

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on December 3, 2001 at 8:00 P.M.

PRESENT:

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

ABSENT:

None

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 the Rye High School girls field hockey team on winning their second state championship with an impressive record of 21-1-1, commenting that consecutive titles are hard to come by. He reported the team had been feted with a parade and ceremony the previous Friday evening.

Mayor Otis announced that Rangers Memorial Cup hockey game would be held on December 15, 2001 in memory of Tom Palazzo, Ward Haynes and Teddy Maloney, who played or coached hockey before the World Trade Center disaster. Proceeds will benefit the three families and he urged those who could to help honor these three special individuals.

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

No residents were invited to speak at this time.

4. Public hearing on proposed 2002 Budget

Mayor Otis opened the public hearing on the proposed 2002 budget by recapping events to date: presentation of the tentative budget to the Council by the City Manager; two workshops; and a meeting of the Finance Committee. He said some amendments had been made so the proposed budget now calls for a 9.93% increase rather than the 18.2% originally presented. Changes include increases in projected revenue for property tax penalties, sales and use taxes, utility gross receipts taxes, fines and forfeitures, mortgage taxes and building permits; decreases in the amounts for Clerk's automation system, snow removal, projected salaries, elimination of the maintenance consultant and the fire engine lease; transfers out re capital expenditures; deferment of the police pistol range; and increases in support of the Rye Nature Center, the Rye Historical Society and the Rye Youth Council. Councilman Stampleman added that debt payments would be decreased by an additional \$91,000 and he had suggestions of how to increase spending to the Rye Free Reading Room and a Seniors Group to offset this additional gain. Mayor Otis asked for input from the public.

Franklin Chu, Councilman-elect, said it was wishful thinking not to address the tough issues being faced, saying a tax increase hurts, but perhaps it is unwise not to face the need. He said he knows the City is not a business, but that it needs to start acting that way. He urged that during the first quarter of 2002, the Council have the following objectives:

1. Restrain expense growth while maintaining services. It is hard to say no, but he is shocked to see the deficit has grown during the workshops, rather than decreased.
2. Match revenues and expenses now because a margin of safety in the fund balances are essential.
3. Every cost center should be self-sufficient.
4. Take active steps to develop revenue streams, such as raising user fees, especially for non-residents, and finding a way to be reimbursed for being "host" to Playland.

He said he would recommend freezing all expenses not mandated and review each budget line carefully and deliberately starting in January, 2002.

Robert Cypher, Councilman-elect, recognized Councilman Stampleman's long and valuable Council service, especially on behalf of Senior citizens, but questioned his proposed revenue increases as he feels many of the assumptions are illusory. He said increasing the deficit projections from \$1.3 million to \$1.8 is like spending our seed money and that the tentative budget avoids critical choices which will lead to severe consequences in 2003. Councilman Stampleman defended his estimates and said debt is going to be retired.

Lauren Miscamarra, Co-President of the Rye Youth Council (RYC), thanked the Council for past support, but said their services to Rye's youth had grown over the years; that private support is shrinking; that they cannot be fee based; and that the need for their services has never been greater. Therefore, they are requesting an additional \$5,000, which would bring their support up to \$25,000, a 66.6% increase over last year's support. Nancy Steed, long-time supporter of the RYC, said it has accomplished extraordinary things and that it was both critical and important that the City increase their support.

Elizabeth Reynolds, past President of the Rye Historical Society, thanked the City for providing operating support for the first time. She said such support is essential to the Society which is going ahead with plans to work with the City because they need to, but they hope, going forward, they will be able to count on additional support.

Betty Teoman, Director of the Rye Free Reading Room, repeated her plea that the Library is part of the City's core services; that they have taken a hard look at their budget; and have reduced their request from \$96,000 to \$48,000 (a 3.6% increase over last year's support). Diane Holtz, Library employee, said the increase is important in enabling the Library to both attract and maintain quality staff. Peggy Peters read a letter from Board President, Marty Edelman, urging this operating support and reiterating their request for \$250,000 in capital support.

Duncan Hennes, Rye resident, said the current budget was financially irresponsible now that the Council had voted 43 to increase the deficit, ignoring the City's policies concerning balancing the budget, maintaining fund balances, etc. He compared the budget to borrowing once the credit cards are maxed out and declared there will be no reserves at the end of 2002, so there will be no option but to balance the budget. He also feels the City is gambling with its Aaa bond rating and urged the Council to restrain expenses and take the prudent course now.

Ellen Milberg, former Council member, said during her tenure fiscal prudence was of primary importance; that they never would have dreamed of deficit budgets; always erred on the side of being conservative; and never touched debt. She sensed zero tax increases were putting the City on a slippery slope and is ashamed not to have paid more attention. She urged the Council, even at this 11<sup>th</sup> hour, to act responsibly by 1) raising taxes substantially, even more than the 18.2% suggested, and 2) setting up a bi-partisan financial committee to stop reliance on debt and consider the present situation. She concluded by saying that smoke and mirrors won't work and that inflating revenues leads to potential disaster.

Scott Cannold, Rye resident, apologized as well for being a delinquent constituent. He said it was an extraordinary time and suggested the Council look at less standard, more "out-of-the-box" solutions to the problems such as hiring a turn-around consultant to cut costs and seeking ways to find 2-3% increase in the productivity of each employee.

Mayor Otis responded by saying that the sky has not fallen, but there are challenges, especially in New York State. He urged the residue of politics should be put aside so that everyone can work

together in a civil, rational and even handed manner. He said from Mayor Ross on, the Council's goal was to have a zero tax increase; that his administration reinstated the financial trend report; and the liquidity of the City is fine, but he agrees the City needs to raise taxes and it will. He said the City has not always followed it's stated financial goals and that this Council feels it is sometimes better to bond and spread expenses over many years (Councilman McKean and George Pratt, Chairman of the Finance Committee, agreed) and they have had to increase debt to fix things which had been neglected. He said his "out-of-the box" idea was to try and buy property without having to pay for it, but that didn't happen. He opined that an 18.2% increase would hurt the Recreation Bond issue which everyone has worked so hard on and said some on the Finance Committee feel too large a jump in taxes would hurt the Aaa bond rating.

Councilwoman Downing said turning down the land acquisition situation had no impact on the operating budget and said that the Council should have listened to both City Managers Culross and Novak when they urged higher tax increases. She and Councilwoman Larr both said they were not in favor of changing the budget figures before the hearing. Councilman McKean said they had not cut the increase without thought, but they do need to have more discussion about issues like the operating deficit. He reminded everyone that the fund balances were created with taxes already paid. He voiced his concern about the deferred building maintenance problem (i.e., City Hall, the Police Station, etc.) so he felt the zero tax increases of the past were not a responsible choice. Councilwoman Cunningham said she is concerned about rising expenses over the years and thinks there is still room for cuts this year.

Police Commissioner Connors spoke on the importance of the Police pistol range saying that sending his officers far afield to train could cost up to \$42,000, whereas the debt on borrowing the \$400,000 to fix the range would be only \$31,000. He said it would be easier and more cost effective to be able to train the men locally and is looking into alternatives such as a \$200,000 trailer. Councilman McKean was informed that the \$42,000 was not in the operating budget.

George Pratt said the Finance Committee had met and reviewed the original documents and the results of the two workshops; had tried to identify revenues and costs; and confirmed with the City Manager that 9.9% increase this year would enable the 5% fund balance to be maintained even if some of the revenue estimates are unmet. He said this will cause even bigger problems next year and he shares the concerns of others. He said the Finance Committee traditionally looks at capital projects and budgets, but if the Council would like more input they should charge the committee appropriately. He recommends the Council take an immediate hard look at next year because they won't have anything left to borrow and still be able to keep the fund balance at 5%.

Jonathan Peters, resident, said that everyone appreciates the volunteer job the Council does, but it is time to take a closer look at some of the hard issues before them. He recalls that during the land purchase discussion everyone was assured there was plenty of money to purchase the property outright, but now there is not enough even to fully fund requests of community organizations. He said there is a need to communicate more fully; that in the past we were bailed out by the boom years which are no longer there; that now is not the time to ignore the balanced budget policy; that we have to

evaluate the services we want; and it is time to pay for what we get. He said a 9% tax increase versus a 29% increase in expenses says it all.

David Gile, former Council Member, questioned the correctness of changing budget figures during a workshop. Corporation Counsel Neale advised that, even though he has been told making such changes has been customarily done, the meeting should, in fact, have been called as a "Special Meeting" rather than as a "Workshop."

Councilman Hutchings said he was not shocked at the expenses, but would like to examine the schedule of fees to see if some could be raised further. Michael Klemens, resident, commented that some were too small; some too large, but to be fiscally responsible, the fees should be examined, as should all areas of the budget.

Kurt Tietjen, resident and city employee, urged taking a bigger dose of "medicine" now rather than postponing it. John Wickham, retired City employee and Rye resident, said Rye is a bargain and taxes should be raised enough now. Ellen Milberg pointed out that there was no one in the audience expressing outrage at a raise in property taxes, so take the opportunity to increase them properly.

The Mayor said it might be a good idea to keep the public hearing open. Counselor Neale said it was not clear if, and/or for how long, that could actually be done, but he would do the research. After additional discussion, the Council voted on several motions concerning the budget:

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

**RESOLVED**, to adopt the following amendments to the proposed 2002 General Fund Budget:

*Decrease* debt payments by \$91,000

*Increase* support of the Rye Free Reading Room by \$48,000

*Increase* support for a new Senior's Citizens group \$1,500

ROLL CALL

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

NAYS:None

ABSTAINS: Councilmen Hutchings and Larr

ABSENT None

The resolution passed.

Councilwoman Downing made a motion, seconded by Councilman McKean, to adopt the following amendment to the proposed 2002 General Fund Budget:

**RESOLVED**, that support for the Rye Youth Council be increased by \$5,000.

ROLL CALL

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

NAYS:None

ABSTAINS: Councilmen Hutchings and Larr

ABSENT None

The resolution passed.

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

**RESOLVED**, that the proposed property tax increase be returned to the 18.2% level.

ROLL CALL

AYES: Councilmen Hutchings, Downing and Larr

NAYS:Mayor Otis, Councilmen Cunningham, McKean,  
and Stampleman

ABSENT None

The resolution did not pass.

Councilman McKean made a motion to decrease the operating deficit to the level originally proposed in the City Manager's tentative budget by raising the property tax to about 15%. The Mayor said he was opposed to raising the tax rate further this evening and, after discussion and a request to the City Manager to run additional figures which would show how that goal might be achieved, Councilman McKean withdrew his motion.

Mayor Otis announced that the public hearing would continue at a special meeting of the City Council on Wednesday, December 12, 2001 at 8:00 P.M.

5. 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 to further discuss the 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 previously adopted at the regular meeting of the City Council held November 7, 2001. As no one on the Council or in the audience had any comments concerning the amendment to the previously adopted law as proposed by the Corporation Counsel, the Mayor closed the public hearing.

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

**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, 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, Hutchings, Larr,  
McKean and Stampleman

NAYS: None

ABSENT: None

The law was adopted.

6. Consideration and direction to city staff regarding the petition from taxi operators licensed in the City of Rye that fares be increased

Mayor Otis said that the taxi drivers had requested an increase and asked Councilwoman Cunningham to comment on a recently completed phone survey. She said the Rye Interfaith Housing committee had conducted the survey for grant purposes to try and determine who among Rye's senior citizens used the voucher system established by the Rye Interfaith Council to help keep fares reasonable. She said the results were not particularly helpful as it appears that the senior citizens choose to use Purchase Street Cab only, but that it is not clear whether, if asked, the other drivers would take them. She said she is interested in looking at the zones and getting input from both the senior citizens and the drivers, but thought an increase is due as there has not been one since 1993. Councilwoman Larr said she thought the proposed increase was too high, especially for some of the higher zones; that gas prices are coming down; that the drivers have more than one person in the cab; and that they seem to charge what they want regardless of the set rates. Councilman Hutchings and the Mayor agreed that the requested increase seemed high. The Council requested an updated comparison from other communities and additional input.

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

**WHEREAS**, the Council wishes to review the exact wording of the local law Chapter 180, Taxicabs, of the Code of the City of Rye, Section 180-14, Payment of Fares with respect to taxicab zones and fares; and

**WHEREAS**, it is now desired to call a public hearing on such proposed amendment to the law, 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 January 16, 2002 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

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 180, Taxicabs of the Code of the City of Rye by amending Section 180-14 Payment of fares**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on Wednesday, the 16<sup>th</sup> day of January, 2002 at 8:00 P.M. in the Council Room of City Hall, Boston Post Road, in said City, at which time interested persons will be afforded an opportunity to be heard concerning the proposed local law amending Chapter 180 Taxicabs, by amending Section 180-14 Payment of Fares.

Dated: January 7, 2002

Rye City Clerk

7. Consideration of proposed local law amending Chapter 90, Fences and Walls, of the Code of the City of Rye by creating a new Section 90-3, Permit Required, and renumbering the current Sections 90-3 through 90-19

The Mayor asked the Council to consider a proposed local law amending Chapter 90, Fences and Walls, of the Code of the City of Rye by creating a new Section 90-3, Permit Required and renumbering the current Sections 90-3 through 90-19. The Council questioned the cost to the homeowner of obtaining a permit and wondered if it should be set by resolution rather than in law. They questioned the necessity of the site plan, preferring that the requirement be "survey and fence layout." They confirmed that the required fence design was covered elsewhere in the code and that this portion dealt simply with issues of set back and height. The Mayor said he prefers language be added to protect the right of way but also to enable the beautiful old stone walls to remain where possible. He said that the wording indicates if, for example, a wall is in disrepair and is too high, a permit to fix it would not be granted and the applicant would then have to appeal to the Zoning Board. Corporation Counsel Neale said while this is the correct procedure it should be for exceptions rather than the norm.

Mayor Otis made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adopt the following resolution.

**WHEREAS**, the Council wishes to review the exact wording of the local law Chapter 90, Fences and Walls, of the Code of the City of Rye, by creating a new Section 90-3 Permit Required; and

**WHEREAS**, it is now desired to call a public hearing on such proposed amendment to the law, 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 January 16, 2002 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

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 90. Fences and Walls, of the Code of the City of Rye by creating a new Section 90-3, Permit Required**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on Wednesday, the 16<sup>th</sup> day of January, 2002 at 8:00 P.M. in the Council Room of City Hall, Boston Post Road, in said City, at which time interested persons will be afforded an opportunity to be heard concerning the proposed local law amending Chapter 90, Fences and Walls, by adding Section 90-3, Permit Required.

Dated: January 7, 2002

Rye City Clerk

8. Consideration of next steps for design and planning of the Rye Nursery Site and Disbrow Park

Mayor Otis presented a proposal to create a special committee, similar to those that worked on plans for Whitby Castle and the Milton Firehouse, to bring together the relevant boards, commissions, city staff and other interested parties to plan the Rye Nursery site from environmental, recreational, and neighborhood points of view. He said the collaborative committee would consider different potential uses, neighborhood issues and policy considerations, hold workshops and report their progress to the Council. He said such a committee would speed the process and provide important

balance. Councilwoman Cunningham said it is a complicated issue so a committee would be a good idea.

Steven Meyers, Chairman of the Recreation Commission, said he thought it would work, but would like to see a charter; a definition of wetlands vs. playing fields; and a timetable. He also requested that the decision to establish such a committee be deferred until he could discuss it with the Commission members who have already been working hard on plans. Planning Commission Chairman Michael Klemens agreed that establishing the committee should be deferred, but said his commission wants to be a part of the process. He said there were many wetlands issues, not clearly defined even in the Harza Report, and he hopes the Planning Commission will hold the Nursery Property to the same standards required of our citizens. He asked where the money will come from to properly restore the wetlands and suggested finding a way to set up a 501(C)(3) organization so that applications to foundations could be made. Nick Hodnett, Conservation Commission Chairman, said they are willing to help out in every way they can.

Mr. Meyers asked if the EFC loan cannot fund a playing field (which Counselor Neale said was not certain, but a possible scenario), is it not true that the City will have to refinance part of the loan so that the City can own the playing field portion of the property. Mr. Neale reiterated that the loan is only interest free for a brief period of time and that we would, perhaps, need to buy it back if the soccer use is not allowed. He also said the plans need to comply with SEQRA which involves both the County (because they own adjacent property) and the State (which has financed the project). Mr. Meyers suggested the Council should consider the possibility of increasing the bond referendum by some amount as a contingency factor in case the City needs to repurchase the land prior to breaking ground for a field. He said this was on the agenda for the next Recreation Commission meeting and that he would favor assuming the worst-case scenario, to be better safe than sorry. The Mayor said there were potential grant requests still outstanding and the possibility of some bonding, but urged that if extra funds are added, the wording be kept vague so that the funds could be used for other fields if not needed for the Nursery property. It was agreed that the subject of establishing the committee would be on the agenda of the regular meeting of the Council on December 19, 2001.

9. Approval of the election of new members to the Rye Fire Department

Councilwoman Downing made a motion, seconded by Councilman McKean and unanimously carried, to approve the election of Matthew Fahey, Christina Mason, Stephen Massinello, Eric Moy and Paul Zegarowicz to membership in the Ponigoe Hook and Ladder Company. The election was held November 5, 2001 and the membership approved by the Board of Fire Wardens at their November 12, 2001 meeting.

10. Scheduling of a public hearing on the Special Use Permit Application TC 007 by Nextel of New York to locate a wireless telecommunication facility at 411 Theodore Fremd Avenue

Ira Saroff, representing Snyder & Snyder o/b/o Nextel of New York, Inc., informed the Council that Nextel would like to locate a wireless telecommunications facility at 411 Theodore Fremd Avenue. There was no discussion among the Council at this time.

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

**WHEREAS**, a special use permit application (TC007) for permission to locate a telecommunications facility at 411 Theodore Fremd Avenue has heretofore 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 January 16, 2002 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose 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:

**CITY OF RYE**

**Notice of Public Hearing on a special use permit application by Nextel of New York, Inc. ("Nextel") to locate a telecommunications facility at 411 Theodore Fremd Avenue**

PLEASE TAKE NOTICE that, pursuant to Chapter 196 of the Code of the City of Rye (Wireless Telecommunications), the Rye City Council has scheduled a public hearing for Wednesday evening 8:00 P.M., January 16, 2002 in the Council Room of the Rye City Hall on the following matter:

Nextel of New York, Inc has applied for special permit approval for the purpose of installing a wireless telecommunications facility on a property located at 411 Theodore Fremd Avenue. The property is known on the Rye City Tax Map as Sheet 146.13, Block 1, Lot 9.1, and is located in the B-4 Office Building District. All information pertaining to this matter is available at the City Clerk's Office in Rye City Hall. Contact Christian K. Miller, (967-7176) if you require assistance in reviewing this matter. Any person interested or affected will be given an opportunity to be heard.

December 11, 2002

Rye City Planner

11. Authorization for the City Manager to enter into a license agreement between the City of Rye and Formart Development Corporation for installation of one sanitary sewer manhole, a 4 inch cast iron sewer lateral extending approximately 200 feet from the front of property located at 1A Martin Road to the existing sanitary manhole in Forest Avenue, and a 6" P.V.C. drain line extending approximately 180 feet from the front of property located at 1A Martin Road to existing catch basin on the corner of Martin Road and Forest Avenue

Linda Whitehead, from McCullough, Goldberger & Staudt, LLD, representing Formart Development Corporation, requested that the City approve the installation of a sewer lateral and drain line in front of 1A Martin Road. She said the City Engineer had reviewed the plans and recommends proceeding.

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

**RESOLVED**, that the City Manager be authorized to enter into a license agreement between the City of Rye and Formart Development Corporation for installation of one sanitary sewer manhole, a 4-inch cast iron sewer lateral extending approximately 200 feet from the front of property located at 1A Martin Road to the existing sanitary manhole in Forest Avenue, and a 6" P.V.C. drain line extending approximately 180 feet from the front of property located at 1A Martin Road to existing catch basin on the corner of Martin Road and Forest Avenue

12. Consideration of a request from the Westchester Municipal Officials Association to oppose S.3656/A.8714 which would amend §205-a and §205-e of the General Municipal Law to permit a paid firefighter or a police officer to sue a third party in the event an on-duty injury or death were to be caused by a violation of a departmental rule and to request that the Governor veto this legislation

The Council considered a request from the Westchester Municipal Official Association to urge the Governor to veto S.3656/A8714 already passed by both the House and Senate because the Association believes the bill, which would permit a paid firefighter or a police officer to sue a third party in the event an on duty injury or death were to be caused by a violation of a departmental rule, would increase liability to municipalities. Kurt Tietjen, representing the Fire Department, believes the suits

would be restricted to negligent homeowners. The Council asked for more information and deferred a decision until the next regular meeting of the City Council on December 19, 2001.

13. Consideration of a request from the Westchester Municipal Officials Association to oppose S.4744 which would provide authority to the County to regulate taxicabs, limousines and livery vehicles and would supersede local laws or ordinances adopted by the City and to request that the Governor veto this legislation

This agenda item was postponed until the next regular meeting of the City Council on December 19, 2001.

14. Miscellaneous communications and reports

There were no miscellaneous communications and reports.

15. Old Business

There was no old business to come before the Council.

16. New Business

There was no new business to come before the Council.

17. Draft unapproved minutes of the regular meeting of the City Council held on November 7, 2001, the special meetings held November 8 and 12, 2001, the Budget Workshop meeting held November 14, 2001, the regular meeting held on November 14, 2001, and the Budget Workshop meeting held on November 26, 2001

Approval of all unapproved minutes was postponed until the Special Meeting of the City Council to be held on Wednesday, December 12 at 8:00 P.M.

18. Adjournment

There being no further business to consider, Councilman McKean made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn the meeting at 12:57 A.M.

Respectfully submitted,

Susan A. Morison  
City Clerk