

APPROVED MINUTES of the Regular
Meeting of the City Council of the City of Rye held in
City Hall on November 7, 2001 at 8:00 P.M.

PRESENT:

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

ABSENT:

ROBERT H. HUTCHINGS
Councilman

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 congratulated all those who ran for office in this year's election saying that being willing to run as well as actually serving is a public service and that accolades are owed all for sacrificing their time.

Councilman Stampleman said he would like to thank those who supported or voted for him in yesterday's election; that the opportunity to serve on Rye's City Council has been very rewarding; and he is happy to have been able to contribute to the community in this role. He said he is disappointed but proud of the campaign his ticket waged. He said he looks forward to completing his responsibilities on the Council and then the opportunity to pursue other interests.

3. Presentation by the Rye City School District on their proposed 2001 Bond Issue

Mayor Otis introduced Michael Ice, President of the Board of Education who thanked the Council for the opportunity to address them on the need for a bond issue to reconstruct Milton School

and make other capital improvements. He said the needs were based on studies which have been shared with the Council and reported that the Board of Education has passed three resolutions: 1) a resolution of necessity for changes to Milton School; 2) a resolution to place a \$25 million referendum before the citizens for approval; and 3) a resolution establishing December 11, 2001 as the date for the referendum. Mr. Ice introduced Dr. Edward Shine, Superintendent of Schools and Mr. Robert Walsh, Assistant Superintendent.

Dr. Shine said the bond referendum was both important and needed as elementary school enrollment continues to increase and there is no more space. He said Midland's core facilities were fully utilized as are Osborn's, and Milton School, with its 100 year-old core building, is in need of complete renovation. He said the solution is 1) to equalize elementary school enrollment at 500+; 2) establish class size guidelines with the average Class size at 20; and 3) make an additional \$8 million in repairs/maintenance and renovation in all schools (over and above those required at Milton). He said other options and alternatives had been explored, such as adding to each elementary school and building a new K facility, but the solution proposed was preferable.

Dr. Shine reported an architect had been selected, a draft educational plan/space requirements report had been presented and a district-wide capital improvements plan reviewed. The cost breaks down as follows: \$19 million for additions and alterations to Milton School to accommodate 500 students; and \$6 million for district-wide capital improvements, including parking, disability and asbestos issues. The five-year average debt service (versus the total budget) will be \$377 per year as old debt decreases and is paid off.

He showed the plans that have been developed for Milton School, calling for an increase of 50% over the present space. He recognizes traffic will be a big problem but a traffic consultant will be hired to follow up on the studies already made. He said he was meeting with the Milton neighbors and the Milton Point Association and will be addressing the traffic issue with them as well. He said the new parking area increases to 79 spaces, but this will necessitate reconstituting the play area so that the green space will no longer be able to accommodate the full-size soccer field desired by the Recreation Department. Hopefully one can be created at Osborn School. He said redistricting will be addressed later, as will traffic and busing issues, and they will also be looking at incentives to get children to walk to school.

Dr. Shine concluded by saying that many school districts are facing the need for expansion and are asking approval for bonds far greater than \$25 million. He said the Board of Education will be holding many informational sessions and will be developing a brochure detailing the plan and the tax implications.

Mayor Otis thanked everyone for their presentations and wished them good luck.

The Mayor announced the following agenda item would be taken out of order.

6. Public hearing on 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

Mayor Otis opened the 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 which would allow residents of Rye Manor to park on Theall Road at night during the snow season unless there is a storm warning. The Council discussed the various options proposed by Corporation Counsel Neale and opted to choose a combination that would maximize the number of parking places available for residents of Rye Manor during the nights. Josephine Delmonte, Rye Manor resident, thanked the Council for adopting this amendment after thirteen years and said that all the senior citizens love that the Council cares and are so happy that it has come to pass.

There being no further comments, the mayor closed the public hearing.

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

**RESOLUTION CONCERNING OVERNIGHT
PARKING ON THEALL ROAD**

WHEREAS, the City of Rye has a generally applicable and long established policy, beginning in 1982 or earlier and continuing to the present, which prohibits parking of automobiles on any public street in the City between the hours of 3:00 A.M. and 6:00 A.M. on any day during the months of November, December, January, February and March; and

WHEREAS, the prohibition against overnight parking in Winter months serves a useful public purpose by facilitating activities conducted by the Department of Public Works for the purpose of street sanding, snow plowing or snow removal and by removing potential obstacles to movement of emergency vehicles during storm events; and

WHEREAS, the multi-family residential structure at 300 Theall Road has insufficient off-street parking to accommodate vehicles owned by the residents; and such parking cannot be provided on the site at reasonable cost; and, there is no available off-street parking within reasonable walking distance; and

WHEREAS, the residents of 300 Theall Road, while recognizing the useful public purpose served by the presently existing generally applicable prohibition, have requested the exemption or modification in their special circumstances; and

WHEREAS, it is the intent of the City Council and the said residents that such modification would grant a rescindable privilege and that owners of vehicles have a duty to know whether an exception to the general prohibition against overnight parking remains in effect at any particular time; and, therefore, be it

RESOLVED, that the following Local Law be adopted:

**CITY OF RYE
LOCAL LAW NO. 4-2001**

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

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

Section 1. Subsection D of Section 191-18 of Chapter 191, Vehicles and Traffic, of the Code of the City of Rye is hereby amended to read as follows :

§ 191-18. Public parking places.

- A. For the purpose of this section, a “municipal parking place” shall mean a lot or property leased or owned by the city and used for public parking purposes, excluding parking places on the property of the New York, New Haven and Hartford Railroad Company.
- B. Lines or markers in a municipal parking place indicate parking stalls, and only one (1) motor vehicle shall be parked within such lines or markers indicating such separate parking stalls respectively, and such vehicle shall be parked parallel to the sidelines of any such stall and shall not extend more than eighteen (18) feet from the front line of such stall.
- C. In any municipal parking place in which parking stalls are not marked out or indicated, all motor vehicles shall be parked with respect to any indicated line of parking within such municipal parking place as is designated on any sign therein and shall be parked so that there shall be a space of at least two (2) feet and not more than three (3) feet from any other motor vehicle already parked and shall not extend more than eighteen (18) feet from the said indicated line of parking.

D. All-night parking.

- (1) No motor vehicle shall be parked in a commuter parking area described by § 191-47 between the hours of 3:00 a.m. and 6:00 a.m. except during the months of November, December, January, February and March, when no motor vehicle shall be parked in such commuter parking areas between the hours of 1:00 a.m. and 6:00 a.m. The same parking rules shall apply in all other municipal parking places except by special permit obtained from the Clerk.

- (2) All-night parking prohibited. No parking shall be permitted on any public street in the City of Rye between the hours of 3:00 a.m. and 6:00 a.m. on any day during the months of November, December, January, February and March, except that parking shall be allowed on the westerly side of Theall Road, off the travel portion of said road from a point approximately four hundred (400) feet north of its intersection with Osborn Road and running north for a distance of two hundred forty (240) feet, while such property is licensed for such use by the City of Rye. Parking shall be allowed on the westerly side of Theall Road along the frontage of the property known as Rye Manor at 300 Theall Road a distance of approximately 215 feet, and on the westerly side of Davis Avenue from Manursing Avenue to Sylvan Place and on the southerly side of Manursing Avenue from Davis Avenue to Cedar Place between the hours of 3:00 a.m. and 6:00 a.m. on any days during the months of November, December, January, February and March except for a period beginning four (4) hours after the National Weather Service has issued a winter storm warning and continuing for twenty-four (24) hours thereafter or when the City Manager has provided notification which is reasonable under the circumstances stating that parking is prohibited.

- (3) Limited all-night parking. Parking of any vehicle other than registered non-commercial passenger vehicles on any public street in a residentially zoned district in the City of Rye between the hours of 1:00 a.m. and 6:00 a.m. is prohibited.

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Hutchings

The resolution passed (subsequently amended at the December 3, 2001 Council Meeting).

Mary Sarano, Rye Manor resident, thanked the Council for the quick action on the signs in the parking bay (i.e. the black top area in the right-of-way on Theall Road), but suggested that a parking permit arrangement was needed. Mayor Otis said that State permission was needed for such an arrangement, that it should be noted that only 80% of the spaces can be reserved for residents, and that the State has recently been loath to pass these kinds of bills and has placed a moratorium on them. He said, however, in light of the fact that it is a senior citizen problem also involving the disabled and that, unlike residents in the Playland area, the citizens want the law, it was worth asking. The Council agreed that Corporation Counsel Henry Neale should draft a law. Councilman McKean pointed out that the parking issues were not properly addressed at the start so the legislature might take this into account as well. Manager Novak said that those parking in spaces designated for Rye Manor residents illegally will be ticketed beginning November 12, 2001.

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

There were no residents who wished to be heard.

5. Public hearing on the Special Use Permit Application by Sprint Spectrum L.P. to co-locate a wireless telecommunications facility at 66 Milton Road

Mayor Otis opened the public hearing on the Special Use Permit Application by Sprint Spectrum L.P. to co-locate a wireless telecommunications facility at 66 Milton Road and welcomed Mr. Robert Gaudio from Snyder & Snyder, representing Sprint. Mr. Gaudio addressed the issues raised at the prior meeting and asked the Council to review revised plans which screened the antenna with faux brick and further disguised the antenna at the top of the building. He said he had received the report from the CompComm, the City's consultant and was in agreement with the findings.

Councilman McKean commented that the cabinets were surface-mounted rather than flush mounted and that the conduits up the outside of the building are unattractive. He said that, in effect, the building is being trashed by telecommunications equipment and perhaps the situation should be reviewed by the Board of Architectural Review.

Warren Wadman, 66 Milton Road, said he was concerned with the loss of his views from the top floor now that Nextel has taken his north view and Verizon his south view. He said he was also concerned about the noise from the various air conditioning units and continues to worry about the health implications of having yet another antenna located right outside his apartment. He said he felt the board of the building is more interested in the income than the value of his apartment and his well-being. Councilwoman Downing asked if there is a limit to the number of co-locations allowed.

Mr. Gaudioso responded that the aggregate exposure is well below the limits and that Sprint's shelters are much smaller and quieter than previous installations because Sprint is a PCS carrier.

Christine Malone, representing CompComm, said that the number of companies are limited 1) by the FCC (there are 9 currently licensed so five more are possible); 2) by the structure (roof load, physical size, electrical load); 3) by the aggregate exposure (which is still low); and 4) by the local requirements (most municipalities urge co-location rather than new towers). Ms. Malone said they did not do an analysis for inside the apartment but did for the worst-case scenario (as if you were standing right beside the antenna) and found the levels to be more than acceptable at 41% of the maximum allowed. Councilwoman Cunningham suggested inside testing be required. Mr. Gaudioso said Sprint was willing to do that if it is so desired.

Mr. Mario Visconti, 66 Milton Road, told the Council there was too much talk and no action, that his brains were going to be cooked and he was not happy that a fifth telecommunications company was being considered.

Mayor Otis suggested that the ordinance be reviewed to see if any of the issues raised had been addressed and also suggested that the completion of the public hearing be carried over to the next regular meeting of the City Council.

There being no further discussion, the public hearing was adjourned.

7. Public hearing on proposed local law amending Chapter 98, Fire Prevention, of the Rye City Code by amending Section 98-02, Permit required, of Article XV, Oil Burning Equipment

Mayor Otis opened the public hearing. At the request of the Mayor, City Manager Novak explained that it was necessary to have a public hearing on a law to amend Chapter 98, Fire Prevention, of the Rye City Code, Section 98-92, Permit required, of Article XV, Oil Burning Equipment so that oil burner installers who are not licensed plumbers or licensed in the City but licensed in other municipalities can perform work in the City of Rye.

There being no comments or discussion, the Mayor closed the public hearing.

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing and unanimously carried, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 5-2001**

**A 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.**

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

Section 1. Section 98-92 of Article XV of Chapter 98 of the Rye City Code is hereby amended to read as follows:

§ 98-92. Permit required.

A. A permit shall be required for the installation of any oil tank or oil burner that utilizes a fuel oil tank in excess of 25 gallons in a building or in excess of 60 gallons outside of a building. Application for such permit shall be made as provided by Chapter 68 of this Code.

B. No such permit shall be issued unless the applicant has submitted proof that the installation work shall be done or directly supervised by a licensed plumber or by a person who has successfully completed an examination conducted by the former Examining Board of Installers of Mechanical Equipment of the City of Rye or by a person who has successfully completed a comparable examination conducted by at least one other municipality located in Westchester or Putnam Counties and has demonstrated competence to perform all necessary functions of installing oil burning equipment. If the applicant has contracted with a partnership or corporation for performance of the installation, at least one partner or officer must be either a licensed plumber or person who successfully completed the required proficiency test.

Section 2. This local law shall take effect immediately on filing in the office of the Secretary of State.

8. Resolution revising the date for submission to the qualified voters of the City of Rye a proposition for the implementation of the Recreation Master Plan.

Mayor Otis asked the Council to approve a resolution providing for submission to the qualified voters of the City of Rye a proposition for the implementation of the Recreation Master Plan revised to reflect a voting date of March 5, 2002. Councilwoman Larr inquired when the deadline to change the amount of the resolution would be and was informed that it would be 60 days prior to the vote.

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

RESOLUTION DATED NOVEMBER 7, 2001

A RESOLUTION CALLING A SPECIAL ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF RYE, WESTCHESTER COUNTY, NEW YORK IN ACCORDANCE WITH SECTION C21-9 OF THE CHARTER OF SAID CITY, AND PROVIDING OTHER MATTERS THEREWITH

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; 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 5th day of March 2002, 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 machine 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 5th day of March 2002, for the purpose of voting 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 referendum in accordance the provisions of Section C21-9.A of the City Charter.

The single polling place for said special election shall be City Hall, 1051 Boston Post Road, in Rye, New York for all 15 election districts. The hours of voting at said special election will be from 6:00 A.M. to 9:00 P.M., Prevailing Time.

Qualified voters at said special election shall be those who are qualified to vote for the election of officers of said City. Applications for absentee ballots shall be available at the Office of the City Clerk until the day before such special election or by mail as provided by Section 8-400 of the Election Law.

The polls will be kept open for said election during the aforesaid hours and the proposition will be in substantially the following form, to wit:

PROPOSITION

Shall the bond resolution adopted by the City Council of the City of Rye, Westchester County, New York on October 17, 2001, authorizing the issuance of \$6,125,000 serial bonds of said City, of which amount \$4,000,000 shall be allocated to pay the cost of the construction or reconstruction of various City-owned buildings for park and recreational purposes, and of which amount \$2,125,000 shall be allocated to pay the cost of the original improvement or embellishment of City park 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, providing that the period of probable usefulness of such construction or reconstruction of buildings is twenty years and that the period of probable usefulness of such original improvement and embellishment of City park and recreational areas is fifteen years, delegating the power to issue serial bonds and bond anticipation notes to the Comptroller, pledging the faith and credit of said City for the payment of such bonds and notes, and containing an estoppel provision, be approved?

Rye, New York

Dated: 2001

BY ORDER OF THE CITY COUNCIL OF THE
CITY OF RYE, WESTCHESTER COUNTY,
NEW YORK

BY: _____
City Clerk

Section 4. Said special election shall be conducted in the manner prescribed by the Election Law to the extent not inconsistent with the Charter of the City of Rye, Westchester County, New York, and the provisions of this resolution.

Section 5. This resolution shall take effect immediately.

ROLL CALL

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

NAYS:None

ABSENT: Councilman Hutchings

The resolution passed.

9. Adoption of the City of Rye Flood Mitigation Plan

Mayor Otis asked the Council to approve the Flood Mitigation Plan submitted at the regular meeting of the City Council on October 17, 2001. Councilwoman Downing remarked that it was very impressive and asked if it were true that the marshlands were dying off. Councilwoman Cunningham said that they were, possibly because of dredging or boat waves. The Mayor thanked Julie Schmitter,

Assistant to the City Manager and City Planner Christian Miller for their good work. He also thanked consultant Laura Tessier and all the various City Boards and Commissions for their assistance in completing the plan.

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

RESOLVED, that the City Council adopt the City of Rye Flood Mitigation Plan dated November, 2001.

10. Authorization for the City Manger to enter into a license agreement between the City of Rye and Howard Deixler for installation of a sewer lateral extending approximately 170 feet west from the front of property located at 9 Stoneycrest Road to the existing sanitary manhole in Fieldstone Road

At the request of the Mayor, City Manager Novak explained that the City encourages moving off a septic system and connecting to the existing sanitary manhole is the way the City accommodates such requests. Councilwoman Larr suggested that the sewer line be checked to make sure it is in order and it was determined that the street had not been repaved in a while so that a new cut in the pavement is nothing to be concerned about.

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

RESOLVED, that the City Manager is hereby authorized to enter into a license agreement between the City of Rye and Howard Deixler for installation of a sewer lateral extending approximately 170 feet west from the front of property located at 9 Stoneycrest Road to the existing sanitary manhole in Fieldstone Road.

11. Authorization for the City Manger to enter into a license agreement between the City of Rye and Stanislav Kotyza for installation of a sewer lateral extending approximately 180 feet west from the front of property located at 8 Dalphin Drive to the existing sanitary manhole in Dalphin Drive

The City Manager explained that this was the same situation as the request in agenda # 10 except that the sewer line was 4" in diameter instead of 1 1/2 "

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

RESOLVED, that the City Manager is hereby authorized to enter into a license agreement between the City of Rye and Stanislav Kotyza for installation of a sewer lateral extending approximately 180 feet west from the front of the property located at 8 Dalphin Drive to the existing sanitary manhole in Dalphin Drive.

12. Consideration of a Resolution authorizing the City Engineer, on behalf of the City of Rye to sign Westchester County Health Department Applications regarding the installation of Backflow Prevention devices on City-owned water lines

At the request of Mayor Otis, the City Manager requested that the Council approve blanket authorization to the City Engineer to sign off on the Department of Health applications regarding the installation of Backflow Prevention Devices on City-owned water lines. She said such authorization would expedite installation and processing of these matters.

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

RESOLVED, that the City Council of the City of Rye, hereby authorizes the City Engineer to sign applications on behalf of the City of Rye for permits to the Westchester County Department of Health for the installation of Backflow Prevention devices on City-owned water lines.

13. Approval of a supplemental appropriation of \$4,500 from the Police Agency Fund to the Police Department budget for the purpose of allotting each member of the Rye Police Association up to One Hundred (\$100) Dollars for the purchase of uniform shoes

City Manager Novak requested the Council approve a supplemental appropriation from the Police Agency Fund for the purchase of shoes. She said that there is presently \$14,329.97 in the fund. The request is made by the Rye Police Association and recommended by Commissioner Connors.

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

RESOLVED, that the City Council of the City of Rye hereby approves an appropriation of \$4,500 from the Miscellaneous Trust Fund – donations for Police Purposes – for the purchase of Uniform Shoes for members of the Rye Police Association.

ROLL CALL:

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

NAYS:None

ABSENT: Councilman Hutchings

The resolution passed.

14. Consideration of request by the Rye City School district to use three of the City's voting machines on December 11, 2001 for the Board of Education's special bond referendum election

Mayor Otis asked the Council to consider a request from the Rye City School District to use three of the City's voting machines for the Board of Education bond referendum.

Councilwoman Cunningham made a motion, seconded by Councilman McKean and unanimously carried, to authorize the City Clerk to loan three voting machines to the Rye City School District for their special election on December 11, 2001.

15. Consideration of the request of the Twig Organization of the New York United Hospital Medical Center to use the Village Green for the 2nd Annual Holiday Caroling and Luminaries Lighting on Tuesday, December 11, 2001, from 5:00 P.M. to 8:00 P.M., with Wednesday, December, 12 as a rain date

Councilman McKean made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the request of the Twig Organization of the New York United Hospital Medical Center to use the Village Green for the 2nd Annual Holiday Caroling and Luminaries Lighting on Tuesday, December 11, 2001 from 5:00 P.M. to 8:00 P.M., with Wednesday, December 12 as a rain date.

16. Consideration of the request of the Midland School PTO to use city streets for their Midland School Parade on Saturday, April 6, 2002

Councilwoman Downing made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the request of the Midland School PTO to use City streets for their Midland School Parade on Saturday, April 6, 2002 from 9:00 A.M. to approximately 10:00 A.M.

17. Miscellaneous communications and reports

Corporation Counsel Neale reported that the loan agreement documents for the Environmental Facilities Corporation (EFC) loan arrived in City Hall on Wednesday morning, November 7. He said they were mailed on November 2nd from Albany to the City's bond counsel who forwarded it to the City and that it appears they need to be signed and returned to Albany by November 9, 2001. He said he and Comptroller Michael Genito need a day to study the documents, collect valuations on the properties and prepare a resolution for the Council to enter into the loan. The Council agreed to meet in special session on Thursday, November 8, 2001 at 5:00 P.M.

Councilwoman Larr mentioned that the Twig Organization is hosting a panel of doctors discussing "Biological Terrorism." It will be held in the Rye High School Auditorium on Wednesday, November 14, 2001 from 7:30-9:00 P.M. and the public is invited.

18. Old Business

Councilwoman Downing said she noticed that the Flood Mitigation Plan described Grace Church Street as one of the main evacuation routes for the City in case of flooding and she urged this be considered when deciding whether or not to totally close the Grace Church Street bridge over the thruway during reconstruction.

Councilman Stampleman reported that the group which has been formed to help Seniors is moving ahead. He mentioned that The Osborn has a Q&A line to answer inquiries on such topics as retirement, residential options, etc.

Councilman Stampleman asked about the status of the New York American Water Company (NYAWCO) merger. The City Manager said NYAWCO has requested a meeting and that our water counsel has been contacted and is involved.

19. New Business

Councilwoman Cunningham mentioned a letter recently received from NYCOM recommending that the Council oppose a proposed bill which would allow a paid firefighter or police officer or survivor to sue a third party in the event an on duty injury or death were caused by a violation of a departmental rule. NYCOM feels passage of such a bill would increase liability for municipalities. Mayor Otis asked that a copy of the bill be circulated in the next packet.

Councilman Stampleman asked if the development in Port Chester would increase harbor activity and if this would have any impact on Rye. The Mayor said he would think not, but suggested the City Manager check with Boat Basin Supervisor, Peter Fox and Officer Gary Olivier, Bay Constable.

Councilman Stampleman inquired about the procedure by which the City responds to letters sent to the Council. Manager Novak said they are passed on to the Council so that the Council can give direction to the Manager. Councilwoman Cunningham said she thought most of them got answered and the Mayor said he would think about the procedure.

20. Draft unapproved minutes of the regular meeting of the City Council held October 17 and the special meeting held October 24, 2001

Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the minutes of the regular meeting of the City Council held October 17, 2001 as amended.

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the minutes of the special meeting of the City Council held October 24, 2001 as amended.

21. Adjournment

There being no further business to discuss, Councilman McKean made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn the meeting at 10:25 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk

