

## **CITY OF RYE**

### **NOTICE**

There will be a regular meeting of the City Council of the City of Rye on Wednesday, January 9, 2013, at 8:00 p.m. in Council Chambers at City Hall.

### **AGENDA**

1. Pledge of Allegiance.
2. Roll Call.
3. Resolution to accept a federally funded Safe Routes to School Grant, coordinated by the Rye YMCA, to the City in the amount of \$223,952.
4. The State of the City Address by the Mayor.
5. General Announcements.
6. Draft unapproved minutes of the Regular Meeting of the City Council held December 19, 2012 and the Special Meeting held December 21, 2012.
7. Mayor's Management Report
  - Update on Capital Projects: Sluice Gate and Central Avenue Bridge
8. Appointment of the 2013 Deputy Mayor by the Mayor.
9. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term.
10. Designation of the City Council's Audit Committee by the Mayor.
11. Designation of the City Council Liaisons by the Mayor.
12. Designation of official City newspaper.
13. Appointments to Boards and Commissions, by the Mayor with Council approval.
  - A) Two appointments to the Board of Appeals for a three-year term.
  - B) Two appointments to the Board of Architectural Review for a three-year term.
  - C) One appointment to the Board of Ethics for a three-year term.
  - D) Two appointment to the Landmarks Advisory Committee for a three-year term and the Designation of the Chair. .
  - E) Two appointments to the Planning Commission for a three-year term.
  - F) Four appointments to the Recreation Commission for a three-year term and the Designation of the Chair.
  - G) Three appointments to the Rye Cable and Communications Committee for a three-year term and the Designation of the Chair.
  - H) One appointment to the Rye Town Park Advisory Committee for a three-year term.
  - I) Four appointments to the Traffic & Pedestrian Safety Committee for a three-year term and the Designation of the Chair.

14. Designation of the amounts of faithful performance bonds:
 

A.	City Comptroller	\$ 1,000,000
B.	City Clerk	\$ 500,000
C.	City Marshall	\$ 100,000
  
15. Acceptance of donation to the Rye Police Department from the Hasday family in the amount of two hundred and fifty (\$250.00) dollars.  
Roll Call.
  
16. Residents may be heard on matters for Council consideration that do not appear on the agenda.
  
17. Authorization to procure legal representation for the City of Rye in the appeal of *Carroll v. City of Rye* in the Appellate Division, Second Department.  
Roll Call.
  
18. Miscellaneous communications and reports.
  
19. Old Business.
  
20. New Business.
  
21. Adjournment.

\* \* \* \* \*

The next regular meeting of the City Council will be held on Wednesday, January 23, 2013. The City Council will hold a Strategic Workshop on Saturday, January 12, 2013 at 9:00 a.m. in Council Chambers at City Hall.

\*\* City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at [www.ryeny.gov](http://www.ryeny.gov) under "RyeTV Live".

\* Office Hours of the Mayor by appointment by emailing [dfrench@ryeny.gov](mailto:dfrench@ryeny.gov).



# CITY COUNCIL AGENDA

NO. 3

DEPT.: City Manager's Office

DATE: January 9, 2013

CONTACT: Scott Pickup, City Manager

**AGENDA ITEM:** Resolution to accept a federally funded Safe Routes to School Grant, coordinated by the Rye YMCA, to the City in the amount of \$223,952.

**FOR THE MEETING OF:**

January 9, 2013

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

The City has been notified that a grant application for Safe Routes to School Program Infrastructure funds has been approved in the amount of \$223,952. The Safe Routes to School Program is a 100% federally funded reimbursement program.

The grant was coordinated by Lisa Urban and Denise Woodin of the Rye YMCA; the City extends thanks and congratulations to them for their hard work and perseverance in obtaining this grant funding. Gregg Howells, the Rye YMCA Executive Director, will present to the City the donation of \$223,952 on behalf of the YMCA.



STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
ALBANY, N.Y. 12232

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JOAN McDONALD  
COMMISSIONER

ANDREW M. CUOMO  
GOVERNOR

January 3, 2013

Mr. Scott Pickup  
City Manager  
City of Rye  
1051 Boston Post Road  
Rye, NY 10580

Dear Mr. Pickup,

I am pleased to advise you that your request for Safe Routes to School Program Infrastructure funds for the City of Rye has been approved in the amount of \$223,952. The Safe Routes to School Program is a 100% federally funded reimbursement program and I am delighted that we will be able to work with you on this project.

Our NYSDOT Regional Local Projects Liaison, Carolyn Ryan or Safe Routes to School Coordinator Greg Hart will contact you to discuss the next steps. These coordinators will schedule a project kick-off meeting to assist you in developing a Project Management Plan and complying with all Federal and State requirements. Please be sure to work with your Metropolitan Planning Organization (MPO) if you are in an MPO area, to ensure your project is added to the Transportation Improvement Plan.

If you have any questions, feel free to contact me or your staff may contact Mary Harding, NYS Safe Routes to School Coordinator, or Diane Kenneally, Director, Local Programs Bureau at 518-485-9959.

Sincerely,

A handwritten signature in black ink that reads 'Joan McDonald'.

Joan McDonald  
Commissioner

cc: Diane L. Kenneally, Director, Local Programs Bureau  
Greg Hart, NYSDOT Region 8  
Carolyn Ryan, NYSDOT Region 8  
New York Metropolitan Transportation Council



# CITY COUNCIL AGENDA

NO. 4

DEPT.: City Council

DATE: January 9, 2013

CONTACT: Mayor Douglas French

**AGENDA ITEM:** The State of the City Address by the Mayor.

**FOR THE MEETING OF:**

January 9, 2013

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

Mayor French will deliver his 2013 State of the City Address.



# CITY COUNCIL AGENDA

NO. 6

DEPT.: City Clerk

DATE: January 9, 2013

CONTACT: Dawn Nodarse

**AGENDA ITEM** Draft unapproved minutes of the Regular Meeting held December 19, 2012 and the Special Meeting held December 21, 2012, as attached.

**FOR THE MEETING OF:**

January 9, 2013

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the draft minutes.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

Approve the minutes of the Regular Meeting held December 19, 2012, and the Special Meeting held December 21, 2012, as attached.

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on December 19, 2012 at 8:00  
P.M.

PRESENT:

DOUGLAS FRENCH Mayor  
LAURA BRETT (Arrived at 9:01 p.m.)  
RICHARD FILIPPI  
PETER JOVANOVIICH (Left at 10:30 p.m.)  
JULIE KILLIAN  
CATHERINE F. PARKER  
JOSEPH A. SACK  
Councilmembers

ABSENT: None

The Council convened at 7:05 p.m. Councilman Jovanovich made a motion, seconded by Councilwoman Killian and unanimously carried to immediately adjourn into executive session to discuss personnel issues. Mayor French arrived at 7:20 p.m. Councilman Jovanovich made a motion, seconded by Councilman Sack and unanimously carried, to adjourn the executive session at 8:15 p.m. The regular meeting convened at 8:25 p.m.

1. Pledge of Allegiance

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

2. Roll Call

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

3. General Announcements

Mayor French announced that the Council is continuing to work on the investigation into the Golf Club but is not able to share more information with the public at this point.

Corporation Counsel Wilson said that that the Council needed to set a special meeting for Friday, December 21, 2012.

Mayor French made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

**RESOLVED**, that a special meeting of the City Council will be held on Friday, December 21, 2012 at 8:30 a.m. to retain special counsel to assist the City Council in a potential Section 75 proceeding.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Jovanovich, Killian,  
Parker and Sack

NAYS: None

ABSENT: Councilwoman Brett

The Resolution was adopted by a 6-0 vote.

4. Draft unapproved minutes of the Regular Meeting of the City Council held December 5, 2012

Councilman Filippi made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the Regular Meeting of the City Council held on December 5, 2012, as submitted.

\*\*\*\*\*

City Manager Pickup introduced Kurt Tietgen who has been appointed to the newly created position of Fire Inspector/Fire Lieutenant.

\*\*\*\*\*

5. Mayor's Management Report

- Safe Routes to School Update

City Manager Pickup said he had met with the Safe Routes to School Committee. A grant application has been submitted with a variety of projects relating to pedestrian safety improvements around the schools. It is hoped that there will be notification from the State by spring. If the grants are not funded, the projects outlined in the bond proposal will be ready for bidding and completion during the summer when school is out of session. The Committee is also looking into issues relating to school crossings and crossing guards. If there are year round attractions at Playland, the Committee wants the County to take a serious look at the intersections where many students cross in the morning and afternoon.

- Legal Update

Corporation Counsel Wilson reported on the *Silvester v. City of Rye, et al* case. The plaintiff has been granted permission to file a Second Amended Complaint in the matter in order to include additional defendants.



6. Continuation of the Public hearing on the proposed 2013 Budget

The public hearing remained open from the December 5<sup>th</sup> meeting.

Mayor French said that changes made at the December 5<sup>th</sup> Council meeting reduced the City Manager's proposed 2013 Budget from 3.03% down to 2.7%. The Mayor asked the other members of the Council if they would like to discuss reducing or changing the \$300 food minimum at the Golf Club or keep it the same as it is in the budget. Councilman Sack reported that he had attended the Golf Commission meeting on December 17<sup>th</sup> and based on the response to a member survey, the Commission has decided to stick with the current minimum proposal and will reconsider it at a later Commission meeting. They will also allow this year's minimum to carry over to May of 2013. A lengthy discussion ensued regarding the Golf Club that included not only the issue of the food minimum, but also the way the Club and restaurant are operated; whether the City should be operating a restaurant; the ongoing investigation; increasing the power of the Commission; and the operating structure of the Enterprise Fund going forward. Members of the public commenting included *John Duffy, Chris O'Brien* (members of the Golf Commission), *Sue Bisceglia, Shankar Narayan, Al Vitiello, Mike Bassett, Doug McKean, and Bob DiMaggio*. The consensus was not to change the budget regarding the Golf Club food minimum with the recommendation that it be reevaluated in the future.

Prior to closing the public hearing, Interim City Comptroller Joseph Fazzino provided the highlights of the proposed 2013 Budget:

- The tax rate increase is 2.7%;
- The proposed increase per household in Rye is approximately \$87;
- The proposed budget is \$117,000 under the tax cap;
- The assessed value per \$1,000 is \$148.91;
- The percentage of Fund Balance forecast for the end of the year is 13.7%.

Councilman Filippi made a motion, seconded by Councilwoman Killian and unanimously carried, to close the public hearing.

7. Resolution to adopt the 2013 Budget and establish the 2013 tax levy and 2013 tax rate Roll Call.

Mayor French made a motion, seconded by Councilwoman Brett, to adopt the following Resolution:

**WHEREAS**, on November 14, 2012 the 2013 Tentative Budget was presented to the City Council, and,

**WHEREAS**, since November 14, 2012 the City Council has discussed possible amendments to the 2013 Tentative Budget, now, therefore be it

**RESOLVED**, that the tentative budgets and fee schedules as amended for the General Fund, Cable TV Special Revenue Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund and Building and Vehicle Maintenance Internal Service Fund, are hereby adopted for the fiscal year ending December 31, 2013, and be it further

**RESOLVED**, that the City Council does hereby certify to the City Comptroller the 2013 City of Rye tax rate of \$148.91 per \$1,000 taxable assessed valuation and the 2013 City of Rye tax levy of \$20,563,240, and be it further

**RESOLVED**, that the City Council does hereby direct the City Comptroller to apportion and extend against each taxable property listed upon the assessment roll at the tax rate certified in this resolution to produce the tax levy certified in this resolution, and to render tax notices for, and receive and collect, the several sums so computed and determined, with interest as provided by law, and any special assessments heretofore authorized and approved.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich,  
Killian, Parker and Sack  
NAYS: None  
ABSENT: None

The Resolution was adopted by a 7-0 vote.

8. Resolution to transfer additional funds from the Contingency account to fund legal services for a Council investigation pursuant to Article 6, Section C6-3 of the City Charter entitled "Investigations"  
Roll Call.

Mayor French made a motion, seconded by Councilwoman Brett, to adopt the following Resolution:

**WHEREAS**, City staff has determined that the amounts required for the cost of legal services in connection with the investigation into the Rye Golf Club were not anticipated and were not provided for in the adopted 2012 budget by \$106,000, and,

**WHEREAS**, the General Fund Contingent Account has a balance of \$175,000, now therefore be it

**RESOLVED**, that the City Comptroller is authorized to transfer \$106,000 from the General Fund Contingent Account to the Code City Council Legal Services Account.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Killian, Parker and Sack  
NAYS: None  
ABSENT: Councilman Jovanovich

The Resolution was adopted by a 6-0 vote.

9. Resolution by Rye City Mayor and Council to support the Westchester County and Sustainable Playland Inc. agreement

Mayor French said he believed it was important for the County to know that the City of Rye was an early participant in the process and fully supports the proposed changes to Playland especially since suggestions put forth in the RFP (Request for Proposals) were suggested by the City. Doug McKean, representing Sustainable Playland, Inc. (SPI) said that a Management Agreement contract is being negotiated with the County and the process is moving forward. He offered thanks to the Council on behalf of SPI for their support.

Councilwoman Parker made a motion, seconded by Councilman Jovanovich, to adopt the following Resolution:

**WHEREAS**, the Mayor and Council of City of Rye established the Playland Strategic Planning Working Group in 2010 to present findings representative of issues of concern for Rye and Westchester County residents in response to the pending issuance of a request for proposal (RFP) from Westchester County to “Reinvent Playland for the 21<sup>st</sup> Century.”

**WHEREAS**, the working group after months of review, public forums and informal and formal input from local and County residents presented a list of core principles that reflected a vision for the park’s future.

**WHEREAS**, the core principles were eventually incorporated in large part in Westchester County’s RFP so that proposed uses should be consistent with those values.

**WHEREAS**, the values (in the attached resolution\*) included the need to keep for public use, access to open space, Long Island Sound and facilities; to be sensitive to environmental considerations, to preserve the park’s historical importance; to ensure financial sustainability, to comply with the City’s laws and regulations, and to incorporate the Westchester Children’s Museum proposal.

**WHEREAS**, the Mayor and three of the four Council members who were serving at the time adopted the measure in support of these values and are currently on the Council.

**WHEREAS**, resident feedback has been extremely positive since the announcement of the letter of intent signed between Westchester County and Sustainable Playland Inc.

**WHEREAS**, upon signing a letter of intent with the County of Westchester, members of Sustainable Playland Inc. came before the Rye City Council and pledged to be sensitive to the needs of the City and surrounding neighborhoods in the development and site planning process.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Rye City Council support the proposal put forth by Sustainable Playland Inc. and the opportunities it brings to Rye and Westchester residents by protecting and enhancing the qualities that make Playland a special place.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Mayor and the Rye City Council encourage the County and Sustainable Playland Inc. to work towards incorporating a water dependent boating component with docks and moorings into Sustainable Playland's vision for the future of Playland.

**AND, FURTHER BE IT RESOLVED**, that the Mayor and Council encourage Westchester County to finalize its agreement with Sustainable Playland Inc. so that the process of reinventing Playland for its future, as referenced in the RFP, can begin for the 2013 season.

(\* found in Minutes of March 2, 2011 meeting)

**ROLL CALL:**

**AYES:** Mayor French, Councilmembers Brett, Filippi, Jovanovich, Killian, Parker and Sack  
**NAYS:** None  
**ABSENT:** None

The Resolution was adopted by a 7-0 vote.

10. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers  
Roll Call.

Mayor French made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

**RESOLVED**, that the City Comptroller is hereby authorized to make the necessary 2012 fiscal year-end budget transfers in city accounts, provided a list of such transfers over \$10,000 is furnished to

the City Council after completion of such transfers.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Killian, Parker and Sack  
NAYS: None  
ABSENT: Councilman Jovanovich

The Resolution was adopted by a 6-0 vote.

11. Resolution to authorize participation in Westchester County contracts  
Roll Call.

Councilwoman Brett made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

**WHEREAS**, by Act No. 8-1983, The County Board of Legislators authorized the County Purchasing Agent to act as Purchasing Agent for any city, town, village, school district or other unit of local government within the County of Westchester County, provided that said unit of local government by act, ordinance or resolution authorizes the County Purchasing Agent to act as its Purchasing Agent for items purchased by the County, and empowering designated officers and employees to sign requisitions, and further directing the proper official of local government to audit and pay County bills for the cost of County services within thirty (30) days after the receipt of said bill by the local government, and to provide the County with such insurance coverage as may be required by the County's Director of Risk Management, NOW, THEREFORE, be it

**RESOLVED**, that the County Purchasing Agent is hereby authorized to act as Purchasing Agent for the City of Rye, New York on a continuing basis, and be it further

**RESOLVED**, that the City Manager, the Assistant City Manager, the City Comptroller, and/or the City Engineer are hereby authorized to sign appropriate requisitions, and be it further

**RESOLVED**, that the City Comptroller is hereby authorized and directed to audit and pay County bills for the cost of County services within thirty (30) days after receipt of said bills, and be it further

**RESOLVED**, that the City Comptroller is hereby authorized to secure and provide to the County of Westchester any and all insurance required by the County's Director of Risk Management, in Accordance with County Act No. 8-1983.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Killian, Parker and Sack  
NAYS: None  
ABSENT: Councilman Jovanovich

The Resolution was adopted by a 6-0 vote.

12. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2013  
Roll Call.

Councilman Filippi made a motion, seconded by Councilwoman Killian, to adopt the following Resolution:

**RESOLVED**, that the Mayor is hereby authorized to finalize an agreement with the Rye Free Reading Room to furnish library services for 2013.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Killian, Parker and Sack  
NAYS: None  
ABSENT: Councilman Jovanovich

The Resolution was adopted by a 6-0 vote.

13. Resolution designating the days and time of regular meetings of the City Council for 2013 setting January 9, 2013 as the first regular meeting

Councilman Filippi made a motion, seconded by Councilwoman Brett, to adopt the following Resolution:

**RESOLVED**, that January 9, 2013 is hereby fixed as the first regular and the organizational meeting of the City Council; and be it further

**RESOLVED**, that the following dates are designated for the regular meetings of the City Council in 2013:

January 9  
January 23  
February 13

February 27  
March 6  
March 20  
April 3  
April 17  
May 8  
May 22  
June 12  
July 10  
August 7 - including presentation of the CIP  
September 11  
October 9  
October 23  
November 6 – including presentation of the Budget  
November 20  
December 4  
December 18

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Killian, Parker and Sack  
NAYS: None  
ABSENT: Councilman Jovanovich

The Resolution was adopted by a 6-0 vote.

14. Authorization to procure legal representation for the City of Rye in the appeal of *Carroll v. City of Rye* in the Appellate Division, Second Department  
Roll Call.

This Agenda item was deferred to the next meeting.

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

*Dierdra Curran* spoke about issues in Rye Town Park including park workers being laid off by the Town of Rye without any notice, the Rye Town Park Commission cancelling their last scheduled meeting, and who would be responsible for overseeing the park going forward. Mayor French suggested that a meeting should be scheduled between the City and Town of Rye to discuss the transition in the operation of the park.

16. Consideration of Bid for the Police contract for uniforms (Contract #2-12)  
Roll Call.

City Manager Pickup said that after the bid was let, it was discovered that there were issues with one of the required uniform items and no bids were submitted. It will be have to be revised and rebid and should come back for consideration, probably in February.

17. Bid Award for the City Hall Playback Server (Bid #2012-03)  
Roll Call.

Councilwoman Brett made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

**RESOLVED**, that Bid #2012-03 for City Hall Playback Server, be awarded to HB Communications, Inc., the sole bidder meeting all the bid requirements, in the mount of \$16,075.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Killian, Parker and Sack  
NAYS: None  
ABSENT: Councilman Jovanovich

The Resolution was adopted by a 6-0 vote.

18. Acceptance of donation to the Rye Police Department of graphics design and installation services from Creative Image Design, Inc. valued in the amount of seven hundred fifty (\$750.00) dollars  
Roll Call.

Councilman Filippi made a motion, seconded by Councilwoman Killian, to adopt the following Resolution:

**WHEREAS**, Creative Image Design, Inc. desires to donate graphic design services valued in the amount of seven hundred fifty (\$50.00) dollars to the Rye Police Department; and

**WHEREAS**, the services will be used to install lettering and graphics on one of the HUMVEEs recently acquired by the Rye Police Department; 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 Police Commissioner is authorized to schedule the installation of the graphic design services with Creative Image Design, Inc.



ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Killian, Parker and Sack  
NAYS: None  
ABSENT: Councilman Jovanovich

The Resolution was adopted by a 6-0 vote.

19. Miscellaneous Communications and Reports

Mayor French reported that on December 16th the City had pulled together a beautiful vigil in connection with the Newtown, Connecticut tragedy. He thanked the local clergy that had participated and gave special thanks to City staff members who were involved including City Manager Pickup and Sally Rogol and Eleanor Militana. The Mayor also noted that appointments to Boards and Commissions would be made during the January meetings. He has reached out to the Chairs of the Boards and Commissions for their recommendations.

Councilwoman Parker asked if there would be an increased police presence near the schools in light of the Newtown tragedy. City Manager Pickup said the Police Commissioner Connors has consulted with the school Principals and will be meeting with the School Superintendent. There is enhanced presence and other security related measures are still being discussed. Ms. Parker also announced that Officer Mike Kenny will be the new village officer.

20. Old Business

Councilwoman Brett asked for an update on the Sluice Gate. City Manager Pickup said he would ask the City Engineer for an update but the contractor is still on site and coordinating with Con Edison energy services.

Councilman Filippi asked for an update on the Central Avenue Bridge. City Manager Pickup said that the contractor, ELQ, is working with utility companies on some issues and they will be on scene starting in January and are still on target to be done within the contracted time period. Mr. Filippi also asked about a proposed staking rink in Rye Brook. Mr. Pickup said that there have been discussions regarding the type of water detention going on with the project. It is his understanding that they are retaining at the 100-year level.

21. New Business

Mayor French said he would circulate a copy of the legislative initiatives for 2013 proposed by NYCOM. The Council can discuss this at the January 12<sup>th</sup> workshop.

Councilwoman Killian said that on January 16<sup>th</sup> the Empire Center will hold a kick off meeting at the County Center on a series of papers they are putting out about helping municipalities trying to deal with financial challenges.

22. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the meeting at 11:03 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk

***DRAFT UNAPPROVED MINUTES*** of the  
Special Meeting of the City Council of the City of  
Rye held in City Hall on December 21, 2012 at 8:30  
A.M.

PRESENT:

DOUGLAS FRENCH Mayor  
LAURA BRETT (Arrived at 8:41 a.m.)  
RICHARD FILIPPI  
JULIE KILLIAN  
CATHERINE F. PARKER (Arrived at 8:41 a.m.)  
JOSEPH A. SACK  
Councilmembers

ABSENT: PETER JOVANOVIK, Councilman

1. Pledge of Allegiance

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

2. Roll Call

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

3. Authorization to retain special Counsel to assist the City Council in a potential Section 75 proceeding  
Roll Call.

Corporation Counsel Wilson said that the role of the attorney chosen as Special Counsel would be to serve as the Prosecutor and work with the Charging Officer on a Section 75 proceeding. It would take place before a separate hearing officer, independent from the prosecutor. Ms. Wilson said she had spoken with several attorneys.

Councilwoman Killian made a motion, seconded by Councilwoman Brett, to adopt the following Resolution:

**RESOLVED**, that the City Council of the  
City of Rye here by retains Michael Tremonte, Esq.  
as Special Counsel to assist the City Council in a  
potential Section 75 proceeding.

The Resolution was adopted by a 6-0 vote

4. Motion to adjourn into Executive Session to discuss a personnel matter

Councilwoman Brett made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn into Executive Session to discuss a personnel matter and not return at 8:50 a.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk



# CITY COUNCIL AGENDA

NO. 7

DEPT.: City Council

DATE: January 9, 2013

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Mayor's Management Report

**FOR THE MEETING OF:**

January 9, 2013

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:** That the City Manager provide a report on requested topics.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The Mayor has requested an update from the City Manager on the following:

- Update on Capital Projects: Sluice Gate and Central Avenue Bridge



# CITY COUNCIL AGENDA

NO. 8      DEPT.: City Council      DATE: January 9, 2013  
CONTACT: Mayor Douglas French

<p><b>AGENDA ITEM:</b> Appointment of the 2013 Deputy Mayor by the Mayor.</p>	<p><b>FOR THE MEETING OF:</b> January 9, 2013 <b>RYE CITY CODE,</b> CHAPTER SECTION</p>
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**RECOMMENDATION:** that the following resolution be adopted:

RESOLVED, that \_\_\_\_\_ be appointed the Deputy Mayor for a one-year term commencing January 1, 2013, to serve as Acting Mayor in the Mayor's absence.

**IMPACT:**     Environmental     Fiscal     Neighborhood     Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 9

DEPT.: City Council

DATE: January 9, 2013

CONTACT: Mayor Douglas French

**ACTION:** Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term.

**FOR THE MEETING OF:**

January 9, 2013

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** that the following resolution be adopted:

RESOLVED, that Councilwoman Catherine Parker be appointed as Trustee of the Police Pension Fund for a one-year term commencing January 1, 2013.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 10

DEPT.: City Council

DATE: January 9, 2013

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Designation of the City Council's Audit Committee by the Mayor.

**FOR THE MEETING OF:**

January 9, 2013

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** that the following resolution be adopted:

RESOLVED, that Councilman Peter Jovanovich and Councilwoman Julie Killian be appointed to the City Council's Audit Committee for a one-year term commencing January 1, 2013.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The Audit Committee consists of the Mayor and two Council members appointed by the Mayor.





# CITY COUNCIL AGENDA

NO. 11

DEPT.: City Council

DATE: January 9, 2013

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Designation of the City Council Liaisons by the Mayor.

**FOR THE MEETING OF:**

January 9, 2013

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the appointments as presented by the Mayor.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Designation of the City Council Liaisons by the Mayor for the following Boards and Committees:

Audit Committee	Police Pension Fund
Board of Appeals	Recreation Commission
Board of Architectural Review	Rye Cable and Communications Committee
Boat Basin Commission	Rye City School Board
Conservation Commission/Advisory Council	Rye Free Reading Room
Emergency Medical Services	Rye Golf Commission
Finance Committee	Rye Merchants Association
Flood Advisory Committee	Rye Playland Advisory Committee
Government Policy & Research Committee	Rye Town Park
Landmarks Advisory Committee	Sustainability Committee
Legal Case Management Committee	Traffic & Pedestrian Safety Committee
Planning Commission	



# CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager's Office

DATE: January 9, 2013

CONTACT: Scott Pickup, City Manager

**ACTION:** Designation of the official City newspaper.

**FOR THE MEETING OF:**

January 9, 2013

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:** That the Mayor and City Council designate the Journal News as the official City newspaper for purposes of publishing legal notices.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The Rye City Charter requires that the Council designate a newspaper circulated regularly at least once a week in the city as the official newspaper of the city. A daily newspaper provides the City staff with the most flexibility in meeting notice deadlines. Each of the newspapers covering the City provides different types of coverage but working with a weekly paper is much more difficult in meeting notice deadlines and a monthly paper cannot meet the notice needs of the City.



# CITY COUNCIL AGENDA

NO. 13

DEPT.: City Council

DATE: January 9, 2013

CONTACT: Mayor Douglas French

**ACTION:** Appointments to Boards and Commissions, by the Mayor with Council approval.

**FOR THE MEETING OF:**

January 9, 2013

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:** that the City Council approve the appointments.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

- A) Two appointments to the Board of Appeals for a three-year term.
- B) Two appointments to the Board of Architectural Review for a three-year term.
- C) One appointment to the Board of Ethics for a three-year term.
- D) Two appointment to the Landmarks Advisory Committee for a three-year term and the Designation of the Chair. .
- E) Two appointments to the Planning Commission for a three-year term.
- F) Four appointments to the Recreation Commission for a three-year term and the Designation of the Chair.
- G) Three appointments to the Rye Cable and Communications Committee for a three-year term and the Designation of the Chair.
- H) One appointment to the Rye Town Park Advisory Committee for a three-year term.
- I) Four appointments to the Traffic & Pedestrian Safety Committee for a three-year term and the Designation of the Chair.



# CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager's Office

DATE: January 9, 2013

CONTACT: Scott Pickup, City Manager

**ACTION:** Designation of the amounts of faithful performance bonds.

**FOR THE MEETING OF:**

January 9, 2013

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the Mayor and City Council designate faithful performance bonds for the City Comptroller, City Clerk and City Marshal.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

## BACKGROUND:

Faithful performance bonds will be designated in the following amounts:

- |                     |             |
|---------------------|-------------|
| A. City Comptroller | \$1,000,000 |
| B. City Clerk       | \$ 500,000  |
| C. City Marshal     | \$ 100,000  |



# CITY COUNCIL AGENDA

NO. 15

DEPT.: Police Department

DATE: January 9, 2013

CONTACT: William R. Connors, Police Commissioner

**AGENDA ITEM:** Acceptance of donation to the Rye Police Department from the Hasday family in the amount of two hundred and fifty (\$250.00) dollars.

**FOR THE MEETING OF:**

January 9, 2013

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council adopt the following resolution:

Whereas, the Hasday family desires to donate two hundred and fifty (\$250.00) dollars to the Rye Police Department; and

Whereas, the fiscal 2013 General Fund budget did not anticipate this donation; 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 amend the fiscal 2013 General Fund budget as follows:

Increase Deferred Revenues -Police Donations \$250.00

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

The Hasday family, by letter dated December 26, 2012, advised the Police Department that they would like to make a contribution of \$250. The Police Commissioner recommends acceptance of this donation.



William R. Connors  
*Police Commissioner*

## POLICE DEPARTMENT

City of Rye, New York

21 McCullough Place

Rye, N. Y. 10580

Phone: (914) 967-1234

FAX: (914) 967-8341



December 28, 2012

Memorandum for: Scott D. Pickup, City Manager

Subject: **DONATION FROM ROBERT S. HASDAY AND KYLE HASDAY**

Attached is a check for \$250.00 from Robert S. Hasday and Kyle Hasday of 13 John Jay Place, Rye, New York 10580, to be donated to the Rye Police Department.

I recommend acceptance of this donation, and deposit into the Department's donation fund.

Submitted for your consideration.

WRC/wrc

A handwritten signature in cursive script that reads "William R. Connors".

William R. Connors  
Police Commissioner



William R. Connors  
Police Commissioner

## POLICE DEPARTMENT

City Of Rye, New York

21 McCullough Place

Rye, N. Y. 10580

Phone: (914) 967-1234

FAX: (914) 967-8341



December 28, 2012

Mr. Steve Hasday  
13 John Jay Place  
Rye, New York 10580

Dear Mr. Hasday:

Thank you for your donation of a check for two hundred fifty dollars to the Rye Police Department.

Your kind contribution has been forwarded to the City Manager's Office for formal acceptance by the City. Upon acceptance, it will be deposited into a designated account maintained by the City of Rye, which is utilized for the purchase of equipment.

I am privileged to lead an outstanding group of police officers who show their dedication to the citizens of Rye on a daily basis. Thank you for your expression of appreciation for their work. Please accept our best wishes for a healthy and prosperous New Year.

Very truly yours,

A handwritten signature in cursive script that reads "William R. Connors".

William R. Connors  
Police Commissioner



# CITY COUNCIL AGENDA

NO. 17

DEPT.: City Manager

DATE: January 9, 2013

CONTACT: Scott Pickup, City Manager

**AGENDA ITEM:** Authorization to procure legal representation for the City of Rye in the appeal of *Carroll v. City of Rye* in the Appellate Division, Second Department.

**FOR THE MEETING OF:**

January 9, 2013

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council authorize legal representation for the City's interests in the appeal of *Carroll v. City of Rye*.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

An Article 7 Tax Certiorari proceeding against the City of Rye was commenced by Edward Carroll who is challenging the assessed value of his property. The recent decision by Judge LaCava reduces the assessed value of the property by 45% for years 2003 through 2011 which results in a value significantly below the true market value of the property and is not supported by the evidence in the record. For this reason City Assessor Noreen Whitty and Corporation Counsel Kristen K. Wilson recommend that the City appeal this decision. The appeal will be heard by the Appellate Division, Second Department.

Please see attached proposals.



## Proposals

Frank P. Allegretti, Esq. (solo practitioner and part time town attorney for Harrison, NY)  
Competitive rates; detailed budget to be provided upon review of the trial transcript.

Ansa Annsucao, LLP - Partners: \$295, Stefanie A. Bashar: \$275, Junior Associates: \$225-\$245  
Paralegals: \$135. Brief preparation (120 hours); oral argument (15-20 hours); appeal not to exceed \$15,000.

Richard Blancato, Esq. (solo practitioner) – \$10,000 for entire appeal.

Harris Beach PLLC - rates are \$215/hour. The estimated time for brief writing is 35-45 hours and oral argument preparation of 10 hours; appeal not to exceed \$11,825.

Dennis E. A. Lynch, Esq (of counsel to Feerick Lynch MacCartney PLLC) Municipal rates for clients range from \$275 to \$325 per hour. Mr. Lynch has a broad municipal experience representing both the municipal side and private sector; will prepare a Notice of Appeal for the City's review.

Frances Marinelli, Esq. (of counsel to Joseph Maria, P.C.) - \$215/hour and an estimate of 30-35 hours for brief (\$6,400-\$7,500) and approximately 5-10 hours (\$1,100-2,100) for oral argument