also announced that there will be a Wine and Cheese Festival at the Marina on July 22, 2016. On behalf of the Rye Golf Club, he stated that Thursday nights in the summer are “lobster nights” from 5:00-8:00 P.M. He further stated that on Saturday, July 16, 2016 the Rye Golf Club will be hosting a movie night.

Councilwoman Killian announced that on Saturday, July 16, 2016 at the Rye Free Reading Room from 9:30-11:00 A.M., there will be a Council coffee in which the community is invited to attend and discuss issues or concerns. Councilwoman Killian thanked Chris Shoemaker for opening the library for this event. Councilwoman Killian also stated that she is so proud of the kids who are part of squash, crew and rugby teams, which are new sports to Rye and who have been so successful.

Councilwoman Hurd announced that the Chamber of Commerce will be holding the Annual Sidewalk Sale on July 28 -30, 2016 in the central business district. She also was happy to report that George Hogben, Boat Basin Supervisor, has been doing well at the marina. Councilwoman Hurd then announced that the Rye Food Truck Festival was a success. Councilman McCartney agreed and commented that he felt that it was a very successful event. The Council looks forward to the 2017 festival.

5. Draft unapproved minutes of the regular meeting of the City Council held June 8, 2016.

Councilman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the minutes of the regular meeting of the City Council held June 8, 2016 as amended to reflect that the public hearing on the mile marker was held in June of 2016.

6. Issues Update/Old Business.

Mayor Sack commented on the Last Mile Project of Interstate 95, . He stated that there has been discussion about the Last Mile Project and how it would help reduce accidents and improve safety. He encouraged residents to provide feedback and comments for the City to pass along to State representatives. Mayor Sack also announced that the City Manager would be attending a meeting with the EMS for Rye, Rye Brook and Port Chester on July 14, 2016. The City currently contributes a prorated amount to the EMS service fund. Recently, the Town of Harrison has expressed interest in joining the EMS consortium. This may benefit response times for our own residents and the City looks forward to the discussion.

Mayor Sack also discussed the Mayors against Illegal Guns initiative and the Do Not Stand Idly By initiatives, which pressures gun manufacturers to be more responsible in the manufacturing of their guns. He stated that the Police Commissioner also supports this important effort.

Mayor Sack then updated the community about the United Hospital redevelopment site. He stated he has appeared numerous times at meetings to express Rye's concern over the project, especially dealing with the traffic impact that this project may have on the community.

Mayor Sack then updated the community on the issues at Playland. There are some development decisions that are underway concerning the future at Playland. Mayor Sack encouraged the County to cooperate with the City to obtain the required land use approvals. He stated that the Playland sign will be taken down at the end of the season. He also discussed the pool at Playland. He stated that the County is contemplating whether to fix the pool or to remove it. In connection with that, there is concern that the County would attempt to build a restaurant in its place. From the City's perspective, Mayor Sack emphasized the need to be able to review what the County is proposing. The City has had a discussion with Standard Amusements, future manager of the site, who has advised that there would not be a restaurant. Mayor Sack stated that the City has retained counsel in the event of possible future litigation on the issue.

Mayor Sack also discussed the need for field space. The City has identified the Thruway property as a prospective place for this action to happen. He stated that the City has found a potential partner in Rye Country Day School. The City has also engaged an environmental firm to analyze the feasibility of this acquisition.

Mayor Sack then discussed Beaver Swamp Brook. There has been long ongoing litigation involving the City of Rye and the Town of Harrison and the development of this property, which the City believes has caused flooding issues for Rye residents. Unfortunately, the State Commissioner ruled against the City, which means that Harrison would not be required to remove the fill. Mayor Sack stated that it is not likely that the City would prevail on appeal. The City Manager will be calling a meeting of the residents within that area. Councilwoman Killian and Mayor Sack then discussed the positive aspect of this issue, that the Town of Harrison has limited its plans for development in that area.

Mayor Sack updated the community on the Master Plan. The City Planner is currently preparing an RFP to gain responses from consultants to assist the City with that process.

Lastly, Mayor Sack discussed Rye Town Park. Recently, an RFP has been issued for the site at Seaside Johnny's. Mayor Sack stated that he has been an advocate for the City becoming a large part of the management of the park.

7. Presentation on City Financials by Brendan K. Kennedy of the auditing firm of BST & Co., LLP.

Joseph Fazzino, Deputy Comptroller, introduced the City's auditors, BST & Co., LLP to the Council. Brendan Kennedy, BST & Co., LLP, addressed the Council. He stated that the auditor's report was presented to the City in June 2016. There was one deficiency found which was included. There were no issues of noncompliance. There was an unmodified opinion provided to the Council. Mr. Kennedy explained that in July 2015, there were some concerns about the Boat Basin, which were addressed and rectified. Mr. Kennedy then gave a brief overview of the financials. He stated the General Fund was strong. He also stated that the Boat Basin is technically losing money because of the depreciation associated with capital assets. In general, Mr. Kennedy was happy to report that the auditors received full cooperation during the audit. He also said that the personnel was knowledgeable, the accounting policies were appropriate, no unusual transactions were noted, and internal controls were in place and operating effectively.

Councilwoman Killian thanked Mr. Kennedy and Mr. Fazzino for their detailed report. She asked how many municipalities provided this level of detail. Mr. Kennedy stated that only 20 municipalities in New York State put forth this type of level of detailed report.

Mayor Sack stated that he was pleased with the level of detail that has been put in place in 2016, being that in previous years that had been some concern. He then asked Mr. Kennedy if he had any thoughts on raising the debt limitation.

Mr. Kennedy commented that in terms of the debt limit, the state constitutional cap is 7% of the five-year average full valuation of real property. The City's self-imposed debt limit is somewhat rare, and the City's current debt is relatively very low in comparison to the state level.

8. Presentation by the Finance Committee on the Rye City Debt Limitation.

Mayor Sack stated that the Finance Committee has met to possibly provide a recommendation regarding the debt limit in the City of Rye.

Mr. Mark Doran, Finance Committee, made a statement to the Council concerning the Rye City Debt Limitation. He stated that the issue of changing the debt limit ties into the overall strategic budget planning process. The City currently has a limitation that is self-imposed.

(By way of background, the following language was taken from Deputy Comptroller Fazzino's Comprehensive Annual Financial Report):

Known as the “constitutional debt limit,” and pursuant to New York State Local Finance Law §104, the City must limit total outstanding long-term debt to no more than 7% of the five-year average full valuation of real property. At December 31, 2015, the City had exhausted 2.74% of its constitutional debt limit, providing an available debt margin of 97.26% with the authority to issue an additional \$460 million of general obligation long-term debt.

City Charter §C21-9 specifies the amount of debt that can be authorized solely on the adoption of a resolution by the City Council; the amount that can be raised by resolution of the City Council but subject to permissive referendum, and the amount requiring a mandatory referendum. At December 31, 2015, the amount of debt that could be authorized by City Council resolution alone was \$545,647, and the amount that could be authorized by City Council resolution subject to a permissive referendum was \$2,516,563. The authorization of all other long-term debt, unless otherwise specifically exempt by law, requires a mandatory referendum.

Mr. Doran presented a slideshow to review the history of the debt in the last twenty years. He said that the debt has been significantly reduced by paying down the debt. He stated that the Finance Committee surveyed 27 local municipalities, and 26 of them did not have a self-imposed debt limit. Currently, Rye has a AAA rating from Moody’s, which accounts for debt, economics and demographics, and management.

There was some discussion over bonds and the debt limit. Mr. Doran stated that the bonds issued for each project would match up to the projected life of the project.

Mayor Sack commented on timing with this issue. He stated that the Council must decide by early September to put it on for the referendum.

Councilwoman Killian commented that this may be crucial to this about presently because interest rates are very low currently. She felt strongly that removing the debt limit as a whole may not be responsible. She suggested limiting the debt and creating a “sunset” provision on the decision that is made, particularly because interest rates are low for the time being. In terms of setting a dollar amount for the debt, the needs of the City concerning project infrastructure should be considered. She stated she is in favor of keeping a limit, but increasing it. She lastly said that the Council needs to be informed about all upcoming projects to fully assess the issue.

Mayor Sack thanked Mr. Doran for his presentation.

12. Public Hearing to amend local law Article 21, “Financial Procedures”, Section §C21-9, “Bond Resolutions”, of the Charter of the Rye City Code, to eliminate the City’s discretionary debt limit.

This item was taken out of order. Councilwoman Killian made a motion, seconded by Mecca to open the public hearing to amend local law Article 21, “Financial Procedures”, Section §C21-9, “Bond Resolutions”, of the Charter of the Rye City Code, to eliminate the City’s discretionary debt limit.

There were no comments made on the subject issue.

Mayor Sack made a motion, seconded by Councilwoman Killian, to adjourn the public hearing to the August 3, 2016 meeting of the City Council.

9. Presentation on improvements in the Forest Avenue corridor by the engineering firm Stantec Consulting Services Inc.

City Manager Serrano stated that there have been concerns on behalf of Forest Avenue residents concerning pedestrian safety. The City has hired the engineering firm of Stanec Consulting Services Inc. (Stantec) as a consultant to study various options to improve pedestrian safety in this part of Rye.

Tom Hamerburg, Stantec, addressed the Council. He stated that he encouraged the Council to read the 50 page report presented on this issue. He stated that there is a great deal of detail included in the report. He explained the existing conditions of the area and discussed the neighborhood character. Mr. Hamerburg stated that there was a Pedestrian Safety community meeting held on April 13, 2016, in which the consultant listened to resident concerns. Three items of discussion were traffic concerns, maintenance, and keeping Rye's roadway character intact.

Chris Mojica, traffic engineer from Stantec, stated that during one hour, the area sees approximately 400 vehicles. The majority of vehicles are traveling 30-35 miles per hour. He proposed different options to the Council to help pedestrian safety in this area. He said that one option would be to implement rapid flash beacons to notify motorists of pedestrians. He further stated that stop control may also be considered. Further, reduction of speed limits are also a possibility. Lastly, Mr. Mojica discussed the option of one-way circulation, which may directly impact the local residents.

Mr. Hamerburg commented that the roadway itself is scheduled for re-pavements, engineering and curbing improvements. He referenced the study and explained specific improvements to the Council and community, clarifying that the pedestrian improvements will cost approximately 1.5 to 2 million dollars.

Councilman McCartney inquired as to the number of pedestrian walkways crossing over Forest Avenue in the Option A and the Option B plans. The Stantec representatives responded that there would be two crosswalks across Forest Avenue.

There was some discussion about the proposed traffic tables among the Council and Stantec representatives.

Councilwoman Bucci stated that she felt there is a danger crossing a fairly major road, and she is concerned that even if the City spends resources making improvements, pedestrians may not use the allocated crossing areas or safety measures. For example, she stated that she has witnessed pedestrians in the street, even when there were sidewalks.

Stantec representatives responded that after their observations of the area, they felt that pedestrians would use the safety measures implemented.

There was general discussion among Stantec and the Council concerning viable options to improve pedestrian safety along the subject corridor. Mayor Sack thanked the Stantec representatives for their presentation.

10. Continuation of the Public Hearing regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

Mayor Sack introduced the applicant, Crown Castle, and counsel for the applicant, Cuddy & Feder.

Esme Lombard, Crown Castle, addressed the Council. She stated that by way of background, Crown Castle has submitted an application to renew an existing right of way use agreement to add more DAS nodes within the City of Rye. Crown has provided MPE reports, demonstrating that the proposed attachments comply with FCC standards. They have also provided a needs-determination and a short form EAF site plan. Ms. Lombard stated that Crown Castle has received unanimous approval from the City's Board of Architectural Review Board.

Mayor Sack stated that the City may retain outside professionals to review the needs-assessment provided by Crown Castle.

Chuck Hyman, 95 Dogwood Lane, stated he has been a resident of Rye for over 50 years. He stated that he is against the project, as he feels it may change the character of the City. Ms. Lombard explained the specifics of the project to Mr. Hyman.

Bjorn Tuypens, 717 Forest Avenue, stated that a DAS node is proposed in close proximity to his home. Mr. Tuypens proceeded to make a statement against the proposed project.

Alexander Breinin, 180 Locust Avenue, made a statement to the Council. He stated that cell towers reduce the property values by 10%. He stated that he was concerned that the project had not been reviewed by an independent consultant.

Bart Breinin, 180 Locust Avenue, addressed the Council. He discussed the local laws of Rye, regarding the Wireless telecommunications facility. He expressed concern over the notice requirements and inquired whether Crown Castle was bound by the notice requirements. He also discussed setbacks, special use permits, and independent consultants with regard to local law.

Colette Dempsey, 195 Locust Avenue, stated her opposition to the project as the number of nodes proposed seems excessive.

Julianna Ryan, 387 Oakland Beach Avenue, addressed the Council. She stated that there is a proposed cell tower in front of her home. She also stated that within one block, there is already a tower that exists. She expressed concern over the close proximity of the proposed node. She discussed the RF levels and the FCC guidelines. She stated that she was concerned about the horizontal exposures of the emissions. She also stated that she felt that property values will

decrease. She suggested that the Council consider retaining an expert to verify the needs assessment. She stated that more work needs to be done with this issue to preserve the health, safety and property values.

Suzanne McKay, 70 Overlook Place, addressed the Council. She stated her opposition to the proposal. She expressed concern about the proximity of the proposed node near Milton School. She asked the Council to protect the health, safety and welfare for Rye residents.

Eric Huber, 110 Oakland Beach Avenue, stated concern about the proposal. He stated that one of the cell phone nodes is proposed to be built in front of his home. He stated that he objects to the application.

Callie Erickson, 190 Locust Avenue, asked that the City set up a special committee with guidance from an independent consultant, provide a needs-based assessment, and lastly, enact a zoning law that contemplates the DAS nodes.

Stuart Erickson, 190 Locust Avenue, stated his opposition to the proposal. He also expressed concern over the process and stated that he was upset over a lack of notice on the issue, even though it had been on the Council's agenda for several months. He was concerned over what he described as Crown Castle's lack of knowledge over the health and safety long-term issues. He encouraged the Council to look into retaining a third-party expert.

Nancy Hanam, 70 Fairway Avenue, stated that she is against the proposal. She asked that careful study be given to this issue.

Josh Cohn, 24 Green Avenue, addressed the Council. He stated his concern over the lack of process and "failure to follow Chapter 196." He felt that Chapter 196 should be applied to DAS technology. He referenced the Federal Telecommunications Act. He then presented the Council with photos of existing DAS nodes within the community.

Kelsey Johnson, 3 Rockridge Road, addressed the Council. She stated that she shared the concerns with the residents who were frustrated with the communication about the issue. She stated her concern with the health and safety of the proposal. She introduced Richard Comi, who helped write City Code Chapter 196.

Richard Comi, 70 Cambridge Road, Glenmont, New York, addressed the Council. He appeared as a retained representative of members of the community. There was some confusion over whether he would be representing the City and whether his appearing on behalf of residents would be a conflict of interest. Mr. Comi stated that he owned the largest consulting firm on wireless technology. He stated that federal law prohibits a limitation of modification of existing nodes. He discussed the potential visual impact of the nodes as well. He stated that Rye had one of the best wireless regulations. Mayor Sack asked if a municipality may deny an application based on health concerns. Mr. Comi responded that they could not deny an applicant based on perceived health concerns.

Eileen Iorio, 24 Crescent Avenue, addressed the Council and stated her opposition to the proposal. She echoed the need for an independent assessment. She was concerned about the future of DAS technology. She also expressed concern over the applicable laws to DAS.

Sander Spiering, 30 Fairway Avenue, President of the Milton Point Association, addressed the Council. He stated that the Association and its members were recently made aware of the proposal. He expressed concern over the proposal and the short and long term risks of the proposed cell towers in close proximity to the homes. He further stated he was unhappy with the lack of notice on this issue. The Association asked that the Council consider all of the concerns that have been stated.

Tricia Agosta, 4 Ridgewood Drive, expressed concern over the proposal. She referenced the right-of-way use agreement from 2011 and stated that it is governed by the City of Rye's laws. She also discussed the legislative intent over the wireless telecommunications law. She then discussed the location of the facilities, and stated that there is a proposal for a node in front of her home. She said that in her neighborhood, there are five proposed cell nodes. She thanked the Council for their consideration of the community's concerns.

Delano Ladd, 19 Seneca, expressed concern over the proposal. He stated his opposition to the proposal.

Chris Graseck, 421 Park Avenue, and 20 Chamberlain Street, stated that nodes are proposed in front of both of his homes. He expressed concern over the proposal, specifically the health risks, property value issues, and whether there are licensing fees that would offset the loss in property value to residents.

Tracy Stora, 3 Fairlawn Court, addressed the Council. She stated that a node is proposed in front of her house. She is concerned about the precedent this might set.

Chris Fisher, Cuddy & Feder, spoke on behalf of Crown Castle to address concerns from the community. First, he stated that there are regulations of the right-of-way, and secondly, there are separate regulatory and zoning authorities. He cited Section 25-3 of the Telecommunications Act, which deals with access to communications for right-of-way purposes. The City has time, place and manner authority to regulate the right of way, but not to prohibit activity within it. Crown Castle has a Certificate of Public Convenience and Necessity. This means they have authority to use the right of way from New York State. This status also gives them certain rights. He stated that the City of Rye has local law, Chapter 167, which governs the streets, sidewalks and rights of way. He felt this law should be applied in the present case. He gave a background on the current right-of-way use agreement between the City and Crown Castle adopted in 2011. He referenced Section 3 and 5 of the agreement. He stated that Crown has a right to be treated equally with other utilities.

Councilwoman Bucci inquired as to statutory application of the local law. There was discussion about statutory application.

Mr. Fisher then referred to the proposed node map and discussed the specifics of the proposal. He stated that the data was provided by Verizon. He discussed the need for network infrastructure. He then stated that the nodes would not have a compliance issue. Further, he stated that there is not reliable information about a decrease in property value. He then addressed the proximity to homes and school and responded that in many places, there are actually cell towers on top of schools. Wifi in school has the same effect as the DAS nodes. Lastly, he clarified that the City would receive an economic benefit as a result of approval.

Mayor Sack commented on the “shot clock,” which is 150 days. The City would like to request that Crown Castle agree to extend the time. Mr. Fisher objected on the record to the request and asked for time to consult with his client before providing a response. Crown Castle believes that there are approximately 60 days remaining in which the City must act pursuant to the “shot clock.” There was discussion concerning extra time.

Mayor Sack adjourned the public hearing until August 3, 2016.

11. Continuation of the Public Hearing 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.

Councilman Mecca stated that the needs of the Rye Fire Department have changed. There is a much greater demand on the department. He explained that the change proposed here would eliminate with the board of wardens with management responsibilities and move those responsibilities to an individual to manage and oversee the departments.

Councilman Mecca made a motion, seconded by Councilwoman Bucci, to approve 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, which would result in a referendum to the City of Rye.

ROLL CALL

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

NAYS: None

ABSENT: Councilwoman Tagger-Epstein

13. Public Hearing 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.

Councilman Mecca reviewed the issue and stated that applicants would apply to the Planning Commission annually for their outdoor seating. Any problems that arise during the season would be accounted for the following year and be considered by the Planning Commission.

Mayor Sack asked if there was a notice provision with regard to neighboring properties. There was discussion about including a 500 foot radius notice requirement in the amendment.

Councilman McCartney, seconded by Councilman Mecca, made a motion to open the public hearing 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.

There were no public comments.

Mayor Sack made a motion, seconded by Councilman McCartney, to close the public hearing. Mayor Sack made a motion, seconded by Councilman McCartney, to adopt the amendment to 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, and include a first-class mail notice requirement for applicants, consisting of a 500-foot radius.

ROLL CALL

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

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

There were no comments made.

15. Consideration of the proposed new Rules and Regulations of the City of Rye Police Department General Order #105.5 regarding a Missing Persons Policy.

City Manager Serrano stated that the new Police Commissioner is trying to document each policy that has been in place. Currently, the Department’s Missing Persons Policy is a verbal policy, which Commissioner Corcoran would like to document. City Manager Serrano stated that he is supportive of this initiative and congratulated Police Commissioner on his progress within the Department.

Councilman McCartney made a motion, seconded by Councilman Mecca, to approve the proposed new Rules and Regulations of the City of Rye Police Department General Order #105.5 regarding a Missing Persons Policy.

ROLL CALL

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

16. Consideration of the proposed new Rules and Regulations of the City of Rye Police Department General Order #116.10 regarding a Pregnancy and Maternity Leave Policy.

City Manager Serrano said that the Police Department Maternity Leave Policy has not been documented, and Police Commissioner Corcoran has prepared a written policy regarding the same to be approved by the Council.

Councilwoman Hurd made a motion, seconded by Councilman McCartney, to approve the proposed new Rules and Regulations of the City of Rye Police Department General Order #116.10 regarding a Pregnancy and Maternity Leave Policy.

ROLL CALL

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

Councilman Mecca commented that this policy would also apply to the Fire Department if the referendum passes and a Commissioner of Public Safety position is approved.

17. Consideration of the proposed new Rules and Regulations of the City of Rye Police Department General Order #119.5 regarding an Anonymous Crimes Tip Policy.

City Manager Serrano stated that this proposed policy would protect those giving an anonymous tip to the Rye Police Department.

Councilman McCartney made a motion, seconded by Councilwoman Killian, to approve the proposed new Rules and Regulations of the City of Rye Police Department General Order #119.5 regarding an Anonymous Crimes Tip Policy.

ROLL CALL

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

18. Resolution to amend the Boat Basin Commission procedures regarding voting procedures and the Commission level of members.

Councilwoman Hurd explained that the Boat Basin Commission is looking to change its procedures. The proposal is to increase the number of members from five to seven, and include one non-resident.

There was some discussion over the procedure that had already been put in place by the Boat Basin Commission with regard to filling a vacancy. The issue was put over to the August 3, 2016 meeting of the City Council.

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

Councilwoman Hurd discussed the issue of pump out needs when boats are in danger of sinking. The Boat Basin Commission recommends implementing a policy and fees associated with pump outs and necessary steps in the case that the owner is unreachable. The fee for a pump out by Boat Basin personnel would be \$90/hour fee with a half-hour minimum. The Boat Basin Supervisor will determine that a boat must be pumped out. If a Boat is in danger of sinking, a contractor will be engaged to remove the boat. The Boat Basin will pay the contractor directly and the City will be reimbursed by the boat owner. If payment is not received from the boat owner, a renewal permit for the owner will not be issued.

Councilwoman Hurd, seconded by Councilwoman Bucci, made a motion to adopt the pump out policy by amending the 2016 Adopted Fee Schedule for the Rye Boat Basin.

ROLL CALL

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

20. Authorization for City Manager to enter into an Inter-municipal Agreement with Westchester County for the Stop-DWI Patrol/Datamaster Project for the City of Rye Police Department.

City Manager Serrano explained that the Council may authorize an Inter-municipal agreement with Westchester County. In an effort to increase the enforcement of laws against DWI and maintain a County-wide record keeping standard for this information, the County is requesting a continued municipal participation in the STOP-DWI Patrol/Datamaster Project. In exchange for the City's participation, the County will reimburse the City an amount not to exceed \$8,400. The Agreement is for a four-year period commencing January 1, 2016 through December 31, 2020.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to approve the authorization of the City Manager to enter into an Inter-municipal Agreement with Westchester County for the Stop-DWI Patrol/Datamaster Project for the City of Rye Police Department.

21. Bid Award for the Solid Waste Containers bid (Bid #1-16).
Roll Call.

Councilman McCartney made a motion, seconded by Councilman Mecca, that Bid #1-16 be awarded to the low bidder, City Carting, Inc., in the amount of fifty three thousand five hundred dollars (\$53,500.00) as recommended by the City Engineer and approved in the City's Annual Budget.

ROLL CALL

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

22. Bid Award for the Nursery Lane Sewer Extension contract (Contract #2016-05).
Roll Call.

Councilman McCartney made a motion, seconded by Councilman Mecca, that Contract #2016-05 be awarded to the low bidder, Montesano Brothers, Inc., in the amount of seven hundred seventy four thousand two hundred ninety dollars (\$774,290.00) recommended by the City Engineer and approved in the City's Annual Budget.

ROLL CALL

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

23. Bid Award for the Annual Sidewalk Replacement Program contract (Contract #2016-07).
Roll Call.

Councilman McCartney made a motion, seconded by Mayor Sack, that Contract #2016-07 be awarded to the low bidder, Con-Tech Construction Technology, Inc., in the amount of ninety-three thousand one hundred eighty dollars (\$93,180.00) as recommended by the City Engineer and approved in the City's Annual Budget.

ROLL CALL

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

24. Bid Award for the Annual Street Resurfacing Program contract (Contract #2016-08).
Roll Call.

Councilman McCartney made a motion, seconded by Councilman Mecca that Contract #2016-08 be awarded to the low bidder, PCI Industries, in the amount of seven hundred seventy nine thousand five hundred dollars (\$779,500.00) as recommended by the City Engineer and approved in the City's Annual Budget.

ROLL CALL

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

25. Bid Award for the Purchase Street Streetscape Improvements contract (Contract #2016-09).
Roll Call.

City Manager Serrano said that this will be a tough project that will balance the improvements with the needs of the central business district. The City will try its best to expedite the project and be minimally intrusive to the downtown during this project. City Manager Serrano stated that he expects the work will begin in early to mid-August.

Margaret Ricketts, president of the Rye Chamber of Commerce, expressed concern about moving on after October.

Councilman McCartney made a motion, seconded by Councilwoman Hurd, that Contract #2016-09 be awarded to the low bidder, Paladino Concrete Creations Corp., in the amount of seven hundred forty four thousand three hundred forty seven dollars and seventy five cents (\$744,347.75) and that Alternate Phase B (\$269,549) and Alternate Cobblestone Bid (\$22,500) be authorized as recommended by the City Engineer and approved in the City's Annual Budget.

ROLL CALL

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

26. Consideration of a request by Christ's Church Nursery School for use of city streets on Saturday, September 24, 2016 from 7:30 a.m. to 3:00 p.m. for their *Touch a Truck/Vehicle Fair* event.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to approve the request by Christ's Church Nursery School for use of city streets on Saturday, September 24, 2016 from 7:30 a.m. to 3:00 p.m. for their *Touch a Truck/Vehicle Fair* event.

27. Consideration of request for permission to close a section of Purchase Street for the 64th annual celebration of the Halloween Window Painting Contest.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to approve the request to close Purchase Street, from the Square House (Boston Post Road) to Purdy Avenue for the 64th annual celebration of the Halloween Window Painting Contest from 8:00 am to 3:00 pm on Sunday, October 16, 2016.

28. Resolution to declare certain City of Rye equipment as surplus.
Roll Call.

City Manager Serrano explained that there is a list of surplus materials from the Boat Basin and the City is required to declare surplus.

Councilman Mecca made a motion, seconded by Councilwoman Hurd, to adopt the following resolution:

WHEREAS, the City has been provided with a list of City equipment identified as being obsolete or will become obsolete during 2016, and,

WHEREAS, the Rye Boat Basin has recommended that said equipment be declared surplus, now, therefore, be it

RESOLVED, that said equipment are declared surplus, and, be it further

RESOLVED, that authorization is given to the City Comptroller to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

ROLL CALL

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

NAYS: None

ABSENT: Councilwoman Tagger-Epstein

29. Miscellaneous communications and reports.

There was nothing discussed under this agenda item.

30. New Business.

There was nothing discussed under this agenda item.

31. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilman McCartney, to adjourn the regular meeting at 12:59 A.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk