

***APPROVED MINUTES*** of the Special Meeting of the City Council of the City of Rye held in City Hall on October 24, 2001 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor  
CAROLYN CUNNINGHAM  
ROBERTA DOWNING  
ROSAMOND LARR  
ARTHUR STAMPLEMAN  
Councilmen

ABSENT:

ROBERT H. HUTCHINGS  
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.

The Mayor congratulated all those who made the event at Gagliardo Park to raise funds for the tragedies resulting from September 11<sup>th</sup> events a great success. He said many were involved but special credit goes to High Street Roadhouse, Kelly's and Mike Taylor.

Councilman Stampleman reported that the Rye Arts Center event to raise money for arts scholarships for those affected by the tragedy was also successful with many of the participants in their 30s.

The Mayor asked Commissioner William Connors to address the Council about what the Rye Police Department is doing to be prepared in light of recent events. Commissioner Connors said there is not a lot of concrete information, but everyone is learning and it is a time of evolution, especially in small town policing, as police move into front line intelligence gathering. He said he had attended a meeting in Albany on October 23 for all police chiefs and reported we couldn't have a better team in place, but the challenge is to get information both up and down the lines of communication and for everyone to keep ahead of the curve. He displayed a guidebook he has prepared for our police which

sets out protocols for such things as mailhandling, emergency evacuations, and biological attacks. He reported that firefighters also are being trained to handle new kinds of emergencies.

Speaking specifically about anthrax, he said there was none, to anyone's knowledge, in Westchester County and assured everyone that when caught it is controllable so no one should panic. He urged residents to be vigilant; to report suspicious packages, but to leave them where they are rather than bringing them to the police station. Our police are trained to evaluate the situation both on the phone and on site. He assured everyone that no one is taking anything lightly, that local law enforcement people are, and will, continue to be the first line of defense and are learning to serve on a different level. Councilman Stampleman said he felt reassured and the Mayor said the whole community appreciates having someone with the Commissioner's expertise, especially now that we are all on the front line.

3. Resolution to authorize the city to borrow \$3.1 million through the New York State Environmental Facilities Corporation (EFC) for the purpose of acquiring land

Mayor Otis reviewed that on September 5, 2001, the Council passed a change in the charter to allow the City to borrow \$3.1 million through the New York State Environmental Facilities Corporation (EFC) for the purpose of acquiring land. He said that the 45-day waiting period was over and the loan had been approved by the EFC, so it was time for the Council to pass a resolution authorizing the city to borrow \$3.1 million from the EFC.

In answer to a question from Councilwoman Larr, Manager Novak said the City does not have a contract yet, but they do have a copy of the resolution passed by EFC which is close to being a letter of commitment. Corporation Counsel Henry Neale said it appears the loan will be interest free for 16 months and the first principal payment of 5% will be a year after the project is completed, presumably when the deed is received and recorded. Mr. Neale said it appears also that use of the property is quite limited and that using part of the site for a ball-field is not possible under the terms of the loan. He said it appears that there is no prepayment penalty if the City can pay down the portion of the loan used to purchase the ball field part of the Rye Nursery property. The Mayor said, in answer to a question from Councilwoman Larr, that once a SEQR review is completed and we can determine what is possible on the site, assuming an athletic field is the City's goal, the City would be able to go back to non-EFC long-term borrowing to deal with that portion of the site.

He said that by rescinding the \$800,000 bond previously authorized, it does not preclude re-bonding and in the meantime the City will have 16 months to develop an alternative funding plan for the ball-field. The cost of the debt, assuming annual principal repayment at between 4 and 5% of the total, will be about \$150,000 per year. Mr. Neale said he had been advised to close on the properties in November or December so that the date of the loan and subsequent repayments will be at the end of each calendar year, allowing the City to use the money for most of each year.

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

**A RESOLUTION REPEALING A RESOLUTION ENTITLED “A RESOLUTION AUTHORIZING THE ISSUANCE OF \$800,000 SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE ACQUISITION OF VARIOUS PARCELS OF LAND FOR PRESERVATION OR RECREATION PURPOSES IN AND FOR SAID CITY” AND AUTHORIZING THE ISSUANCE OF \$3,100,000 SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE ACQUISITION OF VARIOUS PARCELS OF LAND FOR PRESERVATION OR RECREATION PURPOSES IN AND FOR SAID CITY**

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

**WHEREAS**, on April 18, 2001, the City Council of the City of Rye adopted a Bond Resolution entitled “A RESOLUTION AUTHORIZING THE ISSUANCE OF \$800,000 SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE ACQUISITION OF VARIOUS PARCELS OF LAND FOR PRESERVATION OR RECREATION PURPOSES IN AND FOR SAID CITY”;

**WHEREAS**, no obligations have been issued in reliance on the aforesaid April 18, 2001 bond resolution;

**WHEREAS**, since that time, the City of Rye, by Local Law 3-2001, has amended Article 21 of the Charter of the City of Rye to exempt bond resolutions authorizing obligations to be sold to the New York State Environmental Facilities Corporation from the referendum requirements therein;

**WHEREAS**, it now desired to repeal the aforesaid April 18, 2001 bond resolution and adopt a new bond resolution under the Charter, as so amended, in an increased amount; 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 \$3,100,000 serial bonds of the City of Rye, Westchester County, New York, pursuant to the provisions of the Local Finance Law, to pay part of the cost of the acquisition of various parcels of land within the City for preservation or recreational purposes, including incidental improvement and

expenses in connection therewith, constituting a class of objects or purposes with a maximum estimated cost of \$3,600,000. All such bonds and any notes issued in anticipation thereof shall be sold only to the New York State Environmental Facilities Corporation.

**Section 2.** It is hereby determined that the plan for the financing of the aforesaid class of objects or purposes shall consist of the issuance of the \$3,100,000 serial bonds of said City authorized to be issued pursuant to this bond resolution, together with \$500,000 expected to be received from a combination of federal, New York State and local aid therefor. It is hereby further determined that the amount of such aid is expected to aggregate \$2,800,000, and to the extent such aid exceeds \$500,000, the amount of bonds authorized hereunder shall be reduced by the amount of such excess, provided, however, that the amount so authorized shall not be reduced below the aggregate amount of bonds and notes issued in anticipation thereof then outstanding.

**Section 3.** It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision 21 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

**Section 4.** 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 5.** 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. To the extent not available from other sources, there shall annually be levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable

**Section 6.** 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 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 7.** The powers and duties of conducting the sale and awarding the bonds are hereby delegated to the City Comptroller, who shall 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 8.** 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 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 shall be published in full in *The Journal News* the official newspaper, together with a notice of the Cit Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 12.** The bond resolution entitled "A RESOLUTION AUTHORIZING THE ISSUANCE OF \$800,000 SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE ACQUISITION OF VARIOUS PARCELS OF LAND FOR

PRESERVATION OR RECREATION PURPOSES IN AND FOR SAID CITY” is hereby repealed.

**Section 13.** This resolution is effective immediately in accordance with paragraph D of Section C21-9 of the City of Rye Charter.

ROLL CALL:

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

NAYS: None

ABSENT: Councilmen Hutchings and McKean

The resolution passed.

4. Consideration of proposed local law amending Chapter 191, Vehicles and Traffic, of the Rye City Code by amending Section 191-18, Subsection D(2) with respect to public parking places

The Council reviewed a resolution prepared by Corporation Counsel Neale and a proposed amendment to local law Chapter 191, Vehicles and Traffic which would entitle residents of 300 Theall Road to park on Theall Road during the months of November, December, January, February and March between the hours of 3:00 A.M. and 6:00 A.M, thereby exempting these residents from having to move their cars every night. Councilman Stampleman reviewed both the resolution and proposed local law and said that it provided the relief he had sought for the residents of Rye Manor. Councilwoman Cunningham said that since there were two driveways at Rye Manor she would like to see the word “driveway” more clearly defined, but that otherwise it was fine.

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

**WHEREAS**, a proposed resolution concerning overnight parking for residents of 300 Theall Road between the hours of 3:00 AM and 6:00 AM during the months of November through March and a proposed local law amending Chapter 191, Vehicles and Traffic, of the Code of the City of Rye, Section 191-18, subsection D (2) with respect to public parking places has been introduced at this meeting and placed before the Mayor and each Councilman; and

**WHEREAS**, it is now desired to call a public hearing on such proposed application, now, therefore, be it

**RESOLVED**, by the Council of the City of Rye as follows:

Section 1. Pursuant to section 20 of the Municipal Home rule law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on November 7, 2001 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purposed of affording interested persons an opportunity to be heard concerning such application.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing on a proposed local law amending Chapter 191, Vehicles and Traffic, of the Rye City Code by amending Section 191-18, Subsection D(2) with respect to public parking places**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 7th day of November, 2001 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law amending Chapter 191, Vehicles and Traffic, of the Rye City Code by amending Section 191-18, Subsection D(2) with respect to public parking places.

Copies of said local law may be obtained from the office of the City Clerk.

5. 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

City Manager Novak, following up on the proposed new local law discussed and agreed to at the October 17, 2001 meeting, asked that the Council set a public hearing on the proposed local law amending Chapter 98, Fire Prevention, of the Rye City Code to 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 and unanimously carried to adopt the following resolution:

**WHEREAS**, a local law was introduced at the October 17, 2001 meeting of the City Council and placed before the Mayor and each Councilman; amending the Rye City Code Chapter 98, Section 98-92, Permit required, or Article XV, Oil Burning Equipment, and

**WHEREAS**, it is now desired to call a public hearing on such proposed application, now, therefore, be it

**RESOLVED**, by the Council of the City of Rye as follows:

Section 1. Pursuant to section 20 of the Municipal Home rule law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on November 7, 2001 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purposed of affording interested persons an opportunity to be heard concerning such application.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing on a 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**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 7th day of November, 2001 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law amending Chapter 191, Vehicles and Traffic, of the Rye City Code by amending Section 191-18, Subsection D (2) with respect to public parking places.

Copies of said local law may be obtained from the office of the City Clerk.

Councilwoman Cunningham asked the Council to reaffirm that she and Corporation Counsel Neale should work on an endangered species law and the Council agreed.

Councilwoman Larr made a motion, seconded by Councilwoman Downing and unanimously carried, to adjourn to executive session to discuss a real estate matter.

The Council reconvened at 9:04 P.M.

6. Adjournment



There being no further business to consider, Councilwoman Larr made a motion seconded by Councilman Stampleman and unanimously carried, to adjourn the meeting at 9:05 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk