

APPROVED MINUTES of the
Regular Meeting of the City Council of the
City of Rye held in City Hall on December 6,
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 meeting of the City Council convened 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.

2. Roll Call.

Mayor Sack asked the City Clerk to call the roll; a quorum was present to conduct official City business.

9. Consideration to set a Public Hearing for December 20, 2017 to amend local law Chapter 197, "Zoning" of the Rye City Code by amending Section §197-3, "Zoning Map", Subsection "a", to change the zoning designation of a property at 280 Purchase Street from RA-2, Apartment, District to B-1, Neighborhood Business, District designation.

This item was taken out of order. David Mooney, architect for 280 Purchase Street, made a statement to the Council. He stated that the majority of the property was located in one zoning district, while the remainder was in another. In 2004, the lot line was moved. The applicant would like the Council to consider changing the zoning designation, so that the entire lot falls within one conforming zone.

Mayor Sack made a motion, seconded by Councilman Mecca second to set the Public Hearing for December 20, 2017 to amend local law Chapter 197, "Zoning" of the Rye City Code by amending Section §197-3, "Zoning Map", Subsection "a", to change the zoning designation of a property at 280 Purchase Street from RA-2, Apartment, District to B-1, Neighborhood Business, District designation.

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

This item was taken out of order. Jeff Dorfman, 38 Breevort Lane, sought clarification on neighborhood noise in the City Code. He asked what rights individual homeowners have to a quiet environment. Specifically, he asked for an understanding of lawn moving and leaf blowing at all hours. There was a discussion of Chapter 133 of the City Code. Mayor Sack recommended that in the future, calling the police or the building department as enforcement of the Code would be helpful.

3. General Announcements.

Councilman McCartney announced that the Holiday Bonfire was a success. He thanked the Recreation staff, Fire Department and Police Department for their hard work during the event. He also announced that registration opened on December 5, 2017 for winter recreation programs. On behalf of the Rye Golf Club, Councilman McCartney announced that the End of the Year Party would be held December 7, 2017 from 7:00 to 9:00 P.M. at Whitby Castle. Lastly, he announced that the golf course greens were still open, but would likely close with the upcoming frost.

Councilwoman Killian announced that Rye Youth Council would be hosting an event, "Understanding Boys," with Troy Kemp, the Executive Director of the National Center for the Development of Boys, at the Wainwright House on December 6 and 7, 2017.

Councilwoman Hurd announced that the Holiday party for the Rye Chamber of Commerce would be held on December 7, 2017 from 6:00 to 8:00 P.M. at Morgan's Fish House.

4. Draft unapproved minutes of the Regular Meeting of the City Council held November 29, 2017.

Councilwoman Killian made a motion, seconded by Councilwoman Tagger-Epstein, to approve the minutes of the Regular Meeting of the City Council held November 29, 2017.

5. Issues Update/Old Business.

There was nothing discussed under this agenda item.

6. Mayor and Council amendments to the proposed 2018 City of Rye Budget.
Roll Call.

Mayor Sack stated that he had asked for options to propose to reduce the tax levy increase. He thanked City Manager Serrano, City Comptroller Fazzino, and Councilmembers, who had studied the options and would present some this evening.

Councilwoman Bucci made a motion, seconded by Councilman McCartney, to adopt the following proposed budget changes:

On the revenue side, 1) adding \$145,000 for budget Building Department revenues, 2) an increase of \$25,000 in sales tax revenue, 3) \$25,000 increase in vehicle and traffic fines, 4) \$25,000 in parking fines, 5) \$25,000 in interest income. Further, the following decreases were included in the motion: 1) reducing outside legal fee budget by \$100,000, 2) decreasing building fund charges by \$60,000 (cleaning services and building consultants), 3) reduce street lighting costs by \$100,000 due to savings from LED light installation, 4) removing proposed decrease in hydrant costs due to relying on other entities to move forward, 5) using \$200,000 of fund balance to offset operating expenses, 6) capital project removal of the parking deck study (\$100,000); and 7) capital project removal of the Forest Avenue study capital project (\$150,000).

There was discussion on the motion prior to the vote.

Councilwoman Tagger-Epstein stated she had concerns with the adjustments proposed. She said her understanding was that this budget would require the City to go over the tax cap in an effort to avoid pulling from the General Fund. She said that the raise would not be a substantial amount (\$20/ month) per household, and keeps the City out of the General Fund. She said with regard to hydrant costs specifically, she did not agree with taking \$190,000 out of fund balance. Councilwoman Tagger-Epstein also opposed reducing outside legal fees by \$100,000 after the City had seen a high amount of legal fees in recent years. She also expressed concern over building permit revenues with the recent proposed federal tax implications.

Councilwoman Bucci said that those items were fair points. She defended the motion by stating the Building Department would not be gambling on the issue of revenues or a new position, as a hire would only occur if the position could be substantiated by a certain amount of revenue. Second, she stated that outside legal fees would go from \$300,000 to \$200,000. Councilwoman Bucci said that she agreed with taking hydrant costs out of the budget due to uncertainty. She said that there was \$4.3 million in fund balance, and an argument could be made that a large fund balance could be a waste of reserves. Therefore, she said she was in support of taking \$200,000 out of fund balance.

Councilwoman Hurd stated concern over building permit revenues and staffing. She said that the Building Department is currently overburdened. She said that the permit backlog is huge because the department is not adequately staffed and stressed the need for a new hire. Councilwoman Hurd stated she was against increasing building permit revenues. She said she also could not support reducing the projected legal fees with current trends.

Councilwoman Tagger-Epstein added that with Building Department revenues, there is currently an overload of permits, not anticipated to drop off soon. She felt strongly that the Building Department needs to hire someone in the near future.

There was discussion about the building permit revenues projected.

There was then extensive discussion over projected and past legal fees, both outside and inside fees and retainers.

Councilwoman Hurd said that the other issue that she had was decreasing the expenses for Rye Town Park, which has some upcoming capital improvement needs. She stated she did not feel comfortable decreasing the funds allocated to Rye Town Park. Further, she stated that she disagreed with taking out \$200,000 from fund balance. She said that she supported leaving in the funding for the parking study and Forest Avenue sidewalk study. She said she would suggest cutting the Gagliardo Park improvements if there is a need to cut a capital project.

Councilman McCartney said that the City cannot just keep blowing through the tax cap every year, as it is not fiscally responsible. He recalled that last year the Council felt that it could not ensure the long term health of the City without going over the tax cap for that year, but there was not a plan to continue this trend. With respect to legal fees, Councilman McCartney said that after a review of the previous ten year average, he is comfortable moving forward with the amendments proposed by Councilwoman Bucci. He said that for six of the last ten years, there had been lower numbers. He further stated that with respect to the Forest Avenue study, there had never been a consensus on the Council on the Forest Avenue project. He also said that Gagliardo Park was one of the most neglected parks in Rye. The City had not spent money at Gagliardo Park in years and he stated that the playground is unsafe. He supported keeping that project in the budget. He said he also agreed with the parking deck study, which has been supported by residents and the consultant in the Master Plan study. Councilman McCartney thanked fellow councilmembers and City Comptroller Fazzino for their input in proposing changes to the budget that would help keep the City below the tax cap.

Councilwoman Killian said that she agreed with Councilman McCartney about not going over the tax cap. She said that there was never any consensus that the Council would exceed the cap. She highlighted that there was a possibility that residents would not be able to deduct state and local taxes pursuant to proposed federal tax regulations. Regarding Forest Avenue, she said it might not be prudent to spend \$150,000 when the entire project could cost upward of \$2 to 3 million dollars. She said she did not think this Council should be deciding priorities for the new Council. She stated she disagreed with allocating funds to the parking study. With regard to Rye Town Park, she said the City already had \$50,000 that was not spent previously, with an extra \$20,000 saved. Further, she said that Rye Town Park was operating at a surplus now.

Councilwoman Tagger-Epstein asked if the \$70,000 that had been set aside for Rye Town Park gets rolled over to the new budget. City Comptroller Fazzino confirmed that if the Council would like to do so, the amount can be rolled over.

There was general discussion over rolling the funds over for the 2018 budget with regard to Rye Town Park.

Mayor Sack stated that the budget is about prioritizing, managing expenses, and estimating revenues.

City Comptroller Fazzino stated that with the proposed amendments, the City would be \$10,649 under the tax cap.

ROLL CALL

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

NAYS: Councilmembers Hurd and Tagger-Epstein

ABSENT: None

7. Public Hearing on the proposed 2018 Budget.

Councilman Mecca made a motion, seconded by Councilwoman Killian, to open the public hearing on the proposed 2018 Budget.

Robin Jovanovich, Rye Resident and Rye Record, brought up the current federal tax changes. She said that the changes on the federal level would have a huge impact on Rye residents. She asked City Manager Serrano if his thinking changed based on what is happening in the national arena.

City Manager Serrano responded that during the discussion when he presented the budget, it was a concern and that he and City staff thought about very seriously. He said with regard to building revenues and trends, most of the permits are for home renovations. He said the City did not want to overtax residents. He stated he was happy that the City had the cushion of fund balance. He said that with regard to the federal regulations, the City will have a better idea in the next year of how residents and the City will be affected. He stated that because of the unknown, he would like to avoid the risk of taxing people unnecessarily.

Mayor Sack stated that there was active management on the budget that occurs during the year. He recounted that retired City Manager, Frank Culross, would monitor the budget revenues as they came in, making adjustments if need be throughout the year.

Bertrand de Frondeville, 19 Hook Road, made a statement opposing the override of the State-enacted tax levy limitation. He thanked the Council for considering bringing the budget under the tax cap. He brought up capital projects and recommending bonding for these priorities.

Councilwoman Killian thanked Comptroller Fazzino for his work on the budget and receiving the GFOA award.

The Public Hearing on the 2018 Budget was kept open.

8. Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.

Mayor Sack made a motion, seconded by Councilwoman Tagger-Epstein, to open the Public Hearing to adopt a Local Law to override the State-enacted tax levy limitation.

The Public Hearing was kept open.

10. Consideration to set a Public Hearing for December 20, 2017 to amend local law Chapter 35, "Traffic Violations Bureau" of the Rye City Code by amending provisions related to the disposition of parking violations.

Corporation Counsel Wilson explained that this would amend the Code to allow the City Council to designate a person to oversee the resolution of parking ticket issues.

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to set a Public Hearing for December 20, 2017 to amend local law Chapter 35, "Traffic Violations Bureau" of the Rye City Code by amending provisions related to the disposition of parking violations.

12. Resolution to transfer funds donated to the *Branching out for Rye Campaign* to the General Fund, Shade Tree cost center.

Roll Call.

City Manager Serrano said that the Sustainability Committee had been raising funds for the planting of trees. Sara Goddard, Rye Sustainability Committee, thanked the donors and the committee for raising funds and for the efforts selecting seven trees and planting them throughout the City.

Councilwoman Tagger-Epstein made a motion, seconded by Councilwoman Hurd, to adopt the following resolution:

WHEREAS, the Branching out for Rye Campaign raised funds to purchase and plant trees for the City of Rye; and

WHEREAS, due to the generosity of campaign donors, an amount of \$2,055.00 was raised during the campaign; and

WHEREAS, the donations must be transferred into the project account as preparations are made to have the trees purchased and planted; be it therefore

RESOLVED, that the City Comptroller is authorized to transfer the amount of \$2,055.00 from the General Fund account to the General Fund Account "Shade Tree Project" for the purchase of trees using funds donated.

ROLL CALL

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

NAYS: None

ABSENT: None

13. Acceptance of the donation of a boat to the Rye Boat Basin Marina.
Roll Call.

City Manager Serrano explained that the American Yacht Club would like to donate a boat to the Rye Boat Basin Marina, and procedure requires that the City Council must accept the donation by resolution. He thanked the American Yacht Club for the donation.

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

WHEREAS, the American Yacht Club desires to donate a 17-foot Boston Whaler boat to the Rye Boat Basin Marina; and

WHEREAS, the Marina staff will use the boat for moving floats and maintenance of the marina; and

WHEREAS, the 17-foot Boston Whaler boat has an estimated value of \$1,500; now, therefore be it

RESOLVED, that the City Council of the City of Rye accepts the aforementioned donation; and be it further

RESOLVED, that the City Comptroller is authorized to add the boat to the list of City assets.

ROLL CALL

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

NAYS: None
ABSENT: None

14. Resolution to declare certain equipment as surplus.
Roll Call.

City Manager Serrano explained that Commissioner Corcoran had provided a memo recommending that certain items be declared as surplus by the City Council, as those items had become obsolete.

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

WHEREAS, the City has been provided with a list of Police equipment, acquired through the NYS LESO 1033 program, identified as being obsolete or will become obsolete during 2017, and,

WHEREAS, the Police Department has recommended that said equipment be declared surplus and they have been cleared by NYS LESO to be disposed of, now, therefore, be it

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

RESOLVED, that authorization is given to the City Comptroller to sell or dispose of said equipment and that the revenue be deposited in the Fund Balance Reserve for Law Enforcement.

ROLL CALL

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

15. Miscellaneous communications and reports.

There was nothing discussed under this agenda item.

16. New Business.

There was nothing discussed under this agenda item.

17. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the meeting at 9:06 P.M. into Executive Session to discuss personnel matters.

Respectfully submitted,

Carolyn D'Andrea
City Clerk