

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on October 4, 2017, at 7:30 P.M.

PRESENT:

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

ABSENT:

None

The Council convened into executive session at 6:30 to discuss attorney/client matters. Councilman Mecca made a motion, seconded by Councilman McCartney to adjourn the executive session and convene to the regular meeting of the City Council at 7:30 P.M.

1. Pledge of Allegiance.

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

City Clerk D'Andrea reminded the community that renewals for Commuter Parking Permits are due on October 31, 2017.

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 Little League Boys Baseball District 20 Championship Winners.

Mayor Sack and Councilman McCartney congratulated the Rye Little League Boys Baseball team for winning the District 20 Championship over Port Chester. Councilman McCartney congratulated Mark Surhoff for winning as a player, as a coach, and as a manager. He presented each member of the team with a proclamation recognizing their efforts as a team. Mayor Sack also congratulated the team's coaches on another season of strong leadership.

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

Brendan Kennedy, BST & Co., presented the results of the 2016 City audit. As an overview of the process, he explained that the deliverables included an independent auditor's report resulting from a study of the City's 2016 financials and procedures. He said that earlier reported deficiencies had been satisfactorily resolved for this audit, such as internal controls that had improved at the Boat Basin. He said the firm did not identify any new significant deficiencies, and that the City had received a clean opinion on internal controls and compliance. The firm issued an unmodified, or "clean audit" opinion on each of the major funds. He said that the firm's Comprehensive Annual Financial Report (CAFR) was submitted to GFOA again for a possible award. Mr. Kennedy said the firm looked at internal procedures, various cash receipt procedures, and other items. He reported that personnel were friendly and knowledgeable. He said the City's financial records and accounting policies were compliant and in good order. Mr. Kennedy said that the methodologies used were appropriate and that there were no significant difficulties in the audit. He said that all departments were cooperative with the audit and everyone was responsive to inquiries.

Councilwoman Killian thanked Mr. Kennedy for his audit and presentation. She stated that in the past, there were pages of deficiencies, and the City has come a long way in dealing with those deficiencies. There was discussion about a future report on the IT Department progress.

City Manager Serrano thanked City Comptroller Fazzino and his staff for all of their hard work.

Items 13-16 were taken together:

13. Continuation of the Public Hearing to amend local law Chapter 161, "Sewers", of the Rye City Code by amending Article II, "Sewer Rents", to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.
14. Authorization for the City Manager to enter into an agreement with Brown & Weinraub, PLLC to represent the City before the New York Public Service Commission to allow municipalities to receive water usage data.
15. Consideration of a Resolution to petition the Public Service Commission (PSC) to order hydrant costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.
16. Consideration of a Resolution to petition the Westchester Joint Water Works (WJWW) Transportation Corporation Board to order hydrant costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

Mayor Sack, seconded by Councilman McCartney, made a motion to close the public hearing to amend local law Chapter 161, "Sewers", of the Rye City Code by amending Article II, "Sewer Rents", to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

Councilwoman Tagger-Epstein stated support for the local law amendment, as a sewer rent fund would be created to solely maintain and repair the sewer system. She reminded the Council and community that it could be beneficial for the Save the Sound litigation and I & I compliance.

Councilwoman Hurd stated that some of the major concerns with the local law amendment were that the fee would not be tax-deductible for the user. However, she felt that the amount would be so minimal and felt it was important to have a fund for sewer maintenance.

City Comptroller Fazzino said that the amount per taxpayer would be approximately \$67 per year.

Councilwoman Killian stated that she was against the local law amendment because there is a current uncertainty on the cost of fixing the sewers. She said that biggest concern was that the City would be increasing the cost to the tax payers. Also, the water company will not calculate the fee by water usage, and as a result, someone will need to be hired to do that work. She said that she felt it might make sense to wait to find out about how much the repairs will be.

Councilwoman Tagger-Epstein felt strongly that it was important to earmark the funds for sewer maintenance.

Councilwoman Bucci stated that the federal government is the big winner in this scenario. She cautioned the Council against adopting the local law, as it would simply move the funds to a non tax-deductible fee, opening the door for raising taxes for residents.

Councilwoman Killian stated that there will be an extra fee to hire an attorney to petition the Public Safety Commission to gather the data.

There was general discussion among the Council about options moving forward.

Councilman Mecca stated that Port Chester residents receive a monthly invoice for sewer rent based on water usage. He said if the City identifies what the infrastructure costs will be, funds can be allocated in that scenario. Councilman Mecca further stated that moving forward with this seemed to remove it from the budget process. He felt it might be a good idea the City waited a year in order to find out more about logistics. He was interested to find out about the process in other municipalities.

Mayor Sack commented that as far as he knew, the problem is the influx. Many influx issues come from illegal hookups in the basement of resident homes. Enforcement

and compliance may help mitigate this issue. He stated that good points were raised on both sides.

Mayor Sack made a motion, seconded by Councilman McCartney, to amend local law Chapter 161, "Sewers", of the Rye City Code by amending Article II, "Sewer Rents", to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

CITY OF RYE
LOCAL LAW NO. 4 2017

A local law to amend Chapter 161, Article II "Sewer Rents" by adding provisions related to the imposition of sewer rents as follows:

Be it enacted by the City Council of the City of Rye as follows:

Section 1:

Article II. Sewer Rents

Section 161-5. Imposition of sewer rent.

- A. Pursuant to Article 14-F of the General Municipal Law, there is hereby established and imposed a plan of sewer rents applicable to the City of Rye's sanitary sewer system. Such plan shall consist of annual charges against properties that utilize the City's sewers. The annual sewer rents as provided for in this chapter shall be applied to pay the costs of the operation, maintenance, upkeep, repair and replacement of the sanitary sewer system. The purpose of the local law is to preclude the cost of the sanitary sewer system from being funded solely from the property tax and to more equitably distribute such cost on all properties, including tax exempt properties.**
- B.** In addition to any charges provided by law, the owner of any real property within the City of Rye served by a sewer system maintained by a municipality other than the City of Rye shall pay to the City of Rye a sewer rent for the use of such sewer system. Such sewer rent shall be at the rate of \$210 per connection thereto or shall be such pro rata amount allocable to such property as the City of Rye shall be required to pay for the use of such sewer system.

Section 161--6. Definitions

For the purpose of this Section, the definitions set forth herein shall be controlling:

SANITARY SEWER SYSTEM – The system for the collection of sewage, including all sewer mains, pumping stations, appurtenances or other facilities, which are owned, operated and maintained by the City of Rye, whether in or outside the City.

SEWER RENTS – A schedule of annual charges established and imposed by the City of Rye for the use of the sanitary sewer system.

SYSTEM USERS – The record owners of real properties that have sanitary facilities which discharge into the sanitary sewer system, whether the properties are located in or outside of the City of Rye.

TOTAL WATER CONSUMPTION – Shall mean the total volume of water delivered to a property by the water source for which a sewer user is responsible. The total volume of water shall be the sum of the volume of water metered by, or otherwise calculated by, the water source.

WATER CONSUMPTION – The consumption of water, measured in hundreds of cubic feet (“CCF”); one CCF equals 748 gallons.

WATER SOURCE – Shall mean any entity that delivers water to a property such as United Water Westchester or its’ successors in interest or assigns

Section 161--7. Collection of sewer rent; lien.

[renumbered from existing law as § 161-6 will now become § 161-7]

All sewer rents imposed hereunder shall be levied, connected and enforced in the same manner and at the same time as provided for the collection and enforcement of city taxes. If such sewer rents are not paid when due, it shall be the duty of the City Comptroller to charge and collect interest thereon at the same rates specified for the collection of city taxes. Such sewer rents shall constitute a lien upon the real property served by such sewer system, and such lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment or other lawful charge.

Section 161-8. Sewer rent; adjustments; changes

- A. Sewer Rent. System users shall pay an amount based on the actual water consumption as determined by the water source using a water meter or other measuring device, or an estimated amount if the water source is unable to obtain a reading.**
- B. Adjustment. System users may apply to the City Manager for an adjustment of the amount of water consumption. Such application shall**

in writing, accompanied by any prescribed filing fee, and include all evidence to support the degree and amount of water usage that is claimed to be applied for uses that do not result in discharges into the sanitary sewer system. The Manager may grant an adjustment on an appeal as provided hereinafter, but in no event shall such adjustment exceed ten (10) percent of the water consumption.

- C. Changes. The initial rate of the sewer rent shall be established by resolution of the City Council after public hearing on five days' notice. Subsequent changes to the rate of the sewer rent and amount of penalty shall be made in the same manner.

Section 161-9. Annual costs of the sanitary sewer system

The annual operation and maintenance costs of the sanitary sewer system shall be determined as part of the City' budget process. The annual costs shall include, but not be limited to:

- A. Personnel services, including salaries and fringe benefits
- B. Contractual services
- C. Repairs and replacement to the sanitary sewer system
- D. Materials and supplies
- E. Utilities
- F. Building repair and maintenance
- G. Equipment
- H. Testing and sampling
- I. Insurance
- J. Indebtedness
- K. Auditor's Fees
- L. Reserve Fund
- M. Contingency

Section 161-10. Billing and payments.

- A. System users shall be billed by the City or entity to which billing authority has been designated on a frequency established by the City.**
- B. Sewer rents shall be paid to the City of Rye.**
- C. Sewer rent bills shall be sent to system users to the address to which real estate bills would be sent.**
- (1) The failure of a system owner to receive a bill shall not excuse non-payment thereof, nor shall it act as a waiver of a penalty imposed herein prescribed.**
- (2) A system user that intends to convey property shall notify the City or entity to which billing authority has been delegated sufficiently in advance of the closing title for a final reading and new ownership information.**
- D. System users may be afforded the option of receiving e-bills or direct deposit of payments. System users may request that a tenant receive bills, and such additional notice may be given as an accommodation.**
- E. Any adjustments granted, issued or agreed upon with regard to actual water consumption shall be indicated to system users and reflected in the next succeeding bill.**

Section 161--11. Disposition of sewer rents.

[renumbered from existing law as § 161-7 will now become § 161-11]

Revenues derived from sewer rents, including interest, shall be credited to a special fund to be known as the "Sewer Rent Fund." Moneys in such fund shall be used for the payment of charges the City of Rye shall be required to pay for the use of such system.

Section 161--12. Exemption

The property of the City of Rye is solely exempt from the obligation to pay sewer rent.

Section 161-13. Agreement with water sources

Together with United Water Westchester, the City of Rye has petitioned the New York State Public Service Commission for authorization to contract with the water company to utilize its water consumption data, perform billing functions, as well as provide any other services necessary to administer this chapter. Similarly, the City of Rye has petitioned the Westchester Joint Water Works Board to utilize its water consumption data, perform billing functions, as well as provide any other services necessary to

administer this chapter for those users receiving water from Westchester Joint Water Works.

Section 161-14. Applicable rules and regulations

[renumbered from existing law as § 161-8 will now become § 161-14]

The owner and occupant of real property served by such sewer system shall be subjected to the rules and regulations of the City of Rye and the municipality maintaining such sewer system relating to the use of such sewer system, insofar as applicable.

Section 2: Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 3: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.

ROLL CALL

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

Specific to Item 16, City Manager Serrano explained that the water company charges a fee per hydrant. That fee would be spread over all users. City Comptroller Fazzino said that this cost in the budget is \$265,000 per year, which averages to \$42 per home.

Councilman Mecca asked if hydrant maintenance would be attached to the Fire Department budget. City Comptroller Fazzino confirmed that it would be. Councilman Mecca commented that therefore, the Fire Department budget would be reduced by \$265,000.

Councilman McCartney made a motion, seconded by Councilwoman Tagger-Epstein, to authorize the City Manager to enter into an agreement with Brown & Weinraub, PLLC to represent the City before the New York Public Service Commission to allow municipalities to receive water usage data.

ROLL CALL

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

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to petition the Public Service Commission (PSC) to order hydrant costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

Mayor Sack made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to petition the Westchester Joint Water Works (WJWW) Transportation Corporation Board to order hydrant costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

City Comptroller Fazzino stated that the budget can adjust for the hydrant issue decided at the meeting.

7. Presentation by BFJ Planning on the City of Rye Comprehensive Master Plan.

Susan Favate, BFJ Planning, presented to the Council on progress with their recommendations on the Comprehensive Master Plan. She said BFJ was working with the community task force, but it is up to the City Council to vote on the final Comprehensive Master Plan. She said there had been some focus groups and meetings with staff members and community members. Specifically, BFJ met with business owners in the central business district, those engagement in preservation and sustainability, real estate professionals, and others. Ms. Favate said that residents were asked what they loved about Rye. The key takeaway was that people love being in Rye for a multitude of reasons, including the waterfront, walkability, and small town community feel. These things make Rye unique and should be protected and preserved. Because the City is such a desirable place to live, there can be constraints on resources. Other aspects beyond the City's control that should be accounted for are climate change, flooding, and a challenging retail environment to name a few. Ms. Favate stated that from their perspective as land use planners, one item of importance is that Rye is space-constrained. At this point, there is very little land available to balance overlapping demands. This constraint requires creativity and collaborative thinking. BFJ has not yet offered any formal recommendations, but is currently information gathering. Ms. Favate said the goal for the rest of the fall is to start making recommendations.

Simon Kates, BFJ Planning, said there was a good turnout at the most recent community workshop, which had a brief presentation followed by four stations around the room explaining how the plan is organized. The first station asked "What is your vision for Rye?" which gathered general information from residents about what should be preserved and what is important. The next station focused primarily on preservation, specifically historic homes and neighborhoods and how to promote the historical importance of Rye to both residents and visitors. He also mentioned preservation natural resources, such as the beach, park, Edith Reed Sanctuary and others, which have both historic value and environmental value. The next station asked, "How should we grow?" This station dealt with both residential needs and strategies to help the downtown to continue to thrive. Mr. Kates said that the issue of parking came up at every station. He stated that there seems to be general acceptance that a parking deck might be a need worth considering. The final station

asked, “What should we provide?” The takeaways there were connections between neighborhoods, parks, safe ways to get around, sidewalks, bike paths, and other items. Mr. Kates said that they are working on a briefing of the public workshop and will be holding a task force meeting on October 16, 2017. BFJ would like to present future findings to the Council. Mr. Kates reminded the community that task force meetings are open to the public. One of the items on the task force agenda will be to set a date for the next public workshop. In terms of next steps, now that BFJ has heard from City staff, workshop groups and the public, there will be internal discussion, test ideas with the task force at the next public meeting and hopefully have the opportunity to hear from the Council.

Mayor Sack said that participation is key to the entire process and it has been going well so far.

Councilwoman Hurd asked if attention had been given to residential development and zoning. Mr. Kates responded that those items are continually considered, but there is not a definite recommendation yet, as there is a balance between preservation and property rights with current standards. Councilwoman Hurd felt it was important to include preservationists. Ms. Favate said that it was important to continue communication with the Council.

Councilwoman Tagger-Epstein asked about resident engagement. Mr. Kates responded that the community will continually be invited to participate, specifically again in the December workshop. In the meantime, Mr. Kates invited the community to obtain information on www.ryeplan.com.

Gerry Seitz, 141 Kirby Lane, made a statement to the Council. He said that the problem he has with the Comprehensive Master Plan is that it is missing Westmed and the Osborn, which he said were the two largest employers in Rye. He also expressed concern over aging in place, and parking issues within the downtown.

5. Draft unapproved minutes of the regular meeting of the City Council held September 13, 2017.

Councilwoman Killian recommended a revision to the minutes in Item 15 at the end of paragraph 2, in which “Councilwoman Killian agreed with Councilwoman Bucci and further added that it would increase costs to taxpayers because administering this change we would have to hire another person to City staff. Also Councilwoman Killian recommended waiting to move forward on this until the sewer study is done and the City has a better sense of what the costs will be to fix all the sewers which is estimated to be in the millions of dollars.”

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the draft unapproved minutes of the regular meeting of the City Council held September 13, 2017 as amended.

4. General Announcements.

Councilman Mecca announced that recently, there was a swearing in for the new firefighters. Family members of the new firefighters attended this wonderful event. He also discussed emergency evacuation tactics and “two ways out” for safe exit in case of an emergency. The Annual Fire Inspection Dinner will be held on Thursday, October 5, 2017. Councilman Mecca also announced that his team lost in the Annual Member-Guest tournament to Councilman McCartney’s team. He commented that the golf course was in great shape and thanked the Golf Commission for their hard work.

Councilman McCartney said that the Rye Golf Club had a great summer, and that the golf course was in great shape. The Ryder Cup will be the October 7-8th weekend. There will be a Closing Scramble held on October 22, 2017. He said that greens will be expanded and improved once again this year. At 6:30 P.M. on October 26, 2017, there will be a Glow Golf event for families at the Golf Club. The greens will remain open until frost occurs. On the Recreation front, the Council is still waiting to hear from the Recreation Commission on the six outlined plans for Disbrow Park. Councilman McCartney announced that Rye Girls Soccer has a record of 6-1-1 this year. Proudly, he also announced that the Rye High School Varsity Football Team beat Harrison in the annual rival football game, bringing Rye ahead for the first time in history. The Rye Rotary Golf Outing will be October 12, 2017 to raise money for the Rotary program and the school system. Councilman McCartney will be the honoree for the event.

Councilwoman Killian congratulated Rye City TV on winning two awards at the ACM Northeast Video Festival. She also congratulated Officer Jonathan Klein, who was sworn in as a drug recognition expert. The selection process was intense, and Officer Klein passed with flying colors. Councilwoman Killian said she was excited for this addition to the City’s Police force. She also thanked Commissioner Corcoran for consistently making the department better.

Councilwoman Hurd spoke on the Chamber of Commerce, there will be a scarecrow making event in the downtown during the October 7-8th weekend. There will be also be an event with animals for the children on October 22, 2017. She was also happy to announce that the Granola Bar was open in the central business district. Councilwoman Hurd also announced that the Rye Nature Center will be having their Octoberfest event on Friday, October 13, 2017. Further, the Jay Heritage Center will be hosting their annual Zebra Soiree on October 21, 2017.

Councilwoman Tagger-Epstein announced that there are now 82 Healthy Yard signs throughout the community for the Sustainability Committee. She encouraged everyone to go to the committee’s website to fill out the Healthy Yard pledge. She announced that for those who want to learn more about the initiative, there will be a leaf mulching demo at the Rye Nature Center on November 3, 2017. Further, there will be a landscaping forum on October 18, 2017 at the Jay Heritage Center. Councilwoman Tagger-Epstein said that she knows that people have been feeling disheartened with the national news, and there has been a lot of local outpouring to help. There is also an organization called the Hispanic Federation, which

can be helpful to Puerto Rico in this time of need. She sent her heartfelt condolences for those affected by the helpless with the manmade tragedy in Las Vegas. She said she hopes we can come together to curb that needless violence.

Councilwoman Killian announced that Rye Town Park and Rye Arts Center are sponsoring a pumpkin painting event for children on October 22, 2017.

8. Presentation of the 2018-2022 Capital Improvements Program.

City Planner Miller made a presentation to the Council on the Capital Improvement Plan. He presented a slideshow to the Council on the overview of priorities for the future. As an overview, he stated that \$49 million would be required for 66 non-enterprise fund projects, \$7.6 million would be required for 21 projects, and \$56.7 million for 87 projects.

City Planner Miller discussed High priority projects, such as the Fremd/Purdy/Purchase Intersection and Purchase Streetscape. This project was being recommended again for higher priority safety. There is a cost estimate of \$600,000 for that project. This would include curb and sidewalk improvements. He also discussed the proposed Forest Avenue pedestrian improvement and street paving project. The study on that would cost \$150,000. Mr. Miller then discussed feasibility for a parking deck within the downtown area. He talked about court improvements, which would cost the City approximately \$2.4 million. Other items include Disbrow Park and Public Works facilities and garage placement. For sewer improvements, there is a need at the Stuyvesant Avenue Pump Station, and general SSES implementation. Other capital considerations include Rye Golf, Rye Boat Basin, Rye Town Park, and Rye City schools.

City Planner Miller discussed the CIP funding sources of 28% from general revenue, 31% debt, and 41% grants and aid. There was discussion about raising taxes; 2% increase equates to \$443,000. The average cost of a CIP project \$652,000. Mr. Miller then discussed designated capital funds. He then talked about actual fund balance used to fund capital, buildings and vehicles from 2007-2016. He mentioned that with grants and aid, challenges can present themselves as they can be increasingly competitive to secure, strings can create policy concerns, municipalities are often required to financially match the amount of aid, and there is a high cost of compliance.

6. Issues Update/Old Business.

There was nothing discussed under this agenda item.

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.

Items 11 and 12 were taken together. Corporation Counsel Wilson stated that the City received comments from different groups, including the applicant and applicant’s client. She recommended keeping the public hearing open on changes to the Rye City Code for Item 11; however, she also recommended closing the public hearing on Item 12 after comments are made. After the public hearing is closed on the scoping document, Corporation Counsel Wilson will prepare a draft of the final scoping document for Council review.

Tricia Agosta, 4 Ridgewood Drive, addressed the Council concerning the latest draft of the code amendments. She said that the City has provided no response to resident comments. She said the process of revising Chapter 196 should be deliberative and recommended that there should be a distance requirement of 200 feet from residential properties.

Councilwoman Killian made a motion, seconded by Councilman Mecca, to adjourn the public hearing to October 18, 2017.

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

Sam Burrmano, 290 North, submitted a letter from his counsel for the citizens’ group that was previously submitted by e-mail, and the report of a sound engineer who had spoken at a previous meeting. He said it was important to protect residential Rye, which can be done through the scoping document.

Corporation Counsel Wilson recommended closing the public hearing and she would present a final scoping document to the Council for review. The City Council is the lead agency.

Councilman Mecca motion, seconded by Councilwoman Tagger-Epstein, to close the public hearing.

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

Councilwoman Killian said that during election time, there are often lots of things said on both sides. She said she felt it important to correct the record on an assumption that Mayor Sack had been colluding with Port Chester on shared services with regard to the Thruway property. She said that she spoke with Port Chester, who suggested that this was not the case. She also said that she was told by Port Chester that the issue of the Thruway property was a non-issue due to expense.

Anthony DiCaprio, 101 Glen Oaks Drive, asked if Councilwoman Killian meant that the issue was dead for Rye. She clarified that the issue seemed dead for Port Chester. Mr. DiCaprio felt the land would be too expensive for Rye to purchase.

Councilwoman Bucci reminded the community that the City Council on its own cannot purchase property over land that exceeds \$1 million without a public referendum.

Mr. DiCaprio asked about the process. Mayor Sack stated that the legislation is up for the governor's signature at this point. If the governor signs the legislation, acquiring the land for the City disappears as an option. If the legislation is signed, the City will need to work together with Rye Country Day on a use agreement. One way or another, there will be discussions with Rye Country Day and the community. Mayor Sack said that he had not suggested that the City acquire the land, but rather suggested that there be a conversation to be able to consider all options.

Mr. DiCaprio took issue with a letter written by the Mayor to the governor, asking him to veto the legislation.

Councilman Mecca stated that the Master Plan study strongly suggests that the City of Rye is constrained for space. He said that good municipal practices do not give up land for public purposes. Looking to the future, there are many needs to consider.

Mr. DiCaprio asked if the City could engage in conversation with Rye Country Day School to resolve issues. Councilman McCartney responded that he, Councilwoman Bucci, and Councilwoman Killian had sat down with the school to open the door for discussion, and the next day found out that the legislation had passed through the State legislature.

There was discussion generally about moving forward toward a positive solution. Councilman McCartney offered to re-open the discussion regarding the Thruway property with Rye Country Day School and asked Headmaster Scott Nelson, present in the audience, to present the City with the shared field use proposal contemplated in the Thruway legislation. The Council was hopeful that if the land is sold to Rye Country Day, all children of the City of Rye are able to enjoy the land.

Councilwoman Killian expressed concerns over large rocks on private property within the right-of-way. City Manager Serrano responded that the Building Department was already handling the issue.

Gerry Seitz said that he disagreed with the recent immigration policy of the Rye Police Department.

17. Consideration of a request from the Rye Golf Club Commission to commence an Article 7 tax certiorari proceeding against the Board of Assessment Review.
Roll Call.

Corporation Counsel Wilson explained that by way of background, the Rye Golf Club filed a complaint requesting a reduction in its sewer tax. The Rye Golf Club currently has an assessment of \$557,500 which equalizes to a full market value of \$33.994 million based on the latest equalization rate. The request was heard by the Board of Assessment review and denied. The Rye Golf Club Commission is requesting that the City Council authorize an Article 7 tax certiorari proceeding against the Board of Assessment Review.

Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried, to approve a request from the Rye Golf Club Commission to commence an Article 7 tax certiorari proceeding against the Board of Assessment Review.

ROLL CALL

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

18. Resolution to transfer \$80,000 from the Contingency account to the Assessor Appraiser and Legal Services accounts to fund small claims assessment review (SCAR) proceedings.
Roll Call.

City Manager Serrano stated the City was hit with 350 SCAR proceedings, which is substantially more than usual. This funding would hire outside counsel and an appraiser. The staff confirmed that the breakdown would be approximately \$60,000 for the appraiser and \$20,000 for the attorney. Councilwoman Bucci asked about the value of the approximate assessment in a cost/ benefit analysis.

The issue was put over to the next Council meeting.

19. Resolution to transfer \$150,000 from the Contingency account to the Legal Department to fund legal services.
Roll Call.

City Manager Serrano stated that this amount would likely bring the City to the end of 2017 with all legal fees.

Councilwoman Bucci made a motion, seconded by Mayor Sack, to approve the transfer \$150,000 from the Contingency account to the Legal Department to fund legal services.

ROLL CALL

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

NAYS: None
ABSENT: None

20. 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

City Manager Serrano stated that Commissioner Corcoran is proposing changes and additions to certain regulations of the Rye Police Department, to ensure the utmost professionalism and safety.

Councilwoman Tagger-Epstein made a motion, seconded by Councilman McCartney, to adopt the changes and additions to the following orders:

- 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
21. Four appointments to the Rye Golf Club Commission for a three-year term expiring January 1, 2021.

Mayor Sack made a motion, carried by the Council to approve the Rye Golf Commission election results, and appoint Garrick Gelinias, Akhil Kumar, Neil O'Donnell and Benoit Ugeux for a three year term commencing on January 1, 2018 and expiring on January 1, 2021.

22. One appointment to the Board of Architectural Review for a three-year term expiring January 1, 2020.

Mayor Sack made a motion, carried by the Council appoint Nancy Patota to the Board of Architectural Review, filling a vacancy that will expire on January 1, 2020.

23. Consideration of a request by the Rye Little League to approve a parade to kickoff Opening Day of the 61st Little League Season on Saturday, April 14, 2018 beginning at 12:00 p.m.

All were in favor of the request.

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

City Manager Serrano explained that the IT Department had provided a list of equipment that has become obsolete. At this time, the City Council is being asked to declare the equipment as surplus so that the City can recycle it in an appropriate manner.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein 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 Information Technology Department and Rye TV 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 and Tagger-Epstein
NAYS: None
ABSENT: None

25. Miscellaneous communications and reports.

Nothing was discussed under this agenda item.

26. New Business.

Nothing was discussed under this agenda item.

27. Adjournment.

There being no further business to discuss, at 11:05 P.M., Councilman Mecca made a motion, seconded by Councilwoman Hurd and unanimously carried, to adjourn the public meeting.

Respectfully submitted,

Carolyn D'Andrea
City Clerk