

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on September 13, 2017, at 8:00 P.M.

PRESENT:

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

ABSENT:

TERRENCE McCARTNEY

The regular meeting of the City Council convened at 8:00 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 Corporation Counsel to call the roll; a quorum was present to conduct official City business.

3. Recognition of the Rye Golf Club Swim Coach Cathleen Ferguson.

Mayor Sack recognized Rye Golf Club Swim Coach Cathleen Ferguson, who is stepping down after 23 years of service. He thanked Ms. Ferguson and her family, who were present at the meeting. He presented Ms. Ferguson with a plaque memorializing her service for her many years as the Rye Golf Club Swim Coach.

Ms. Ferguson addressed the Council and the community and thanked everyone for having her for twenty-three years.

14A. Resolution to accept dedication of a new sanitary sewer system intended to serve the properties along Club Road and the beginning of Sunset Lane.

This item was taken out of order. Jonathan Kraut, Esq., addressed the Council. He explained that the sewer main had been installed by private homeowners, which provides for access for homes that are currently on septic. This will be accomplished by the connections to the sewer system connections and the City's acceptance of the dedication.

Linda Whitehead, Esq. also addressed the Council. She thanked the Council for taking this item early on the agenda. She stated that this will be installed at no cost to the City, but does provide a significant environmental benefit to the City. It has been reviewed by the City Engineer and the County Department of Health.

City Manager Serrano stated that everything that has been stated was correct, and that the City Engineer also agreed that moving forward would be an appropriate recommendation in this case.

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

WHEREAS, the City Council has been requested to accept an offer of dedication of a new sanitary sewer system intended to serve the properties along Club Road and the beginning of Sunset Lane, and;

WHEREAS, the Corporation Council and City Engineer have reviewed the request of dedication, and;

WHEREAS the Corporation Council and City Engineer believe that the new sanitary sewer system is in the best interest of the City, now therefore be it,

RESOLVED, that the City Council accept dedication of the new sanitary sewer system as presented.

ROLL CALL

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

10. Presentation and request by the Landmarks Committee to landmark the City owned properties of the Purdy Family Burial Ground and Baird Square.

This item was taken out of order. Jack Zahringer, Chair of the Landmarks Advisory Committee, addressed the Council. He stated that the Landmarks Advisory Committee was requesting that the City Council designate two City-owned properties as landmarks: the Purdy Family Burial Ground and Baird Square.

Margot Clark-Junkins, Landmarks Advisory Committee, made a presentation to the Council. She first described the Purdy Family Burial Ground, a property used as a burial ground for the Purdy Family. She explained that the Purdy Family was very influential to Rye's history. She stated the burial dates were between the years 1720 and 1825. She then discussed Baird

Square, located near Citibank. This is open space that is used by the City for community purposes. Mr. Baird was one of the most respected ministers of Rye Presbyterian Church.

Mayor Sack stated that the City staff should have an opportunity to research the properties and the recommendation. Once that occurs, if the proposal moves forward, a local law would be drafted for Council approval.

7. Presentation on the Rye Fire Department Safety and Staffing Practices.

This item was taken out of order. Commissioner Corcoran addressed the City Council. He stated he was proud of his role as Commissioner of Public Safety. He acknowledged Chief Ballantoni, member of the Rye Fire Department for 50 years. He felt strongly about the teamwork that the Rye Fire Department puts forth, both with volunteer and career members. He recounted a recent emergency fire, in which both volunteer and career firefighters worked alongside one another successfully. Mayor Sack thanked the Commissioner for his hard work creating a team environment.

Commissioner Corcoran stated that when he began as Commissioner, he was tasked with doing a top-to-bottom analysis of the Fire Department. His two main priorities were safety and supervision. He announced that the City had been issued PESH violations for safety and supervision procedures just prior to him being tasked with the position of Public Safety Commissioner. He said the department dealt with the violations swiftly by working together with PESH. He stated a plan to build volunteerism within Rye Fire Department. With respect to the career firefighters, there are currently 18 members consisting of one career lieutenant, and 17 members for him to supervise. He explained that this ratio is not ideal, leaving the department with a lack of supervision, and therefore, lack of safety. He recommended that four career lieutenants be added for supervision, inspection, and prevention of fires. From a risk management perspective, this is vital. He discussed a Deputy Chief position pursuant to the City Charter. He also recommended hiring three career firefighters, which would ensure that there are 4 firefighters on every shift, complying with OSHA requirements. This would also be important to ensuring that Rye is nationally accredited. He stated he was sympathetic to cost factors, but this has been discussed for close to twenty years.

17. Resolution to transfer \$88,000 from the Contingency account to the Fire Salaries Expense account to fund the hiring of new firefighters.
Roll Call.

This item was taken out of order. Mayor Sack thanked the Commissioner for his presentation and recalled that prior City Manager Culross also recommended this change. City Manager Serrano stated that if this gets approved, City Comptroller Fazzino would do an analysis of the cost for years to come. The City is also currently in contract negotiations with the Fire Department. He said that if the recommendation was approved, there would be an added \$419,518 in next year's budget, which equates to a 1.8% tax increase.

Councilwoman Hurd thanked the Rye Firefighters for keeping the community safe. She expressed concerns over the budget increase. She mentioned shared services as a future option.

Councilwoman Killian asked whether Commissioner Corcoran thought shared services would eliminate the need to add positions; he responded that at this point, since a shared services agreement was not in place, he needed to make his recommendation based on current conditions.

Councilwoman Tagger-Epstein felt strongly that Commissioner Corcoran's recommendation was responsible, as a fully-staffed department benefits residents, as safety should be a primary focus.

Councilman Mecca asked about the urgency of this recommendation. Commissioner Corcoran responded that the PESH violations and OSHA rules pointed out some glaring deficiencies in the staffing levels and safety. There is a sense of urgency also with the Firefighting Academy, which only holds classes twice a year. Councilman Mecca asked if candidates were already in place contingent on Council vote. Commissioner Corcoran responded that there were candidates, all three which happened to be current volunteers. Commissioner Corcoran stated that this was important because it meant hiring from within.

Mayor Sack thanked Commissioner Corcoran for his hard work and due diligence.

Ken Meszkat, volunteer Firefighter, stated that he was against the recommendation and felt that it was bad for the volunteerism.

Councilman Mecca stated that the difference between the volunteers and the career staff was that the volunteers can go to sleep at night, while the career staff must take on the responsibility all hours of the day and night. He said that this has been an issue for years, as it is very difficult to get volunteers to take on the hundreds hours of training required.

Councilwoman Hurd asked Mr. Meszkat to be a volunteer recruiter for the community.

Mayor Sack stated that this had been an issue in the making for many years, and the demographics have changed overtime.

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

WHEREAS, City staff has determined that the amounts required for the hiring of three additional firefighters was not anticipated and were not provided for in the adopted 2017 budget, and;

WHEREAS, the General Fund Contingent Account has a balance of \$233,559, now therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$93,100 from the General Fund Contingent Account to the Fire Salaries Expense Account.

ROLL CALL

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

23. Consideration of a request by Rye High School student Jade Iadarola for use of city streets on Saturday, October 21, 2017 from 10:15 a.m. to 12:00 p.m. to hold a *Walk for Cancer*.

Jane Iadarola, Rye High School student, addressed the Council to request the use of city streets on October 21, 2017 for a Walk for Cancer. She was excited to bring the community together for an important event.

The Council voted unanimously to approve the request of the use of city streets on Saturday, October 21, 2017 from 10:15 a.m. to 12:00 p.m. to hold a *Walk for Cancer*.

8. Presentation on the New York Rising Reconstruction Program projects.

Brian Platt, O'Brien and Gere Engineers, addressed the Council. He introduced Brad Cantor, Governor's Office Storm Recovery unit; and two members of the Dormitory Authority of the State of New York (DASNY). Mr. Platt thanked the Council for hearing the status of the New York Rising project. He stated he was there to present the status of two projects, Blind Brook/ Bowman Avenue Dam, and the Milton Road drainage improvements.

He spoke about the Blind Brook/ Bowman Avenue Dam, and the study performed on expanding the pond, which would result in six inches to one foot reduction in water surface elevations. The gate and the dam as it exists today is in the closed position. Mr. Platt discussed a cost/ benefit analysis, developed by FEMA, with the possible construction of possible downstream gauges. He demonstrated photos of the location of the possible gauges. He said that the result of the analysis was that this project would be cost-effective.

Councilwoman Hurd thanked the team for their analysis. She asked about the timeline for the project, as there is a deadline on the New York Rising grant. Mr. Platt responded that the grant deadline had been pushed back and that timing would not be an issue.

There was some discussion among the resident audience members on the dangers of flooding and possible suggestions.

Mr. Platt then discussed the Milton Road drainage improvement analysis. He first highlighted the issues near the Milton Harbor House and the storm sewer. He said he constructed a hydraulic model of the tide elevation, runoff, and the sewer pipe capacity. He said that the pipes do not have the capacity during a storm to handle the water, which causes flooding. Mr. Platt demonstrated an aerial view map of the Milton Harbor House and the surrounding areas. He discussed the analysis of a 25 or 50 year storm, and recommended a possible addition

to the storm sewer system to avoid ponded water. Specifically he replacing three existing pipes on the Milton Harbor House property (to mitigate 5 inches of rain or current high tide), and connecting an additional pipe. He then discussed the area of Hewlett Avenue/ Milton Road, which experiences periodic flooding. There is a pipe currently there that discharges to the harbor, and recommends that a check valve to be added to the pipe.

Mayor Sack asked about next steps for each project. There was discussion about moving forward and the cost of the projects. There was confirmation that as of the date of the meeting, the cost of the project in its current form would not exceed \$3 million. There was then discussion about deadlines for the project.

Mack Cunningham, Rye resident, made a statement. He recounted the process of the Flood Committee with prioritizing the projects. He said that the sluice gate was the initial priority of the committee, with the Milton Harbor House issue not being an initial, City-wide priority. He showed a photo that he took of the Milton Harbor flood system. He recommended having Stuyvesant runoff water drainage dump east of the Harbor House and not into the Basin. He was concerned for the Boat Basin, which is a community asset. He said dredging is an issue for the harbor.

Councilman Mecca discussed the future maintenance of the proposed infrastructure and asked that engineers consider the issue of flooding, sediment, and maintenance. There was discussion about next steps to move forward.

9. Presentation on the Westchester Power Community Choice Aggregation Program.

Chris Burdick, Chairman of Sustainable Westchester and Town Supervisor of Bedford, addressed the Council. He introduced his team and stated that for the Con Edison service area, there is less than one year remaining in the two year contract for Sustainable Westchester. Rye is one of the 20 members of Sustainable Westchester. He said that Bedford utilized the Community Choice Aggregation program to help its town. The program gives purchasing power for residential properties and small business to create a highly competitive rate, in a way to promote renewable energy. Both the green option and the regular option both have been below the Con Edison pricing. This also provides a reduction in greenhouse emissions by utilizing renewable energy.

The team distributed an information packet to the Council. Dan Welsh, Sustainable Westchester and Westchester Power, explained the process details to the Council. He said that Rye would need to enact a local enabling law to move forward with the Westchester Power Community Choice Aggregation Program. He also discussed outreach within the community. There was discussion about rate and energy specifics, decision-making on energy providers, and other communities.

There was discussion about moving forward with community outreach and events for Rye residents.

There was a five minute recess.

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

Bob Zahm, 7 Ridgewood Drive, expressed concern over the pile of belgian blocks that has been sitting near Locust Avenue. City Manager Serrano stated he would look into the issue.

Mack Cunningham, Rye resident, commented on the cost of joining the pool at the Rye Golf Club. He said that the Golf Club runs as an enterprise fund, and thus, works differently than an operational fund. He commented that there had been a recent letter in the Rye Record on the cost of the pool membership, and while the Golf Club Commission wishes to lower the cost, the enterprise fund model may not allow for lowering that cost. He said that the Commission would continue to look at options to keep costs low for those looking to join the pool or other aspects at the Golf Club. There will be a future Golf Commission meeting, where all are welcome to approach the Commission about rates, etc.

Jerry Seitz, Rye resident, stated that the community was very fortunate to have amenities such as the Golf Club, Rye Town Park, and other items. Mr. Seitz then made a statement about the budget process and felt that last year's tax increase was high. He asked about possible revenue increases. Mayor Sack responded that staff and Council are always looking to raise revenues. Mr. Seitz discussed raising sales tax and imposing a City real estate transfer tax. He then made a statement against the recent Police Department policy addressing immigration status.

4. General Announcements.

Mayor Sack announced that a public workshop was scheduled for September 26, 2017 from 7:00 to 9:00 P.M. for the Master Plan in Council Chambers. He invited all to participate.

Councilwoman Tagger-Epstein announced that the Rotary Club would be sponsoring its second golf outing this year at the Rye Golf Club in support of the K-12 program on October 12, 2017 honoring Terry McCartney. She also encouraged everyone to attend "A Taste of Rye," which will be held on September 16, 2017 to benefit My Sister's Place, a nonprofit helping domestic violence survivors. She also announced that the Tree Fund for the Sustainability Committee continues to grow, with a current balance of \$5,000. Jay Day is September 24, 2017 at 11:00 A.M. to 3:00 P.M. The Jay Heritage Center will celebrate 25 years on October 21, 2017.

Councilman Mecca added that the Fire Department has done an excellent job lately with training of both career and volunteer members.

5. Draft unapproved minutes of the regular meeting of the City Council held August 22, 2017.

Councilwoman Hurd clarified that the dredging would be in winter of 2019, not 2018. Mayor Sack made a motion, seconded by Councilwoman Bucci, to adopt the minutes as amended of the City Council held August 22, 2017.

6. Issues Update/Old Business.

Councilwoman Tagger-Epstein asked for clarification on the City's intent for shared services with the Village of Port Chester. There was general discussion over shared services, the Thruway property, and that Port Chester approached the City for a possibility of working together for shared DPW services.

Vernon Rios, Grace Church Street, made a statement about the Thruway property. He thought it would be important to identify possible uses for the property, such as creating a parking lot.

Councilwoman Hurd asked about the state of the Starwood/ United Hospital development project. City Manager Serrano said he would look into it. Councilwoman Hurd asked if by approving the firefighters, the Council had superseded the tax cap. Mayor Sack responded that the Council did not need to approve the budget, which was a different vote.

**** Please note that the Public Hearing to amend the Rye City Code for telecommunications devices and the Public Scoping Meeting on the Crown Castle application will be adjourned until the October 4, 2017 City Council Meeting (Agenda Items #11 & #12).**

~~11. Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.~~

~~12. Continuation of the Public Scoping Meeting on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA).~~

14. Consideration of the City Council's Intent to be Lead Agency under SEQRA and referral to the Planning Commission for their advisory review and comment in connection with a proposed Zoning Code Text Amendment to change a RA-2 lot to a B-1 designation for the property located at 280 Purchase Street.

Corporation Counsel Wilson said that the proposal before the Council was a consideration for the City of Rye to declare itself lead agency regarding a SEQRA determination for zoning changes regarding the property at 280 Purchase Street.

Mayor Sack made a motion, seconded by Councilwoman Bucci, to declare the City Council as lead agency under SEQRA and referral to the Planning Commission for their advisory review and comment in connection with a proposed Zoning Code Text Amendment to change a RA-2 lot to a B-1 designation for the property located at 280 Purchase Street.

ROLL CALL

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

15. Authorization for the City Manager to enter into an agreement with Jackson Lewis to represent the City before the New York Public Service Commission to allow municipalities to receive water usage data.

Corporation Counsel Wilson explained that this item would allow the City to enter into a consolidated agreement with other communities and Jackson Lewis, to petition the Public Service Commission to provide water usage data.

Councilwoman Bucci felt that it might not be prudent for the Council to vote in favor of this, as it would not be a net benefit for the tax payer. Taking the sewer costs out of the tax base would minimize the benefit of a tax deduction on that cost. Councilwoman Killian agreed with Councilwoman Bucci. Councilwoman Bucci reviewed the mathematical figures.

The item was tabled.

- 15A. Appointments to the Commission of Human Rights for a three-year term, and the Rye Playland Advisory Committee for a three-year term by the Mayor with Council approval.

Mayor Sack appointed Ruth Merkatz, unanimously carried by the Council, to the Commission of Human Rights for a three-year term expiring January 1, 2020.

Mayor Sack appointed John Fray, unanimously carried by the Council, to the Rye Playland Advisory Committee for a three-year term expiring January 1, 2020.

16. Authorization for the City Manager to enter into an agreement with Best Best & Krieger LLP to represent the City in cable franchise agreement negotiations.
Roll Call.

Councilwoman Hurd stated that she and the Cable Committee had a conference call with Joseph Van Eaton, Esq. of Best Best & Krieger to discuss preliminary details with regard to representation of the City in cable franchise agreement negotiations.

Councilwoman Hurd stated that it total, the entire project should not exceed \$60,000. Councilwoman Bucci added that the negotiations would like be split into several phases.

Councilwoman Bucci made a motion to authorize the City Manager to enter into an agreement with Best Best & Krieger LLP to represent the City in cable franchise agreement negotiations, with a fee not to exceed \$20,000.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Killian, and Mecca
NAYS: Councilwomen Hurd and Tagger-Epstein
ABSENT: Councilman McCartney

18. Resolution to transfer \$1,300 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget for the relocation of the RyeTV control room at the Rye High School.
Roll Call.

Mayor Sack made motion, seconded by Councilman Mecca, to adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for the relocation of the RyeTV control room at the Rye High School were not anticipated and were not provided for in the adopted 2017 budget by \$1,300, and;

WHEREAS, the Cable TV Unassigned Fund balance has enough funds to be appropriated for the relocation of the RyeTV control room at the Rye High School, now, therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$1,300 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget for the relocation of the RyeTV control room at the Rye High School.

ROLL CALL

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

19. Consideration of the proposed changes and additions to the Rules and Regulations of the City of Rye Police Department:
- General Order #102.2 regarding the rank structure of the City of Rye Police Department

- General Order #102.3 regarding the authority and command of police officers on duty
- General Order #102.4 regarding job classifications of the City of Rye Police Department
- General Order #113.4 regarding policies and procedures for the identification, collection, and preservation of physical evidence
- General Order #116.3 regarding the performance evaluation of City of Rye Police Personnel
- General Order #117.7 regarding the use of safety belts/restraining devices in City of Rye Police Department vehicles

This item was tabled for a future meeting.

20. Resolution to declare certain City of Rye vehicles and equipment as surplus.
Roll Call.

City Manager Serrano stated that the following items were recommended to be declared as surplus, and would be auctioned off if approved:

- 2001 Chevy Pickup 1500, vin # IGCEK14VXIZS88814 mileage 35,909 (marina)
- Toro 345, 30789-24000 (marina)
- 1979 Ford tractor, Vin # 613851 (marina)

Mayor Sack made a motion, seconded by Councilman Mecca, 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 2017, and,

WHEREAS, the City Engineer has recommended that said equipment from the departments of the Boat Basin and Recreation 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, Mecca and Tagger-Epstein
NAYS: None
ABSENT: Councilman McCartney

21. Consideration of a request by the Jarden Corporation for use of city streets on Sunday, September 24, 2017 from 7:00 a.m. to 6:00 p.m. for their annual Westchester Triathlon.

All were in favor of this proposal.

22. Consideration of a request by the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October, 2017.

All were in favor of this proposal.

24. Consideration of a request by Christ's Church Nursery School for use of city streets on Saturday, October 21, 2017 from 9:30 a.m. to 3:30 p.m. for their *Touch a Truck/Vehicle Fair* event.

All were in favor of this proposal.

25. Consideration of a request by the Recreation Department to hold their 41st annual *Turkey Run* on Saturday, November 25, 2017 during Thanksgiving Weekend.

All were in favor of this proposal.

26. Consideration of a request by the Rye Merchants Association to close a portion of Purchase Street on Sunday, November 26, 2017 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event.

All were in favor of this proposal.

27. Miscellaneous communications and reports.

There was nothing discussed under this agenda item.

28. New Business.

There was nothing discussed under this agenda item.

29. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Bucci, to adjourn the meeting into executive session to discuss attorney-client privileged information and litigation matters at 12:15 A.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk