

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, January 11, 2017, at 7:30 p.m. in Council Chambers at City Hall. *The Council will convene at 7:00 p.m. and it is expected they will adjourn into Executive Session at 7:01 p.m. to discuss personnel.*

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. The State of the City Address by the Mayor.
4. General Announcements.
5. Draft unapproved minutes of the Regular Meeting of the City Council held December 21, 2016.
6. Issues Update/Old Business.
7. Presentation by the City's Legal and Engineering Consultants on the request submitted by Crown Castle to amend their agreement with the City.
8. Continuation of the Public Hearing regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.
9. Residents may be heard on matters for Council consideration that do not appear on the agenda.
10. Appointment of the 2017 Deputy Mayor by the Mayor.
11. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term.
12. Designation of the City Council's Audit Committee by the Mayor.
13. Designation of the City Council Liaisons by the Mayor.
14. Designation of official City newspaper.
15. Designation of alternate City newspaper.
16. Designation of the amounts of faithful performance bonds:
 - A. City Comptroller \$ 1,000,000
 - B. City Clerk \$ 500,000
 - C. City Marshall \$ 100,000

17. 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) Three appointments to the Board of Architectural Review for a three-year term.
 - C) Two appointments to the Board of Assessment Review for a three-year term.
 - D) One appointment to the Board of Ethics for a three-year term.
 - E) Three appointments to the Conservation Commission/Advisory Council for a three-year term.
 - F) Three appointments to the Finance Committee for a three-year term.
 - G) Five appointments to the Flood Advisory Committee for a three-year term.
 - H) One appointment to the Landmarks Advisory Committee for a three-year term.
 - I) Two appointments to the Planning Commission for a three-year term.
 - J) Two appointments to the Recreation Commission for a three-year term.
 - K) Seven appointments to the Rye Cable and Communications Committee for a three-year term.
 - L) Seven appointments to the Rye Playland Advisory Committee for a three-year term.
 - M) Four appointments to the Rye Town Park Advisory Committee for a three-year term.
 - N) Six appointments to the Traffic & Pedestrian Safety Committee for a three-year term.
18. New Business.
19. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, January 25, 2017 at 7:30 p.m.

** 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 under "RyeTV Live".

* Office Hours of the Mayor by appointment by emailing jsack@ryeny.gov or contacting the City Manager's Office at (914) 967-7404.



CITY COUNCIL AGENDA

NO. 3 DEPT.: City Council DATE: January 11, 2017
CONTACT: Mayor Joseph A. Sack

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

FOR THE MEETING OF:

January 11, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Mayor Sack will deliver his 2017 State of the City Address.



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Clerk

DATE: January 11, 2017

CONTACT: Carolyn D'Andrea, City Clerk

AGENDA ITEM: Draft unapproved minutes of the Regular Meeting of the City Council held December 21, 2016.

FOR THE MEETING OF:

January 11, 2017

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 of the City Council held December 21, 2016, as attached.

DRAFT UNAPPROVED MINUTES
of the Regular Meeting of the City Council of
the City of Rye held in City Hall on December
21, 2016 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
KIRSTIN BUCCI
EMILY HURD
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA
DANIELLE TAGGER-EPSTEIN (left at approximately 8:10 p.m.)
Councilmembers

ABSENT:

None

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Bucci and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman Mecca made a motion, seconded by Councilwoman Bucci and unanimously carried, to adjourn the Executive Session at 7:30 P.M. The regular meeting convened at 7:45 P.M.

Mayor Sack welcomed everyone to the final meeting of the year.

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.

13. Consideration of settlement in the litigation *Rvin Reyes, et al v. City of Rye, Rye Golf Club, RM Staffing & Events, Inc., Morris Yacht and Beach Club, Inc. and Scott Yandrsevich, Jointly and Severally.*
Roll Call.

This item was taken out of order. Councilman McCartney announced that he was happy to report that a settlement had been reached in a class action lawsuit that was brought against the City for unpaid tips and wages at the Rye Golf Club. He recognized Corporation Counsel Wilson for her diligent efforts in this litigation. He also recognized the current and past workers of the Rye Golf Club that had been affected by the prior issues at the Rye Golf Club. He announced that the parties settled at \$1 million. There was also an agreement that there will be an appreciation event scheduled for next summer for those employees.

Mayor Sack thanked Corporation Counsel Wilson and Councilman McCartney for their efforts. He said that this settlement will be the final step with the unfortunate events of the Rye Golf Club.

Councilman McCartney made a motion, seconded by Councilwoman Bucci, to approve the payment of \$1 million in full satisfaction to satisfy the settlement agreement in the litigation *Rvin Reyes, et al v. City of Rye, Rye Golf Club, RM Staffing & Events, Inc., Morris Yacht and Beach Club, Inc. and Scott Yandrsevich, Jointly and Severally*.

ROLL CALL

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

NAYS: None

ABSENT: None

3. **General Announcements.**

Councilwoman Killian announced that with regard to Rye Town Park, the Rye Town Park Commission has formalized the process for an expression of interest for the space formerly known as Seaside Johnny's for 2017. Interested parties who would like to propose a concession space must inform the Town of Rye by January 12, 2017. She also stated that four proposals have been received for the position of restaurant consultant, to advise the commission on a more permanent restaurant situation for 2018. Mayor Sack agreed with the approach and stated that he looked forward to the future of the space. Councilwoman Killian announced that Rye Town Park had great revenue in the past year and can cover a possible deficit that might present itself.

Councilman Mecca stated that on December 13, 2016, there was a public hearing concerning the site at 120 Old Post Road. There will be another hearing on Tuesday, January 10, 2017 at 7:00 P.M.

Councilman McCartney stated that unfortunately, Ike Kuzio, Assistant Recreation Superintendent, will be moving on to another position. He stated the City is happy for him in his new endeavor. He announced that Winter Recreation programs will take place during the school break. He encouraged interested families to sign up for the program and contact the Rye Recreation Department. He also announced that the Rye Golf Club celebrated its end of season and is now closed for the winter. He noted the positive capital projects at the club that have improved conditions, and looks forward to the season next spring.

Councilwoman Killian stated that she encouraged everyone to utilize Whitby Castle for their next catering event. She also thanked Commissioner Corcoran for organizing the City's Drug Take-back Day.

Councilwoman Hurd thanked Ike Kuzio for all his help at the Boat Basin in 2016 and wished him good luck in his new job. She encouraged everyone to shop local for the

holidays. She also stated that the hearing on Mile Marker 25 will be held in January 2017.

Mayor Sack stated that he had been reading the Rye chronicles from 50 years ago, and was interested to see that issues then have been constant and repeated today. He said that one story he read was about children being safe and careful with drinking and substance abuse. This issue is still just as important and prevalent today.

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

This item was taken out of order.

Sherri Jordan, former Director of the Rye Historical Society, addressed the Council concerning the Benjamin Franklin Mile Marker 25. She stated that when considering this request, it is important to consider the authenticity of the marker's placement, best practices for preservation standpoint, and public accessibility and convenience. She presented historical books and documents that explained the history of Rye and the Mile Markers' significance. She gave a brief history of the Mile Markers and mileage "odometer" placed at each mile between New York and Boston. She clarified some interesting points about rerouting the Post Road and replacing the Mile Markers. She also reiterated the history of Mayor Morehead and his preservation efforts of the Mile Markers. She felt that moving the current Mile Marker may not be helpful for authenticity purposes.

Suzanne Clary, President of the Jay Heritage Center, discussed the placement of the Markers. She stated that in terms of preservation, once something historic is moved, its authenticity is changed and may remove the ability for it to be deemed a landmark. She also stated that there should be caution exercised with the moving of a historic object. She also discussed specifics about preservation. She encouraged that the Council give this further thought and review.

Jennifer Plick, Acting Director of the Rye Historical Society, proposed signage and brochures as a compromise to educate citizens on the important historical aspects of Mile Marker 25.

Councilwoman Hurd thanked Ms. Jordan, Ms. Clary, and Ms. Plick for their presentation. She commented that the placement of the Mile Marker was a significant concern of the Landmarks Committee.

Bob Zahm, Rye Resident, expressed concern over the sidewalk on the corner of Mead Place and Locust Avenue. He stated that he had expressed concern and reported unsafe condition of this area many times over the course of five years.

4. Draft unapproved minutes of the Budget Workshop held November 28, 2016 and the Regular Meeting of the City Council held December 7, 2016.

Councilman McCartney made a motion, seconded by Councilwoman Hurd, to adopt the Draft unapproved minutes of the Budget Workshop held November 28, 2016 and the Regular Meeting of the City Council held December 7, 2016.

5. Issues Update/Old Business.
 - Update on the Dearborn Avenue Seawall project.

City Manager Serrano updated the Council and community on the Dearborn Avenue Seawall project. He stated that the City attempted to work together with engineers from both the City and Rye Town Park to come to a resolution. The internal decision has been made to fix the City's portion of the wall, as FEMA's recommendation to replace it in its entirety would cost \$1.3 million. The City will be fixing the wall as soon as possible. City Manager Serrano stated that the project will cost \$50,000 and FEMA is expected to reimburse the City up to 90%.

6. Continuation of the Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.
7. Continuation of the Public Hearing on the proposed 2017 Budget.

The public hearings for Items 6 and 7 were opened simultaneously. City Comptroller Fazzino addressed the Council. He reiterated highlights from his budget presentation in November 2016. He stated that several changes that had been made since the budget was first proposed were the removal of dedicated funding for the Five Point intersection, the reduction from 38 to 37 police officers, and the \$50,000 added revenue to the projected traffic enforcement budget.

Mack Cunningham, 502 Forest Avenue, addressed the Council. He handed out some materials to the Council. There was general discussion regarding funding from FEMA for the Dearborn Avenue Seawall. City Manager Serrano stated that he was hopeful that there would be a future IMA between the City and the Rye Town Park Commission regarding the seawall.

Mr. Cunningham discussed a number of issues, including the Starwood project proposed in Port Chester and concerns about that development. He expressed concern about the Thruway property and the future of that land, especially considering the traffic implications regarding the Starwood property.

Mayor Sack responded that there will be a Capital Projects meeting in January 2017 to begin discussing important projects.

Mr. Cunningham also complimented the Council for their help settling all remaining issues with the Rye Golf Club. He reviewed the general projects and issues regarding the Rye Golf Club, including several recent capital projects. He thanked City Comptroller Fazzino, Angela Terrones, and Chip Lafferty for their hard work.

Mr. Cunningham discussed bonding and interest rates as the City looks to the future. He discussed the Dearborn Pump Station improvements for \$300,000. He asked the City staff to look into grant funding for projects such as these. He also discussed the creation of a dedicated fund for high priority capital improvements. He also urged the Council to consider a Sewer Rent Fund pursuant to General Municipal Law. He then discussed the personnel expenses and issues concerning the Boat Basin. He encouraged the addition of a full time tradesman employee at the Boat Basin. Mr. Cunningham then commented that he felt that parking enforcement should be present after 3:00 P.M. on weekdays and on weekends. There was lastly discussion about mooring revenues from the Boat Basin.

Councilman Mecca made a motion, seconded by Councilman McCartney, to close the public hearings.

Councilwoman Bucci stated that it is true that the tax rate increase is significant to fund major projects and operating expenses. The expenses are important to look at. With roughly two-thirds of the budget dedicated to employee benefits, it will be important to reconsider items such as health benefits.

Councilwoman Hurd stated that the tax cap puts the City in a challenging situation, but it allows the services provided to be maintained.

Councilwoman Killian agreed and stated that while she feels that the tax increase is significant, it is difficult to maintain services and operating without the increase. She is hopeful that next year, expenses might be different to lessen the burden on the taxpayer.

Councilman McCartney stated that it was a difficult decision to override the tax cap. He said that the services from the City staff are important to maintain. However, expenses should be considered.

Councilman Mecca agreed with all the statements previously made.

Mayor Sack thanked City Comptroller Fazzino, City Manager Serrano, and Assistant City Manager Militana for their hard work on the 2017 Budget.

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

CITY OF RYE

LOCAL LAW NO. 5 FOR THE YEAR 2016

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C**

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

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the City of Rye pursuant to General Municipal Law §3-c, and to allow the City of Rye to adopt a budget for the fiscal year beginning January 1, 2017 and ending December 31, 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

The City Council finds that this local law would provide the City the flexibility it may need when it adopts the 2017 budget. Thus, the City Council of the City of Rye finds that it is in the best interests of the City to enact the local law.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the City Council to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the City Council.

Section 3. Tax Levy Limit Override: The City Council of the City of Rye, County of Westchester is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State.

ROLL CALL

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

8. Resolution to adopt the 2017 Budget and establish the 2017 tax levy and 2017 tax rate.
Roll Call.

Mayor Sack made a motion, seconded by Councilman McCartney, to adopt the 2017 Budget and establish the 2017 tax levy and 2017 tax rate.

ROLL CALL

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

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

Councilman McCartney made a motion, seconded by Councilman Mecca to authorize the City Comptroller to make the necessary year-end closing transfers.

ROLL CALL

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

10. Continuation of the Public Hearing to amend local law Chapter 194, "Water", of the Rye City Code by amending Section §194-1, "Conservation in times of emergency", to give the City Manager the authority to declare conservation in times of water emergency.

Bob Zahm, 7 Ridgewood Drive, stated that he was concerned about the language of the current local law. Specifically, he was concerned about the process in which an emergency is declared.

Councilwoman Killian commented that she agreed with Mr. Zahm's points. She asked that the text be proofread and modified. She also inquired about the penalties.

Mayor Sack recommended putting this matter over to February, 2017.

Councilman Mecca gave a brief history of the water companies within the City of Rye.

11. Continuation of the Public Hearing on the proposed revision to the Rye City Charter to rescind Article 12 "Police Department" and Article 13 "Fire Department" and create a new Article 12 "Department of Public Safety" and to

create a new position of “Commissioner of Public Safety” which position shall have charge and supervision of the Police and Fire Departments.

Mayor Sack explained that this amendment was a follow-up on the Charter revision that had been approved by referendum in the November 2016 election regarding the position of Commissioner of Public Safety. The proposed amendment would require City Council approval of the City Manager’s recommendation.

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

Councilman Bucci made a motion, seconded by Councilman Mecca, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 6 2016**

A local law to rescind Article 12 “Police Department” and Article 13 “Fire Department” of the Rye City Charter and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety”, which position shall have charge and supervision of the Police and Fire Departments as follows:

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

Section 1: Repeal City Charter Article 12 “Department of Police” in its entirety and replace same with a new Article C12 “Department of Public Safety”

Section 2: Repeal City Charter Article 13 “Fire Department” in its entirety.

Section 3: Department of Public Safety.

Article C12-1. “Commissioner of Public Safety”

- A. There shall be Department of Public Safety, the head of which shall be the Commissioner of Public Safety, who shall be appointed by the City Manager, and he/she shall serve at the pleasure of the City Manager **except that the City Manager shall obtain the consent of the Mayor and the City Council when appointing the Commissioner of Public Safety.** The Commissioner of Public Safety shall have at least the qualifications and experience specified by the City Council. The Commissioner of Public Safety shall report directly to the City Manager.
- B. The Commissioner of Public Safety shall have charge and supervision of the Fire and Police Departments and shall provide in all ways possible for the safety, care, comfort and protection of the inhabitants of the City of Rye and of their property.

Article C12-2. Powers and Duties of Commissioner of Public Safety.

- A. The Commissioner of Public Safety shall have jurisdiction, supervision and control of the government, administration, disposition and discipline of the officers and members of the Fire and Police Departments; and shall possess and exercise fully and exclusively all powers and perform all duties pertaining to the government, maintenance and direction of the fire department, and the apparatus and property thereof, and buildings furnished therefore and of the Police Department and equipment furnished therefore, and shall have the general directions and supervision of the expenditure of all moneys appropriated to the Department of Public Safety. He/she shall have authority to administer oaths and take evidence, affidavits and acknowledgements in all matters and proceedings pertaining to the Department of Public Safety.
- B. The Commissioner of Public Safety shall have the power to make rules and regulations, approved by the City Council, in regard to the government, administration, disposition and discipline of the members Fire Department and the Police Department. Such rules and regulations may provide for the hearing, examination, investigation, trial and determination of charges made or prepared against any officer or member of said department for neglect of official duty or incompetency or incapacity to perform his official duties, or some delinquency seriously affecting his general character or fitness for the office, and may, in his/her discretion, punish, discipline and/or terminate any officer or member found guilty thereof, after reasonable notice and upon due trial by the aforesaid Commissioner of Public Safety in the form and manner prescribed by the rules and regulations of his Department.
- C. The Commissioner of Public Safety shall have the power to appoint all officers and members of the Fire Department, except those positions which are elected positions by the Volunteer Fire Department and all officers and members of the Police Department, including Bay Constables, subject to civil service rules and regulations, to such positions in said departments as are established by the City Council.
- D. The Commissioner of Public Safety shall have general supervision over the records of the Department of Public Safety and its officers and employees and shall possess such other powers and perform such other duties as may be prescribed by law or by resolution of the City Council.
- E. The Commissioner of Public Safety shall be responsible for the administration and supervision of police officers assigned to policing and enforcing all laws and ordinances applicable to Rye Town Park and the maintenance of order therein.
- F. The Commissioner of Public Safety shall assist the City Manager in the

administration of flood, disaster and other emergency plans.

- G. The Commissioner of Public Safety shall be responsible for the administration, in coordination with other municipalities, of an emergency ambulance service on behalf of the inhabitants of the City.

Article C12-3. Constitution of the Fire Department and the Police Department.

The Fire Department shall be supervised by the supervisory career officers and such other officers as the Commissioner of Public Safety shall authorize. The Police Department shall consist of the paid division, including the Bay Constables, and the auxiliary police division and shall be supervised by the supervisory career officers of the Police Department and such other officers as the Commissioner of Public Safety shall authorize. The supervisory career officers of the Fire Department and the supervisory career officers of the Police Department, under the direction and control of the Commissioner of Public Safety, shall have the supervision and management of the officers, employees and members of the respective departments.

Article C12-4. Election and approval of officers of the Rye Volunteer Fire Department.

The Rye Volunteer Fire Department shall be constituted of a/several volunteer fire company(ies) and shall have the power to elect a chief, a first assistant chief, a second assistant chief, and all company officers to be elected from the company(ies); however, such positions shall only be filled if such volunteers meet all of the training requirements established by the Commissioner of Public Safety. All elected officers shall be approved by the Commissioner of Public Safety and the City Council. The chief, first assistant chief and second assistant chief shall work with the supervisory career officers of the Fire Department and report directly to the Commissioner of Public Safety. Each company shall have the power to elect company officers as are necessary and to select members to fill any vacancies which may occur in their ranks. The company(ies) may adopt by-laws, subject to the approval of the Public Safety Commissioner, City Manager and City Council, to govern the leadership, management and direction of their respective company(ies). The Commissioner of Public Safety may remove any member on the ground of incompetence or misconduct after a hearing upon due notice and upon stated charges with the right of such officer and member to a review pursuant to article seventy-eight of the civil practice law and rules.

Section 4: 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 5: 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 Bucci, Hurd, Killian, McCartney, Mecca

NAYS: None

ABSENT: Councilwoman Tagger-Epstein

14. Resolution to authorize participation in Westchester County contracts.

Roll Call.

City Manager Serrano stated that the contracts with Westchester County are renewed each year.

Councilman made a motion, seconded by Councilwoman Killian, 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 Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca
NAYS: None
ABSENT: Councilwoman Tagger-Epstein

15. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2017.
Roll Call.

Councilwoman Hurd made a motion, seconded by Councilwoman Killian, to enter into the following agreement with the Rye Free Reading Room:

THIS AGREEMENT, made as of the ____ day of January, 2017, by and between the CITY OF RYE, a municipal corporation located within the County of Westchester and State of New York, party of the first part, and RYE FREE READING ROOM, a free library association duly registered by the Regents of the University of the State of New York at a meeting thereof on January 24-25, 1917, and maintaining a free library in the City of Rye, County of Westchester and State of New York, party of the second part:

WITNESSETH, that the parties hereto, pursuant to section 256 of the Education Law of the State of New York, do hereby mutually covenant and agree as follows:

1. The party of the second part does hereby agree to furnish library privileges to the people of the City of Rye, under reasonable rules and regulations of the party of the second part, during the terms of this agreement.
2. The party of the second part does hereby agree that the Rye Free Reading Room will make all best efforts to offer service to the public a minimum of 43.5 hours in the winter and 43.5 hours in the summer. The Library will make all best efforts to ensure that within its hours of operation that Saturday is open. In addition, the Rye Free Reading Room will guarantee that they will be open for "special events" in accordance with the policies and procedures of the library as they occur throughout the year.
3. The party of the second part does hereby agree to submit to the City of Rye a financial report within two months of the close of its fiscal year and to provide copies of an annual narrative report prepared for association members. Copies of all audit reports prepared by independent audit firms or the State of New York will be filed, within 30 days of receipt, with the City Comptroller and the City Council's Audit Committee.

4. In consideration of the foregoing the party of the first part does hereby agree to pay the sum of One Million Two Hundred Thirty Thousand Dollars (\$1,230,000) to the party of the second part during the calendar year: Six Hundred Fifteen Thousand Dollars (\$615,000) to be paid in January, and Six Hundred Fifteen Thousand Dollars (\$615,000) to be paid in July.

5. Pursuant to said statute, such total sum shall be a charge upon the City of Rye and shall be raised, appropriated and paid in the same manner as other City charges.

6. If the capital improvements that were part of the 2012 bond resolution are installed in 2017, the Rye Free Reading Room will be responsible for all maintenance and repair costs of same.

7. This agreement shall be effective and continue for the calendar year 2017.

ROLL CALL

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

16. Resolution designating the days and time of regular meetings of the City Council for 2017 setting January 11, 2017 as the first regular meeting.

Mayor Sack made a motion, seconded by Councilwoman Killian, and unanimously carried, to adopt the proposed calendar of regular meetings of the City Council for 2017, setting January 11, 2017 as the first regular meeting.

17. Bid Award for the Parking Pay Station Replacement contract (Contract #2016-17).

Roll Call.

City Manager Serrano explained that the Pay Station contract had expired and the City issued a bid for services moving forward. The replacement pay stations would have up-to-date technology and be in better working order than the current pay stations.

Councilman McCartney made a motion, seconded by Councilman Mecca, to award Contract 2016-17 be awarded to the sole bidder, Integrated Technical Systems, Inc. in the amount of one hundred two thousand six hundred eighty-eight dollars (\$102,688.00) as recommended by the City Engineer.

ROLL CALL

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

18. Acceptance of donation to the Rye Police Department from the Rye Rotary Club in the amount of One Thousand Five Hundred (\$1,500.00) Dollars.
Roll Call.

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

WHEREAS, the Rye Rotary Club desires to donate One Thousand Five Hundred (\$1,500) Dollars to the Rye Police Department; and

WHEREAS, the fiscal 2016 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 2016 General Fund budget as follows: Increase Deferred Revenues - Police Donations \$1,500.00.

ROLL CALL

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

19. Four appointments to the Boat Basin Commission, by the Council, for three-year terms expiring January 1, 2020.

The following individuals were elected to serve on the Boat Basin Commission for three-year terms ending January 1, 2020:

Resident

Brendan Doyle
Greg Gavlik
Matthew Malouin

Non-Resident

Stephen Monaldo

Mayor Sack announced that in addition to those listed above, Mr. Bob November will be filling a current term, which will expire January 1, 2018.

All were in favor of the appointments.

20. Miscellaneous communications and reports.

Councilwoman Killian asked if the calendar could be amended to change that Council meetings for August 2017. Mayor Sack responded that it could be discussed at a later date.

21. New Business.

There was nothing discussed under this agenda item.

22. Adjournment.

There being no further business to discuss, Councilwoman Hurd made a motion, seconded by Mayor Sack and unanimously carried, to adjourn the regular meeting of the City Council at 10:05 P.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: January 11, 2017

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:

January 11, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That an update be provided on outstanding issues or Old Business.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager

DATE: January 11, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Presentation by the City's Legal and Engineering Consultants on the request submitted by Crown Castle to amend their agreement with the City.

FOR THE MEETING OF:

January 11, 2017

RYE CITY CODE,

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SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

A presentation will be made by Joseph Van Eaton, Best Best & Krieger, counsel for the City of Rye, and Lee Afflerbach, Professional Engineer of Columbia Telecommunications, retained on behalf of the City.



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager

DATE: January 11, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Continuation of the Public Hearing regarding the request by Crown Castle to amend their agreement with the City regarding existing wireless telecommunications specifications and referral to the Board of Architectural Review for additional attachment locations.

FOR THE MEETING OF:

January 11, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council continue the Public Hearing regarding Crown Castle's request regarding an agreement amendment and the placement of additional attachments.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Council approved an agreement with NextG Networks, Inc. at their January 12, 2011 City Council Meeting to conduct business as a telecommunications company operating with infrastructure located in the City's public ways. Crown Castle purchased NextG in December 2011. Crown Castle is seeking an amendment to the agreement with the City to change the language to "Con Edison approved shroud," as Con Edison is the local utility who owns most of the poles in the right-of-way in the City.

Crown Castle currently has nine (9) facilities in the City of Rye. They are seeking to add approximately fifty (50) additional locations within the City's right-of-way.

The City Council referred the application for additional locations to the Board of Architectural Review (BAR) at their April 13, 2016 meeting. The BAR approved the application at their May 9, 2016 meeting.

Documents regarding Crown Castle are available on the City website at www.ryeny.gov.



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Council

DATE: January 11, 2017

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Appointment of the 2017 Deputy Mayor by the Mayor.

FOR THE MEETING OF:

January 11, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: that the following resolution be adopted:

RESOLVED, that _____ be appointed the Deputy Mayor for a one-year term commencing January 1, 2017, to serve as Acting Mayor in the Mayor's absence.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Section § C7-2, "Deputy Mayor" of the City Charter stipulates that "On or before the tenth day of January following his election, and within ten (10) days after any vacancy in the office of Deputy Mayor shall occur, the Mayor shall appoint a member of the Council as Deputy Mayor, to hold office as long as he remains such member and at the pleasure of the Mayor.



CITY COUNCIL AGENDA

NO. 11

DEPT.: City Council

DATE: January 11, 2017

CONTACT: Mayor Joseph A. Sack

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 11, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: that the following resolution be adopted:

RESOLVED, that a Council member be appointed as Trustee of the Police Pension Fund for a one-year term commencing January 1, 2017.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Police Pension Fund was established by the City Council on 1-21-1942. Chapter 31 of the City Code outlines the rules for the Fund. Section § 31-4, "Trustees and other officers of fund" stipulates that "The Mayor, the Chief of Police and a member of the Council to be appointed by the Mayor with the approval of the Council in January of each year, except the year 1942, shall constitute the Trustees of the fund." The Trustees have charge of and administer the Fund and are empowered to make all necessary contracts and take all necessary and proper actions and proceedings in connection, including making payments of pensions from this fund. There is one recipient of the Police Pension Fund.



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Council

DATE: January 11, 2017

CONTACT: Mayor Joseph A. Sack

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

FOR THE MEETING OF:

January 11, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: that the following resolution be adopted:

RESOLVED, that two Council members be appointed to the City Council's Audit Committee for a one-year term commencing January 1, 2017.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Audit Committee was established at the January 19, 1977 City Council Meeting to facilitate Council participation in the City audits. The resolution stipulated that the Audit Committee consist of the Mayor and two Council members, appointed by the Mayor, to meet at least once yearly after completion of the independent audit.



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Council

DATE: January 11, 2017

CONTACT: Mayor Joseph A. Sack

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

FOR THE MEETING OF:

January 11, 2017

RYE CITY CODE,

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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
Board of Appeals
Board of Architectural Review
Boat Basin Commission
Conservation Commission/Advisory Council
Emergency Medical Services
Finance Committee
Flood Advisory Committee
Government Policy & Research Committee
Landmarks Advisory Committee
Legal Case Management Committee
Planning Commission

Police Pension Fund
Recreation Commission
Rye Cable and Communications Committee
Rye City School Board
Rye Free Reading Room
Rye Golf Commission
Rye Merchants Association
Rye Playland Advisory Committee
Rye Town Park
Sustainability Committee
Traffic & Pedestrian Safety Committee



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager's Office

DATE: January 11, 2017

CONTACT: Marcus Serrano, City Manager

ACTION: Designation of the official City newspaper.

FOR THE MEETING OF:

January 11, 2017

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. 15

DEPT.: City Manager's Office

DATE: January 11, 2017

CONTACT: Marcus Serrano, City Manager

ACTION: Designation of alternate City newspaper.

FOR THE MEETING OF:

January 11, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and City Council designate a local newspaper as an alternate to the Journal News which is 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. The Journal News was designated as the official newspaper. The Council is asked to designate a local newspaper as an alternate to the Journal News.



CITY COUNCIL AGENDA

NO. 16

DEPT.: City Manager's Office

DATE: January 11, 2017

CONTACT: Marcus Serrano, City Manager

ACTION: Designation of the amounts of faithful performance bonds.

FOR THE MEETING OF:

January 11, 2017

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: Section § C23-3, "Surety bonds" of the City Charter stipulates that "The City Comptroller, City Clerk, City Judge, Acting City Judge, City Marshal and such other officers and employees as may be specified by the Council shall give bond for the faithful performance of their duties. The bond shall be in such sum and with such corporate sureties as may be approved by the Council. The premium of all such surety bonds shall be paid by the city."

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. 17

DEPT.: City Council

DATE: January 11, 2017

CONTACT: Mayor Joseph A. Sack

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

FOR THE MEETING OF:

January 11, 2017

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) Three appointments to the Board of Architectural Review for a three-year term
- C) Two appointments to the Board of Assessment Review for a three-year term
- D) One appointment to the Board of Ethics for a three-year term
- E) Three appointments to the Conservation Commission/Advisory Council for a three-year term
- F) Three appointments to the Finance Committee for a three-year term
- G) Five appointments to the Flood Advisory Committee for a three-year term
- H) One appointment to the Landmarks Advisory Committee for a three-year term
- I) Two appointments to the Planning Commission for a three-year term
- J) Two appointments to the Recreation Commission for a three-year term
- K) Seven appointments to the Rye Cable and Communications Committee for a three-year term
- L) Seven appointments to the Rye Playland Advisory Committee for a three-year term
- M) Four appointments to the Rye Town Park Advisory Committee for a three-year term
- N) Six appointments to the Traffic & Pedestrian Safety Committee for a three-year term