

APPROVED MINUTES of the Regular
Meeting of the City Council of the City of Rye held in
City Hall on October 17, 2001 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
CAROLYN CUNNINGHAM
ROBERTA DOWNING
ROBERT H. HUTCHINGS
ROSAMOND LARR
ARTHUR STAMPLEMAN
Councilmen

ABSENT:

DOUGLAS MCKEAN

1. Pledge of Allegiance

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

2. Roll Call

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

Mayor Otis said he was going to ask Jonathan Kraut to speak on a matter relevant to agenda items #6 and #7 because he needs to attend another meeting. Mr. Kraut, representing residents in the area of Disbrow Park, asked the Council to amend the SEQR Negative Declaration Notice of Determination of Non-Significance approved at the October 3, 2001 City Council meeting to state that the Council will make a separate determination of significance in the future based on new or more detailed information, replacing the wording "reserves the right to make a separate determination." He said he understood that approving a negative declaration at this time enables the Council to move forward with the recreation bond issue (see agenda items #6 and #7 below). He said both he and his clients recognize the need for additional recreational facilities in the City and want to move forward as well, but that the plans are no where near final and he would like the guarantee that the Council will revisit their determination in light of any new information, when details are more finalized and when the Council has more time to study the declaration.

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham, to adopt the following resolution:

RESOLVED, that the SEQR Negative Declaration approved on October 3, 2001 be amended to read “The City Council...will also make a separate determination of significance in the future based on new or more detailed information provided in connection with the specific design of any component of the proposed action.”

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Hutchings, Larr
and Stampleman

NAYS: Councilwoman Downing

ABSENT: Councilman McKean

The resolution carried.

3. Residents may be heard who have matters to discuss that do not appear on the agenda

Lawrence Lehman, Rye resident and member of the Planning Commission, reported on the parking problem on Osborn Road during school drop-off and pick-up times. He said that the situation is very dangerous, forcing cars to cross the yellow line in order to get through, and suggested the creation of a parking bay on the east side of the road from Osborn School to Theall Road. He proposed that a traffic consultant analyze the costs and said he thought expanding parking within school grounds, while less expensive, would not be enough of a solution as the extra spaces would not be used. Councilwoman Larr asked whether or not the road could be made one way during peak traffic hours; who owned the land where the bay might go; and if Mr. Lehman had met with the Parents Organization. City Manager Novak said Osborn is a through passageway to Harrison so making it one way would be difficult, but the double yellow line could be erased so that drivers could cross to the other side of the street if necessary without breaking the law. Mr. Lehman said he didn't think this would be enough; didn't know who owns the land; and will plan to meet with the PTO. He said he had met with the Traffic and Transportation Committee but was urged by Councilman Stampleman to do so again. Councilwoman Downing agreed it was a serious problem.

John Carey, Forest Avenue, submitted a letter and memorandum of law concerning the results of his research on problems relating to the alienation of the Rye Town Dock and on the significance for Rye City residents of the 1942 Agreement between the City and the Town respecting its use by them. He said he hoped these documents would help the Council as they navigated the shoals of this rock-filled problem.

Judge Carey also thanked the Council for the beautifully planned and executed candlelight vigil held on the Village Green on September 23rd honoring those who were lost during the World Trade Center bombing. Mayor Otis thanked Judge Carey for videoing the vigil and said that it would be on RCTV soon.

Doug Carey, Purchase Street, said he was speaking on behalf of the 651 Rye citizens who have signed a petition to save the Rye Town Dock. The petition, addressed to both Rye Town Supervisor Robert Morabito and Rye Mayor Otis, urges that the Town Dock not be traded to American Yacht Club (AYC), but be restored thereby keeping Rye Rye and preserving Rye's character. He said the signers of the petition, none of whom are members of either AYC or Shenorock Shore Club, expect our elected officials to preserve Rye's heritage and asked where the Council and the candidates stand on this important issue. He presented the petition to the City Clerk.

Tom Josephson, Rye Brook, said he is serving as the Save Rye Town Dock liaison between Rye and Rye Town and announced that the same petition will be presented to Supervisor Morabito. He read a letter to the Council from James H. Yarter, President of the Rye Fish and Game Club, stating that organization's strong opposition to the land swap and its belief that the town dock is worthy of restoration.

Mayor Otis said that the Council was awaiting reports from the Town of Rye (which has hired a marine consultant to review the situation and is doing its own title search) and from the various City Committees and Commissions so he can weigh all the facts before making a decision. Steve Meyers, Chairman of the Recreation Commission, said their report had been submitted; the Planning Commission will report in November. Manager Novak said she was waiting until all reports had been received before forwarding them to the Council but Councilman Stampleman requested copies as they become available. Councilwoman Larr said she had recused herself so she could not take a position.

The following announcements were made prior to continuing the agenda:

-Mayor Otis congratulated the Rye Historical Society and Fred Cummings in particular for a magnificent walking tour of the Old Mill Town area of Rye. He said that it was a seemingly impossible logistical feat which was carried out perfectly and made for a very special day. He said the event was sold out with over 300 people participating.

-Councilman Stampleman announced that the Rye Arts Center would be sponsoring a Rye Community Healing Concert at Rye High School on Sunday October 21 at 4:30 P.M. to benefit the World Trade Center relief efforts.

-City Clerk Morison announced that parking renewals had been mailed out and were due back, without fail or exception, on November 7 at 5:00 P.M. She urged anyone who had not received a renewal in the mail to call.

-The Clerk also mentioned that there were some spaces available at some of the voting districts for people who might wish to be election inspectors and that anyone interested should call the Clerk.

4. Discussion of winter parking rules on Theall Road for residents of Rye Manor

The Mayor asked Councilman Stampleman to discuss the parking problems on Theall Road for residents of Rye Manor. He said that there are only 34 spaces at Rye Manor for 50 cars and the

residents have no place to park, especially as many other people park on Theall Road, including in the parking bay which is supposed to be reserved to Rye Manor residents. He said that this problem is exacerbated in the winter, just as it is for Manursing Lodge residents, and he proposed that the Council amend the City Code so that there be no winter restrictions for Rye Manor residents. Because it will take some time to amend the Code, Councilman Stampleman asked that the police not give tickets during November. City Manager Novak said that there is a problem when there is a prediction of snow and all cars have to be off the street and that a solution as to where the cars go in this case needs to be found. She also said that Rye Manor residents have permits and are the only ones who should be parking in the bay (i.e. the blacktop right of way along Theall Road near Rye Manor), but that the City will need to put up signage before the police can ticket non-permit holders. Mayor Otis said that Theall Road is scheduled for reconstruction in the near future and he would hope that this would produce some solutions, including consideration of having parking on the opposite side of the street for Rye Manor residents. Councilman Stampleman said he would continue to work on alternatives, but in the meantime the Council agreed to the following: 1) that residents could park overnight on Theall Road through November without getting a ticket; 2) that a public hearing be scheduled for November 7 to change the law; and 3) that signs restricting the parking bay to Rye Manor residents be erected.

5. Resolution authorizing the City Manager to enter into agreements with the City of Rye Bargaining Units to provide funds for the payment of benefits and salary difference to any employee of the City of Rye who is called to active military duty

The Mayor asked Councilwoman Larr to discuss the proposal to ensure that City of Rye employees who are called to active military duty be compensated for any remuneration differences. Councilwoman Larr said this policy was already in place in Yonkers and White Plains and she recommends that the City of Rye take the same action.

Councilwoman Larr made a motion, seconded by Councilman Stampleman and unanimously carried, to adopt the following resolution:

WHEREAS, Rye City employees faithfully serve this community in the performance of their duties; and

WHEREAS, when our nation is in need, it is important to do whatever can be done to contribute to the effort; and

WHEREAS, preserving employees' pay and benefits when called to active duty protects these individuals and their families from undue hardship caused by service to their country; now therefore be it

RESOLVED, that the City Manager be and hereby is authorized to enter into agreements with the City of Rye Bargaining Units to provide funds for the payment of

benefits and salary difference to any employee of the City of Rye who is called to active military duty, and be it further

RESOLVED, that the Rye City Council urges other employers throughout Westchester County to take similar action.

6. Resolution authorizing the issuance of \$6,125,000 serial bonds of the City of Rye, Westchester County, New York, to pay for the implementation of the Recreation Master Plan

Mayor Otis asked the Council to approve a resolution authorizing the issuance of \$6,125,000 serial bonds of the City of Rye, Westchester County, New York to pay for the implementation of the Recreation Master Plan. He congratulated the Recreation Commission, Recreation Supervisor Bill Rodriquez, and the entire staff for all their work in preparing the Recreation Master Plan and in preparing the resolution which is the first step in presenting the plan to the citizens of Rye for their approval. The bond includes \$1,573,000 for athletic field development; \$4,000,000 for the expansion of Damiano Center, and \$530,000 for a Rye scenic Trailway. The estimated debt service will be approximately \$525,000 per year over the life of the bond.

Councilman Stampleman made a motion, seconded by Mayor Otis to adopt the following resolution:

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$6,125,000 SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS CAPITAL PROJECTS FOR PARK AND RECREATIONAL PURPOSES IN AND FOR SAID CITY.

WHEREAS, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital projects; now therefore be it

RESOLVED, by the City Council of the City of Rye, Westchester County, New York, as follows:

Section 1. There are hereby authorized to be issued \$6,125,000 serial bonds of the City of Rye, Westchester County, New York, pursuant to the provisions of the Local Finance Law, to pay the capital costs of the classes of objects or purposes hereinafter described in Section 2 hereof.

Section 2. The classes of objects or purposes to be financed pursuant to this resolution and their maximum estimated costs and their periods of probable usefulness are as follows:

a. The construction or reconstruction of various City-owned buildings, including incidental improvements and expenses and site work in connection therewith, for park and recreational purposes, a class of objects or purposes, at a maximum estimated cost of \$4,000,000. It is hereby determined that the plan for the financing thereof shall consist of the issuance of \$4,000,000 serial bonds of the \$6,125,000 serial bonds authorized to be issued pursuant to this bond resolution. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 92 of paragraph a of Section 11.00 of the Local Finance Law, as each component object or purpose in said class has a period of probable usefulness of at least twenty years under one or more of subdivisions 11(a)(1) or 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law; and

b. The original improvement or embellishment, including incidental expenses in connection therewith, of City parks and recreation areas, including recreational trails, playing fields or other recreational facilities, in the City, to which the residents of the City have access by reason of City ownership of either fee title or an easement thereon, a class of objects or purposes, at a maximum estimated cost of \$2,125,000. It is hereby determined that the plan for the financing thereof shall consist of the issuance of \$2,125,000 serial bonds of the \$6,125,000 serial bonds authorized to be issued pursuant to this bond resolution. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 19 of paragraph a of Section 11.00 of the Local Finance Law.

Section 3. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 4. The faith and credit of said City of Rye, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Such bonds shall be in fully registered form and shall be signed in the name of the City of Rye, Westchester County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall

advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 8. The intent of this resolution is to give the City Comptroller sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this City Council.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution. **Section 11.** This resolution is subject to the provisions of Section C21-9.A of the City Charter, and accordingly shall not take effect unless approved by a majority of the qualified voters voting at a general or special election, and if so approved shall be published in full in *The Journal News*, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing, Hutchings, Larr
and Stampleman

NAYS:None

ABSENT: Councilman McKean

The resolution carried.

7. Resolution providing for submission to the qualified voters of the City of Rye a proposition for the implementation of the Recreation Master Plan

Mayor Otis said that the next step in implementing the Recreation Master Plan is to set a date for submitting the proposition to the voters of Rye. He turned the floor over to Manager Novak who said by law the earliest date would be December 18, 2001, but if the schools go forward with a December 11, 2001 date for a referendum to build a new Milton School, the City of Rye would rescind the December 18 date in favor of a March 5, 2002 date, which is actually preferred by the Recreation Commission. Mayor Otis said he had been working with Michael Ice, President of the School Board, to coordinate both referenda, and by authorizing both dates, the City's right to move up the referendum, if the plans for the School Board are moved back, is preserved. Recreation Chairman, Steven Meyers, on behalf of his commission, thanked everyone on the Council for their support and thanked Bill Rodriguez and Sally Rogol for their hard work. He said they all felt it was an important and most needed project which should go forward.

Councilman Stampleman made a motion, seconded by Councilwoman Downing, to adopt the following resolution:

WHEREAS, the City Council of the City of Rye, Westchester County, New York, on October 17, 2001 adopted a resolution authorizing the issuance of \$6,125,000 serial bonds of said city to pay the cost of implementing the Recreation Master Plan to a referendum in accordance with the provisions of Section C21-9 of the Charter of said city; and

WHEREAS, it is now desired to call a special election of the qualified voters of said city for the purpose of submitting a proposition for the approval or disapproval of said bond resolution; and

WHEREAS, the City Council wishes to coordinate the timing of this referendum with the School Board; and

WHEREAS, the School Board has indicated their intent to proceed with a special election on December 11, 2001; and

WHEREAS, if that is the final date for said election, the City would proceed with an election date of Tuesday, March 5, 2002; and

WHEREAS, in order to preserve the option for a December election date in the event the School District changes their date, the City will first schedule the election for December 18, 2001 and then rescind and reschedule for March 5, 2002 once the School District sets the date for their election; now, therefore, be it

RESOLVED, by the City Council of the City of Rye, Westchester County, New York, as follows:

Section 1 A special election of the qualified voters of the City of Rye, Westchester County, New York, shall be held on the 18th day of December 2001, a date at least sixty (60) days from the date hereof in accordance with Section C5-3 of the Charter of the city, for the purpose of voting upon the proposition hereinafter set forth. Qualified voters for said special election shall be those who are qualified to vote for the election of officers of said city.

Section 2 The polls at said special election shall be kept open between the hours of 6:00 A.M. and 9:00 P.M., Prevailing Time, which hours are hereby designated as the hours of voting. Voting at said special election shall be by paper ballot. The single polling place for said special election is hereby designated to be City Hall, 1051 Boston Post Road, in Rye, New York for all 15 Election Districts.

Section 3 The City Clerk is hereby authorized and directed to cause notice of such special election to be given by publication once a week for two (2) weeks preceding the date of the referendum in *The Journal News*, the official newspaper of said city. Such notice, and the form of the proposition to be submitted at said special election, shall be in substantially the following form, to wit:

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN that, pursuant to Section C21-9 of the Charter of the City of Rye, Westchester County, New York, a special election of the qualified voters of said city shall be held at the polling place hereinafter set forth, on the

18th day of December, 2001, or the 5th day of March, 2002, for the purpose of voting by paper ballot on the adoption or rejection of the following resolution:

BOND RESOLUTION DATED OCTOBER 17, 2001.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$6,125,000 SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS CAPITAL PROJECTS FOR PARK AND RECREATIONAL PURPOSES IN AND FOR SAID CITY.

WHEREAS, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital projects; now therefore be it

RESOLVED, by the City Council of the City of Rye, Westchester County, New York, as follows:

Section 1. There are hereby authorized to be issued \$6,125,000 serial bonds of the City of Rye, Westchester County, New York, pursuant to the provisions of the Local Finance Law, to pay the capital costs of the classes of objects or purposes hereinafter described in Section 2 hereof.

Section 2. The classes of objects or purposes to be financed pursuant to this resolution and their maximum estimated costs and their periods of probable usefulness are as follows:

- a.** The construction or reconstruction of various City-owned buildings, including incidental improvements and expenses and site work in connection therewith, for park and recreational purposes, a class of objects or purposes, at a maximum estimated cost of \$4,000,000. It is hereby determined that the plan for the financing thereof shall consist of the issuance of \$4,000,000 serial bonds of the \$6,125,000 serial bonds authorized to be issued pursuant to this bond resolution. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 92 of paragraph a of Section 11.00 of the Local Finance Law, as each component object or purpose in said class has a period of probable usefulness of at least twenty years under one or more of subdivisions 11(a)(1) or 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law; and
- b.** The original improvement or embellishment, including incidental expenses in connection therewith, of City parks and recreation areas, including recreational trails, playing fields or other recreational facilities, in the City, to which the residents of the City have access by reason of City ownership of either fee title or an easement thereon, a class of objects or purposes, at a

maximum estimated cost of \$2,125,000. It is hereby determined that the plan for the financing thereof shall consist of the issuance of \$2,125,000 serial bonds of the \$6,125,000 serial bonds authorized to be issued pursuant to this bond resolution. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 19 of paragraph a of Section 11.00 of the Local Finance Law.

Section 3. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 4. The faith and credit of said City of Rye, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Such bonds shall be in fully registered form and shall be signed in the name of the City of Rye, Westchester County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be

determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 8. The intent of this resolution is to give the City Comptroller sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this City Council.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution is subject to the provisions of Section C21-9.A of the City Charter, and accordingly shall not take effect unless approved by a majority of the qualified voters voting at a general or special election, and if so approved shall be published in full in *The Journal News*, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing, Hutchings, Larr
and Stampleman

NAYS:None

ABSENT: Councilman McKean

8. Consideration of proposed local law amending Chapter 98, Fire Prevention, of the Rye City Code by amending Section 98-92, Permit required, of Article XV, Oil Burning Equipment

At the request of Mayor Otis, Manager Novak explained that the proposal to amend Chapter 98, Fire Prevention of the Rye City Code by amending Section 98-92, Permit required, of Article XV, Oil Burning Equipment was being made to create a more practical and realistic system for requiring that appropriately qualified people would do oil burner installation. She said the change to the Code would recognize licenses provided by other municipalities in Westchester and Rockland Counties and allow oil burner installers who are not licensed plumbers or licensed in the City but licensed in other municipalities to perform work in the City of Rye.

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing, to approve the proposal by Building Inspector and Corporation Counsel to establish a more realistic system.

9. Authorization for the City Engineer to file an application to the Westchester County Health Department for installation of backflow prevention devices being provided on the Milton Point Firehouse Renovation project

At the request of Mayor Otis, Manager Novak said that the City Engineer needs to make an application to the New York-American Water Company to proceed with supplying domestic water and fire service to the Milton Firehouse and that authorization of the Council is necessary to proceed with the application.

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to adopt the following resolution:

RESOLVED, that the City Engineer be and is hereby authorized to sign the application to the Westchester County Health Department for the installation of Backflow Prevention Devices for the Milton Firehouse Renovation Project.

10. Authorization for the City Manager to enter into a 2002 Stop-DWI Patrol/Datamaster Project and Training Reimbursement Contract with the County of Westchester for the 2002 calendar year

Mayor Otis asked the Council to authorize the City Manager to renew an annual contract which is required for Rye's police department to participate in the 2002 STOP-DWI Patrol/Datamaster Project and be eligible for reimbursement.

Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to authorize the City Manager to enter into a 2002 Stop-DWI Patrol/Datamaster Project Agreement with the County of Westchester for the 2002 calendar year.

11. Discussion and direction to city staff regarding amendment of the Noise Ordinance to restrict construction hours

Mayor Otis reported that the staff had gathered information on restrictions in other communities on the use of blasting and explosives. Councilwoman Larr said she has been increasingly concerned with construction noise and was in favor of restricting the hours. Manager Novak said that the City's code stipulates that there shall be no blasting between 8:00 PM and 8:00 A.M.; and that bonding is required but the specific decibel levels are not spelled out and there is no provision for limiting construction hours. The Council directed Corporation Counsel Neale to draft a law limiting construction hours which would apply to all heavy duty items, including wood chippers and the like; that the hours of construction should be only from 8:00 AM-5:00 P.M. on weekdays; from 10:00A.M.–5:00P.M. on Saturdays and not at all on Sundays, except for emergencies. Mayor Otis said that the laws restricting blasting would be more complicated and that Rye is still investigating prototypes in other communities.

12. Discussion and direction to city staff regarding the establishment of a permit requirement for the construction of fences

At the request of Mayor Otis, Manager Novak asked the Council for direction regarding the establishment of a permit requirement for the construction of fences. She said that the Building Inspector would like to see the local law amended to require all applications to get a permit if they wish to construct a new fence or reconstruct an old one and that plot surveys be submitted with the fence application. Councilwoman Cunningham suggested requiring the permit only for a front fence; Councilman Stampleman suggested a registration rather than a permit and asked about the added workload on the Building Department; Mayor Otis said he favored the registration approach and wondered about fixing old stone walls. Manager Novak said rear fences have also been illegally erected and that it would be simpler for the Building Inspector if all applications were to require a survey and a permit. The Council asked Corporation Counsel Neale to prepare a draft to amend the law.

13. Discussion and direction to city staff regarding Flood Mitigation Plan

At the request of Mayor Otis Manager Novak said the draft of the Flood Mitigation Plan which had been submitted to the Council needed to be approved before the City can apply for grants. She

said that the draft incorporated the reports of all boards and committees as summarized in a 9-page report from Laura Tessier. Councilwoman Cunningham said it was a good job and Councilman Stampleman requested a copy of the 9-page report and asked for additional time to review the report. The Council agreed to adopt the plan at the November 7, 2001 meeting of the City Council.

14. One appointment to the Commission on Human Rights of an ex-officio student member, by the Mayor

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing and unanimously carried, to appoint Manlai Cheng as an ex-officio student member of the Commission on Human Rights, replacing Lindsay Friedman.

15. Consideration of request of the Recreation Department to use the Village Green on Sunday, October 21, 2001, from 11:00 a.m. to 1:00 p.m. to provide entertainment for the Halloween Window Painting Event

Councilwoman Downing made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the request for use of the Village Green on Sunday, October 21, 2001 from 11:00 A.M. to 1:00 P.M. to provide entertainment for the Halloween Window Painting event.

16. Consideration of request on behalf of Indian Village residents to use Mendota Avenue for a Halloween Parade on Wednesday, October 31, 2001, from 3:00 p.m. to 5:30 p.m.

Councilwoman Downing made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the request for controlled traffic on Mendota Avenue for a Halloween Parade on Wednesday, October 31, 2001 from 3:00 P.M. to 5:30 P.M.

17. Miscellaneous communications and reports

Councilwoman Larr reported that she and Manager Novak had attended a meeting with Emergency Medical Service employees. She said that they are not well paid and have no benefits, so some are seeking jobs in New York City now available because of the World Trade Center bombing. She said the City should look at what we are providing and she urged everyone to pay their bills.

Councilwoman Cunningham reported on the Beaver Brook Swamp Meeting which discussed the Project Impact situation and the Beaver Brook Swamp report and said it was very exciting that we had moved along to the point where we can actually look at what can be done in the future. She said the

real progress on what we can do to improve our wetlands is very exciting. Councilman Stampleman said he would like to see some of the exhibits.

Councilman Stampleman reported that Joe Murphy and Marian Shea are developing a Rye Seniors Project to provide assistance to seniors in crisis situations. He said the City was providing the council chambers where the group can meet.

18. Old Business

Councilwoman Downing thanked Manager Novak for providing the tape of a speech by Stuart Varney about the economic future of the country and pointed out that Comptroller Michael Genito had highlighted some of the same warnings in his report on the state of Rye's finances. She said the Council needs to be realistic about the future and the challenges the City will be facing. She said she feels next year's budget may require a tax increase. Councilwoman Cunningham said we know a tax increase will be needed to support the increased debt but said it may mean holding the line in other areas.

Councilman Stampleman referred to the suggestion to close the Grace Church Street bridge and reiterated that he feels it is important to leave one lane open. He said that Forest Avenue is considered a major emergency route for Rye so it is even more important to leave it partially open during reconstruction. The Mayor said area residents need to be involved when more information is received.

19. New Business

Councilwoman Cunningham urged the Council to attend the October 23rd Planning Commission meeting when the wetlands law will be discussed because their input about how the law is written is needed.

Councilman Stampleman brought up the subject of having the school board make a presentation to the Council on the shifting demographics. The Council felt the written report as submitted to them was sufficient at this time.

Councilman Stampleman mentioned that the Town of Rye was opposing the merger of the New York American Water Company and the Connecticut American Water Company that already provides some of the most expensive water in the County. Councilwoman Cunningham urged the City Council to support the Town of Rye in their opposition.

20. Draft unapproved minutes of the regular meeting of the City Council held October 3, 2001

Councilman Stampleman made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the minutes of the regular meeting of the City Council held on October 3, 2001 as amended.

At the request of Mayor Otis, Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to adopt the following proclamation:

PROCLAMATION

***WHEREAS**, The Rye Arts Center, founded in 1960 as an educational and cultural institution to promote interest and active involvement in the visual and performing arts, and*

***WHEREAS**, The Rye Arts Center each year honors and celebrates volunteers for their Boundless Energy, Service and Time for the benefit of the Rye Arts Center at the Annual B.E.S.T. Award Fall Luncheon, and*

***WHEREAS**, this year, on Thursday, October 18, 2001, The Rye Arts Center will honor Carolyn and John Cunningham and Frances Sternhagen for the integral part they played in creating and supporting the legendary series, "Players and Playwrights" offered at the Rye Arts Center from 1989 to 1997 when Ms. Sternhagen and Mr. Cunningham read scenes from collected plays by well known guest playwrights, including John Guare, A.R. Gurney, and Wendy Wasserstein, followed by lively question and answer sessions which always resulted in the intelligent and enthusiastic interaction between the Playwright, the actors and the audience, and*

***WHEREAS**, Mr. Cunningham and Ms. Sternhagen have both enjoyed extraordinary success on Broadway, both on and off, on television and on the silver screen, and Mrs. Cunningham has served the community as a Board or active member in over ten community committees and organizations, currently as member of the Rye City Council, and*

***WHEREAS** , this extraordinary program will be highlighted during the B.E.S.T. Award Luncheon and the Cunninghams and Ms. Sternhagen will be honored for their significant contributions to the Rye Arts Center in general and to the "Players and Playwrights" program in particular, now therefore be it*

***RESOLVED**, that the City Council of the City of Rye hereby pauses in its deliberations to commend and congratulate John and Carolyn Cunningham and*

Frances Sternhagen for their dedication to the Rye Arts Center, their professionalism, and their contributions to the Rye community.

Signed and sealed this 18th day of October, 2001

*Steven Otis
Mayor*

Manager Novak asked the Council to approve the final schedule of budget meetings:

Monday, November 12, 2001	Special Meeting/Budget Presentation
Wednesday, November 14, 2001	Regular Meeting, preceded by a Budget workshop
Monday, November 26, 2001	Budget workshop (if necessary)
Monday, December 3, 2001	Regular Meeting/Budget Hearing
Wednesday, December 19, 2001	Regular meeting/Budget Adoption

21. Adjournment

There being no further business to discuss, Councilwoman Downing made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn the meeting at 10:30 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk