

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on January 16, 2002 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor  
FRANKLIN J. CHU  
CAROLYN CUNNINGHAM  
ROBERT S. CYPHER  
ROBERT H. HUTCHINGS  
ROSAMOND LARR  
DOUGLAS MCKEAN  
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.

The Mayor said that because of his illness during the first meeting of the year on January 2, 2002, this meeting, in addition to the regular meeting, would also be the annual organizational meeting which traditionally begins with a message from the Mayor.

3. Mayor's Annual Message

The Mayor read the following Annual Message into the official record:

“Welcome to our City Council meeting. It is my honor to deliver the Mayor’s Annual Message for 2002. We enter a new year with new opportunities for making our community better.

“Our service on the City Council is built upon opportunities and how we choose to mark our efforts. During the past four years much has been done to advance issues and achieve results. We have done a good job of taking advantage of opportunities and have a record of results that the entire City Council has made possible.

“Hard work, cooperation, and unity of purpose have resulted in the rehabilitation of our firehouses, traffic safety improvements, transportation improvements for senior citizens, improvements at Rye Town Park, the rebuilding and reopening of Whitby Castle, the new golf building at Rye Golf Club, and the Project Impact emergency preparedness program. We have also given new attention to our Central Business District, the Recreation Master Plan, improved coordination with the Rye City School District, the Beaver Swamp Brook Restoration project with the Town of Harrison, improvements at RCTV, Rye’s first acquisition of additional parkland in over 25 years, increased commitment to our police and fire departments, and improved communication between City government and Rye residents.

“The challenge for 2002 must be for Rye to stay on track and build on this prolific record. Many of the opportunities we have today are the result of the work of recent years. I urge the City Council to stay focused on working together and getting things done.

“The best example and the first opportunity to build on our work together comes on March 5th with the referendum on the Recreation Bond Issue. Work on this proposal began four years ago with a survey to residents regarding recreation needs and with the subsequent drafting of the Recreation Master Plan based upon the information residents provided in that survey. Rye has never had a more thoroughly researched, carefully planned proposal. Also Rye has never before had as large a proposal aimed at improving youth recreational programs.

“Our Recreation Commission and Recreation Department Staff have worked very hard to bring to the public a proposal that will increase needed athletic field space, modernize and enlarge the Damiano Recreation Center on Midland Avenue, and provide an expanded scenic trail way system for walking, jogging, and pedestrian safety.

“An important part of the recreation center expansion is the long overdue dedicated space for our Rye senior citizen programs. Today, the limited space at the Damiano Center hampers both our senior program and our other recreation activities. Additional demand for senior citizen services and programs for children require more space.

“You will be hearing more about the recreation bond issue in upcoming weeks. Please give this proposal your support.

“In addition to the bond issue, with the assistance of a citizens committee headed by Joe Murphy and Marian Shea, the City is also reviewing ways we can improve services to senior citizens. Rethinking the role and function of the senior advocate position and providing a plan for the City to improve services has been the focus of this committee. In the recently adopted City budget we provided funds to begin that effort. The Committee is working closely with City staff on this project.

“We need to continue to support the work of the Traffic and Transportation Committee in order to make our community safer for children, pedestrians, and drivers. A new second speed trailer has been acquired. The police department has been a key part of these efforts. Enforcement efforts will continue at increased levels.

“The Milton Fire Station will reopen this year. The design and rehabilitation of the Locust Avenue Fire Headquarters will follow. Equipment needs for our Fire Department will continue to be a responsibility the City must meet. To date, the City Council has been unable to find an affordable solution for renovation or replacement of our outmoded Police Headquarters and Courthouse facility on McCullough Place. We need to continue to find a solution that we can afford, that is rationally priced, and that can fit into our infrastructure program. At the same time we have supported the police department with new equipment, by increasing the number of officers, providing increased training, and with the adoption of the 2002 budget, funding for the planned rehabilitation of our firing range at Disbrow Park.

“One opportunity that the City of Rye has taken great advantage of is Project Impact, our emergency preparedness program. I hold in my hand Rye’s “Guide to Disaster Preparedness and Injury Prevention” which you received by mail over the holidays. This guide provides preparedness guidelines for everything from flooding, hurricanes, and winter storms to terrorism. Compiled by Julie Schmitter, Rye’s Project Impact Coordinator, this guide also includes important injury prevention information for parents and children. The individual disaster of a childhood accident or fatality is no less important than the community risks we face from a nor’easter. This is an important guide to keep on hand in your home. If you need a copy please call the City Manager’s office. It is also available on our City website. The Federal Emergency Management Agency paid for printing and distribution of this guide through our Project Impact grant.

“Project Impact has provided emergency training for City staff, technical support for our Beaver Swamp Brook Project with Harrison, technical support for City staff for engineering, flooding, and other infrastructure work, assistance to our GIS program, technical assistance for our land acquisition projects at Rye Nursery, Friends Meeting House and Beaver Swamp Brook. I am pleased to report that the City closed on the Anderson property on Beaver Swamp Brook last week.

“Our open space needs will not end with these three acquisitions. We will continue to have open space, flood control, coastal, and recreation land acquisition opportunities that will be important to the future of our community.

“With the new threats of terrorism facing our country, Project Impact has given us a head-start in preparing our community for any kind of disaster. Police Commissioner Connors has been updating the department with the most recent law enforcement information available. We will continue our efforts on all of these fronts.

“I believe there is agreement within the Council that we should re-establish a Playland Committee to advise the City on issues at the County owned park. The Playland Neighborhood Advisory Committee was established in 1990 during the administration of Mayor Ross and was disbanded in 1997 during the administration of Mayor Dunn. The committee focused on neighborhood issues, open communication with Playland, advising the City Council, and addressing problem areas as they arise.

“In recent years the biggest problem area has been the traffic overflow issues on key summer days and the scheduling of high volume events. On other issues Playland has been more

successful in working with us on such issues as fireworks starting times and noise, the elimination of pre-dawn parking lot clean-ups with an army of street-sweepers, and elimination of morning radio station sponsored events.

“I believe we should re-establish the Committee to work on the traditional issues that arise but to also anticipate broader issues of concern to Rye. Over the past four years I have been vigilant in monitoring any contemplated changes in use at Playland that could negatively affect our community. The recent County budget discussion over the possible closing of the ice rink at Playland highlights this broader area where a re-established Playland Committee can play a role as watchdog. Changes in use of portions of the park always represent an unknown. A re-established committee can help monitor these issues by following activities at Playland and at the County Parks Board. I would like us to re-establish this committee with a broader assignment in February.

“One area where the City has received varied suggestions from residents in the last year has been on the issue of beautification. From concern about litter to aesthetic issues throughout the community, the City receives recommendations from residents and groups on a regular basis. Many of these ideas blossom into projects through our garden clubs or the Rye Merchant’s Association. Many of these ideas do not fall under the purview of any City of Rye Board or Commission. I believe we need to develop a more organized way of reviewing and coordinating these proposals. I will ask the Council to consider this issue and the establishment of an advisory committee or some other mechanism to review and improve coordination of these ideas between residents, community organizations, and the City staff.

“In August the Master Plan Task Force held a workshop on the house size to lot size issue. I have been an advocate for a reasonable middle ground on this issue, one that addresses it through small adjustments that protect neighbors and neighborhood scale from excesses, but does not encumber the legitimate desire for more room in houses. The complexity of the issue has frustrated our Boards and Commissions, the City Council, staff, and the Task Force.

“I would like to propose moderate steps we can take. I ask that our staff work with representatives of the relevant boards and commissions to develop a proposal that relates only to height and setback rules. Why should a new home or addition that towers over its neighbors easily receive a setback variance? Shouldn’t there be a higher standard? Our height rules do not adequately control unregulated areas like attics and rooflines. Let’s focus on heights and setbacks with a moderate, rational, simple, and limited change in law that can be enacted in the next six months without the continued delay that more complex proposals bring.

“Master Plan Task Force Chairman Michael Klemens and our City Planner will be coordinating the effort to finish the City’s Comprehensive Plan project. The Comprehensive Plan update is by state law a City Council project. I invite any member of the City Council interested in joining this effort to take the opportunity to do so.

“Tonight I will only propose one goal regarding taxes and City finances. My cautionary message is simple. We must be careful not to give in to the temptation of adopting a “high tax mentality” for our municipal government. Residents want quality services and will support taxes

to pay for those services. But they also expect us to exercise discipline and prudence in our work on the City Council.

“September 11th has left a permanent mark on our community as we reflect on the horrible loss of friends and the acts of caring and remembrance that continue today. Since September 11th we have had a number of suggestions on ways we can honor those members of the Rye community who we lost on that day. I propose that we proceed with an appropriate project and involve interested members of the community in developing such a plan for the Council to consider. This will be one of many ways our community seeks to honor those who have been taken from us.

“We should also take this annual opportunity to express thanks to our hard-working City of Rye staff. We are an ambitious community with many goals, many projects, and many demands that are met only through the dedication of our City departments. I want to thank every individual for the hard work, extra effort, and dedication that makes our community special. Their work in supporting our September 11th efforts also deserves recognition.

“On January 1st I asked that we reflect upon the values that have served us well: how we treat others, our sense of community, friendship, caring, unity of purpose, civility, cooperation, and neighborhood. These are values that distinguish our community and have set Rye apart.

“Our choice for the new year must be to stay focused on successfully building on the opportunities before us and enriching our community together. I again ask for perspective, graciousness, and unity in meeting the challenges of the future. By choosing this path our success in serving Rye is assured.”

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

Craig Moscowitz of Rye Brook addressed the Council on the parking problem and offered, as a Civil Engineer, to work with the City to develop ideas to alleviate the problems. Councilman Cypher said all ideas would be appreciated.

Marie Schiraldi-Cattau, who is working with the Indian Point Safe Energy Coalition, addressed the Council to express concern about the Indian Point disaster evacuation plans and urged to Council to join the effort to create an adequate plan. She urged someone to attend the Sound Shore area meeting on the topic on Thursday, January 18, 2002 at Harbor Island.

5. Public hearing on the Special Use Permit Application TC007 by Nextel of New York, Inc., d/b/a Nextel Communications to locate a wireless telecommunication facility at 411 Theodore Fremd Avenue

Mayor Otis opened the public hearing on the Special Use Permit Application TC007 by Nextel of New York d/b/a/ Nextel Communications to locate a wireless telecommunications facility on Theodore Fremd Avenue. Ira Zaroff from Snyder and Snyder LLP, representing Nextel, said the antenna would be of various heights and sizes and would be painted to match the

building. He complemented CompCom on their analysis and said Nextel would correct those antenna which exceed the FCC exposure limit by redirecting them outward. At the request of the Mayor, he confirmed that there is no danger involved to anyone in the building and exposure levels do not exceed the acceptable occupational level. In answer to Councilwoman Cunningham, he confirmed that the antennas would be painted the same color as the building. Responding to an inquiry from Councilwoman Larr, he said that there is one air conditioning unit which is relatively quiet and will be hidden behind a pre-existing shelter already in place on the roof. Mr. Zaroff said Nextel is applying for a telecommunications site in Mamaroneck Harbor which will cover some, but not all, of Milton Point. Doris Blank, Rye resident, said she was reassured by the answers and had no objection. Councilwoman Cunningham suggested that verification after installation be required. There being no further discussion, the Mayor closed the public hearing.

Councilman Hutchings made a motion, seconded by Councilman McKean and unanimously carried, to approve the application of Nextel (TC007) to locate a wireless telecommunications facility at 411 Theodore Fremd Avenue, with the condition that the installation be verified.

6. Public hearing on 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

Mayor Otis opened the 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, and renumbering the current Sections 90-3 through 90-19. The Council was in favor of the latest revision which substituted the words “an accurate plan” in Section B.1 for the words “site plan”. The Mayor expressed his concern that historic walls would not automatically have to be taken down if repairs are necessary for more than 25% of the wall and suggested an additional clause protecting them. Corporation Counsel Neale said that if such a wall were to be deemed unsafe it would have to be taken down, but more likely, an historic wall which fell under the new rule could, and should, be referred to the Zoning Board of Appeals for a variance. Councilwoman Cunningham confirmed with Zoning Board Chairman Judith Studebaker, who was in the audience, that this would be a situation to be referred to the Zoning Board of Appeals. Councilman McKean suggested that the permit itself include a warning to keep commercial signs off fences and should describe the height of the proposed fence. Councilman Chu was assured that the submission process would not require a professional landscape architect or engineer, but could most likely be done by the homeowner at no extra cost. Mr. Neale said the proposed requirements were designed to make the permit process both easy and inexpensive. City Manager Novak said Rye was one of the few municipalities which does not have a fence ordinance. As there were no residents wishing to be heard, the Mayor closed the public hearing.

Councilman Hutchings made a motion, seconded by Councilman Chu, to adopt the following local law:

**LOCAL LAW  
CITY OF RYE  
LOCAL LAW NO. 1 2002**

**A 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**

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

**Section 1. Chapter 90, Fences and Walls, of the code of the City of Rye is hereby amended to read as follows:**

**§ 90-1. Purpose.**

The purpose of this chapter is to protect the public health, safety and welfare by establishing regulations for the design, construction and maintenance of fences and walls which, to the maximum extent practicable, would continue the open appearance of the community while allowing residents to have reasonable privacy in the use and enjoyment of their homes.

**§ 90-2. Definitions.**

When used in this chapter, the following words shall have the meaning stated here. Words used in this chapter which are not defined here shall have the meaning defined by Chapter 197. Words not defined by this chapter or by Chapter 197 shall have the meaning established by common usage.

**DIVISION LINE, FRONT** -- In the case of a lot abutting upon only one street, the property boundary line separating the lot from the street; in the case of a lot abutting more than one street, other than a corner lot, any such property boundary for the area which has been previously designated by the lot owner, pursuant to Chapter 197, as being the front yard or which has been irrevocably designated by the lot owner, pursuant to this chapter, as being the front division line. Each lot may have only one front division line unless it is a corner lot, as defined by Chapter 197 (§ 197-1), which would have two front division lines.

**DIVISION LINE, REAR** -- The line forming a property boundary of the lot which is generally opposite the front division line.

**DIVISION LINE, SIDE** -- The property boundary line or lines forming any part of the connection of the front division line with the rear division line.

FENCE -- A structure made of any materials, or combination of materials, with clearly visible spaces between component parts, which encloses, separates, divides or defines a lot or portion thereof. "Fence" includes a barrier of the stockade type made of parallel wooden posts or split poles.

HEIGHT (FENCE or WALL) -- The vertical distance between the natural grade of the property at the base of the fence or wall and the highest horizontal member at the top. In the case of picket fences, wrought-iron fences with decorative elements, fences made of vertical boards with rounded ends or other structures of similar design, the top of the fence shall be a line parallel to the tops of the several points.

A. The measurement of the height of a fence or wall shall not include the height of an appropriate accessory structure, such as an entrance gate, an archway or a decorative column at the corner of the lot.

B. The measurement of the height of a fence or wall which has a top that is curved, with the height of the central portion being higher or lower than the height at the ends, is the vertical distance between the natural grade of the property at the base and an average of the height of the central portion and the height at the ends.

C. The height of a fence or wall erected on a grade approximately equal to the top of a retaining wall, situated within three feet horizontally from the face of the retaining wall, shall be measured from the bottom at the grade immediately adjacent to the base of the fence or wall.

PROPERTY BOUNDARY LINE -- A line forming the perimeter of a lot, delineating the separation between the lot and an adjoining lot or the right-of-way of an abutting street as described by a recorded deed.

STRUCTURE -- An assembly of materials forming a construction framed of component parts for occupancy or use, including buildings, but not including a small object which is an accessory to a building or another structure (such as decorative statuary or railing for a walkway).

WALL -- A structure made of any materials or combination of materials, without clearly visible spaces between components parts, which encloses, separates, divides or defines a lot or portion thereof. "Wall" does not include a stockade type of fence.

WALL, FREESTANDING -- A wall which is not a retaining wall.

WALL, RETAINING -- A wall designed to retain or resist the lateral displacement of earth or other materials, whether or not it serves to enclose or subdivide any part of the lot in which it is located. This chapter does not establish standards for design, location,

construction or maintenance of retaining walls and does not affect any such standard as may be required by other applicable law.

**§ 90-3. Permit Required.**

A. For the purposes of this section, the term "fence" also includes every type of "wall" and a repair made to more than 25% of an existing fence shall be considered a replacement. No person shall erect or install a new fence or shall extend, enlarge, replace or substantially modify an existing fence without having obtained a permit from the Building Inspector.

B. An application for a permit shall be made to the Building Inspector on forms provided by the Building Department, and shall contain the following information:

- 1) An accurate plan showing property lines and the location of the proposed new or modified fence on or within the applicant's property lines and the height of the proposed new or modified fence.
- 2) The full name and address of the owner and of the applicant.
- 3) A brief description of the materials to be used.
- 4) Such other information as may reasonably be required by the Building Inspector to establish compliance with all applicable requirements.

C. The application for a permit shall be submitted for review by the Building Inspector upon receipt of payment of such fees as may be required by resolution of the City Council.

D. A determination by the Building Inspector which denies an application must be made in writing and must state the reason for denial.

E. Failure of the Building Inspector within seven business days after receipt of a completed application and fee to deny the application or to make any other determination shall be deemed to be approval.

F. Any person violating any of the provisions of this section shall, upon conviction thereof, be punished by a fine not exceeding \$250 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment.

**§ 90-4. Front line fences.**

Except as otherwise provided by this chapter, no fence or freestanding wall which exceeds four feet in height shall be erected along a front division line or anywhere on the lot within 35 feet of a front division line (measured by the shortest distance to such line).

**§ 90-5. Rear line fences in residence districts.**

In all residence districts, no fence or freestanding wall which exceeds six feet in height may be erected along a rear division line or anywhere on the lot within 35 feet of a rear line (measured by the shortest distance to such line).

**§ 90-6. Side line fences in residence districts.**

In all residence districts, no fence or freestanding wall which exceeds four feet in height may be erected along a side division line if such fence or wall would be situated within any part of an area of the lot that is within 35 feet of the front division line (measured by the shortest distance to such line) or if such fence or wall would be situated within 35 feet of the right-of-way of an abutting street. However, if the shortest distance from the front division line to an existing residential structure is less than 35 feet, the limitation requiring that the height of a fence or wall may not exceed four feet extends from the front division line along the side line to the point that is the shortest distance to the residential structure. No such fence or wall which exceeds six feet in height may be erected along any other segment of the side line or within 35 feet of the side line (measured by the shortest distance to such to such segment).

**§ 90-7. Side line fences where residential use adjoins business use.**

If such fence or freestanding wall is erected near the side line of a lot being used as a residence which abuts property in a business district being used as a business, and if a point on the side line nearest to the building on either the residential property or the business property is within 35 feet of the front division line, the height of such fence or wall may not exceed four feet for a distance from the front division line until such point and may not exceed six feet in height beyond such point.

**§ 90-8. Side line fences where residential use adjoins I-95 or I-287.**

A fence or freestanding wall erected on a residence lot which abuts I-95 or I-287 and is situated within one foot of the property line may exceed four feet in height but may not exceed six feet in height.

**§ 90-9. Fences on property with steep grade.**

The height of a fence or freestanding wall may exceed four feet but may not exceed six feet above the natural grade if it is:

- A. On a corner lot; and
- B. Within 10 feet from the property line of an abutting roadway; and
- C. Situated where the average natural grade at the location of the fence or wall is at least four feet higher than the average natural grade on the property within six feet from the fence or wall.

**§ 90-10. Rear or side line fences in business districts.**

In all business districts, no fence or freestanding wall which exceeds six feet in height may be erected along a rear or side division line or anywhere on the lot within 35 feet of such line (measured by the shortest distance to such line); except that, if the lot abuts a street, the height of a fence or wall located within 35 feet of the line abutting a street may not exceed four feet; and, if the lot adjoins a lot within a residence district, the height may not exceed the height that would be allowed on the adjoining lot.

**§ 90-11. Fences or walls prohibited in all districts.**

In all districts, the following are specifically prohibited:

- A. Barbwire fences or fences using razor wire or any other material likely to cause physical injury to persons or animals.
- B. Fences or walls erected in such a manner as to inhibit or divert the natural drainage flow or cause the blockage or damming of surface water creating ponding.
- C. Fences or walls which may create a fire hazard or other dangerous condition or which may result in obstruction to effective fire fighting,
- D. Fences or walls more than eight feet in height located anywhere on a lot, unless permitted by a section of Chapter 197 referring to outdoor tennis courts or other structures required for recreational activities.

**§ 90-12. Fences and walls prohibited in all residence districts.**

In all residence districts, the following are specifically prohibited:

- A. Chain-link fences having an unfinished or jagged top edge; and chain-link fences having the opening spaces between wires covered by fabric sheeting or by strips of plastic or other material woven through the open spaces. In the case of a fence constructed before the effective date of this chapter, the requirements of this section shall apply upon the repair or replacement of that fence or wall.
- B. Temporary fences, such as snow fences or expandable and collapsible fences, unless necessary for use on sites under construction or for snow control; canvas and/or cloth fences, except when necessary for protection of shrubs and vegetation.

**§ 90-13. Traffic visibility across corners.**

In all districts, except the Central Business District, no structure or planting of bushes or trees shall be maintained, or shall be allowed to remain, on any lot within 25 feet of any street corner intersection, measured in any direction by the shortest distance to the nearest corner, at a height in excess of three feet above curb level or so as to interfere with the visibility of vehicle traffic across the corner.

**§ 90-14. Fence posts or supporting members.**

In all districts, a fence or wall shall be erected with the smooth, finished or better side facing out toward the adjoining lot or abutting street; and all fence posts or supporting members shall be placed on the inside of the fence or wall. In the case of a fence or wall constructed before the effective date of this chapter, the requirements of this section shall apply upon the repair or replacement of that fence or wall.

**§ 90-15. Responsibility for maintenance.**

Fences, walls and the area between their exterior side and the nearest property line (or the nearest curblin if there is an abutting street) shall be properly maintained at all times; broken, cracked, rotted or rusted structural components shall be removed or repaired promptly; grounds shall be kept clear or planted with vegetation appropriate to the site. A property owner who fails to provide proper maintenance may, after notice by the Building Inspector and an opportunity to correct the situation, be required to remove the fence or wall.

**§ 90-16. Duty of Building Inspector to issue notice of violation.**

The Building Inspector shall have the duty and all power necessary to issue appropriate notices or orders directing a property owner to correct any conditions which are in violation of this chapter.

**§ 90-17. Jurisdiction of the Board of Appeals.**

The Board of Appeals, acting pursuant to Chapter 197, is specifically vested with the additional jurisdiction necessary to hear and decide appeals by persons who may be aggrieved by a determination made by the Building Inspector in the enforcement of the provisions of this chapter.

**§ 90-18. Persons eligible to appeal; time limit for filing.**

For the purposes of this chapter, a person who may claim to be aggrieved must be an owner of a lot where a fence or wall has been erected or is sought to be erected or must be an owner or occupant of a lot which adjoins such lot or is situated on the opposite side of a street across from such lot. An appeal must be filed with the Clerk of the Board within 30 days after the determination being appealed was made.

**§ 90-19. Standard for review of appeals.**

The standard that shall be used by the Board of Appeals in determining appeals made pursuant to this chapter shall be the most restrictive standard generally applicable in the State of New York for the granting of a variance from enforcement of provisions of a zoning ordinance limiting the height of structures located in a residential district. In making a determination on an appeal, the Board may consider the unusual amount of automobile traffic on a street adjoining a residence lot as being a relevant factor. Any roadway designed with four lanes for use by vehicles is presumed to have an unusual amount of traffic.

**§ 90-20. Rules or regulations for administration of provisions.**

The Board of Appeals is authorized to adopt and issue such rules or regulations as may be necessary for orderly administration of this chapter. A copy shall be on file in the Building Inspector's office.

**Section 3. This local law shall take effect immediately on filing in the office of the Secretary of State.**

ROLL CALL:

Ayes: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
Larr and McKean  
Nays: None  
Absent: None

7. Public hearing on proposed local law amending the Rye City Code by creating a new Chapter 85, Endangered Species

Mayor Otis opened the public hearing on a proposed local law amending the Rye City Code by creating a new Chapter 85, Endangered Species. There were no members in the audience wishing to be heard. Councilwoman Cunningham reported that she had requested such a law at the suggestion of the Conservation Commission and now that it is drafted, both the Conservation Commission and the Planning Commission desire additional input. Therefore, she suggests the proposed law be referred back to these two commissions for additional analysis. Councilman Hutchings said he was opposed to the law because he considers it unnecessary and too costly and he is unsympathetic to an attitude which favors animals over humans. Councilman Cypher added that he would like to take a closer look at the proposed law to be sure the City is protected from the "law of unexpected consequences." Mayor Otis closed the public hearing and referred the proposed bill to both the Conservation Commission and the Planning Commission for additional input.

8. Public hearing on proposed local law amending Chapter 180, Taxicabs, of the Code of the City of Rye by amending Section 180-14, Payment of fares

Mayor Otis opened the 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. At the request of the City Manager, the City Clerk informed the Council that there are more than just isolated complaints concerning the adherence to the existing fares and that, in her opinion, changes to the law should make the fares and the zones as simple as possible so that they can be clear to all passengers. She said the reason fares to the Greenhaven area were higher than to Milton Point was because most Greenhaven residents take cabs from Harrison so there is less chance of multiple fares.

Frank Kabdebo, owner of the Purchase Street Cab company, addressed the Council to say the taxi companies have been asking for a raise for a long time, and he agrees that the simpler the fare structure the better. He urged that the Council approve the \$4 basic fare. He said the fare structure was posted in all of his cabs, and the Clerk confirmed that it was the newer firms which tend not to adequately display the fares.

Councilwoman Cunningham said she was inclined to favor the \$1 increase to \$4; Councilwoman Larr concurred; and Councilman Cypher agreed that "the simpler the better" and suggested that review of the taxi industry might fit well under the purview of the Traffic and Transportation Committee. Mayor Otis suggested that the Greenhaven zone might be re-divided.

The Mayor announced that the public hearing for this local law would be continued at the next regular meeting of the City Council to be held on February 6, 2002.

9. Two appointments to the Board of Appeals for three-year terms, by the Mayor with Council approval

Councilwoman Cunningham made a motion, seconded by Councilman McKean and unanimously carried, to reappoint Alan Weiner and to appoint Neil Wexler to the Board of Appeals for three-year terms expiring January 1, 2005.

10. Designation of the Chairman of the Board of Appeals, by the Mayor

Mayor Otis designated Judith Studebaker Chairman of the Board of Appeals.

11. Two appointments to the Board of Architectural Review for three-year terms, by the Mayor with Council approval

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to appoint Eugene McGuire and Rita Wong to the Board of Architectural Review for three-year terms expiring January 1, 2005.

12. Designation of the Chairman of the Board of Architectural Review, by the Mayor

Mayor Otis designated Nicholas Everett Chairman of the Board of Architectural Review.

13. One appointment to the Board of Ethics for a three-year term, by the Mayor with Council approval

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to appoint Elizabeth Griffin Matthews to the Board of Ethics for a three year term expiring January 1, 2005.

14. Four appointments to the Commission on Human Rights for three-year terms and one appointment to fill the term ending January 1, 2004, by the Mayor

Four appointments for three-year terms and one appointment to fill the term ending January 1, 2004 will be made at a future Council meeting.

15. Designation of the Chairman of the Commission on Human Rights, by the Mayor

Mayor Otis designated Fred Pinochet as Acting Chairman of the Commission on Human Rights.

16. Three appointments to the Conservation Commission/Advisory Council for three-year terms and one appointment to fill the term ending January 1, 2004, by the Mayor with Council approval

Three appointments for three-year terms and one appointment to fill the term ending January 1, 2004 will be made at a future Council Meeting.

17. Designation of the Chairman of the Conservation Commission/Advisory Council, by the Mayor

Mayor Otis designated C. Nicholas Hodnett Chairman of the Conservation Commission/Advisory Council.

Agenda Items #18 and #19 were deferred until after Agenda Item #31.

20. Three appointments to the Landmarks Advisory Committee for three-year terms, by the Mayor with Council approval

Councilman McKean made a motion, seconded by Councilman Hutchings and unanimously carried, to reappoint Diane Moran and T. Patrick (Sid) Burke and to appoint Daniel Kelly to the Landmarks Advisory Committee for three-year terms ending January 1, 2005.

21. Two appointments to the Planning Commission for three-year terms; one appointment for a two year term expiring January 1, 2004 and designation of one Council Member for a two-year term, by the Mayor with Council approval

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried to appoint the following to the Planning Commission: Hugh Greechan to a three-year term expiring January 1, 2005; reappoint Peter Larr for a three-year term expiring January 1, 2005; appoint Barbara Cummings for a two-year term expiring January 1, 2004 and to designate Councilman Franklin Chu for a two-year term, expiring January 1, 2004.

22. Designation of the Chairman of the Planning Commission, by the Mayor

Mayor Otis designated Dr. Michael Klemens Chairman of the Planning Commission.

23. Two appointments to the Recreation Commission for three-year terms, by the Mayor with Council approval

Councilwoman Larr made a motion, seconded by Councilman McKean and unanimously carried, to reappoint Steven Meyers and Douglas Carey to the Recreation Commission for three-year terms ending January 1, 2005.

24. Designation of the Chairman of the Recreation Commission, by the Mayor

Mayor Otis designated Steven Meyers Chairman of the Recreation Commission.

25. Two appointments to the Rye Cable Television Committee for three-year terms and one appointment to fill the term ending January 1, 2004, by the City Council

Appointments to the Rye Cable Television Commission were deferred as the committee has made a recommendation to expand the scope of the committee to include telecommunications policies and to change the name of the committee. The Mayor said that the nominations would be made in February after the Council has had a chance to discuss the proposed changes.

26. Designation of the Chairman of Rye Cable Television Committee, by the Mayor

Mayor Otis designated Doris Blank Chairman of the Rye Cable Television Committee.

Agenda Item #27 was deferred until after Agenda Item #31.

28. Three appointments to the Traffic and Transportation Committee for three-year terms and two appointments to fill the terms ending January 1, 2004, by the Mayor with Council approval

Councilwoman Cunningham made a motion seconded by Councilwoman Larr and unanimously carried, to reappoint George DeFilippo and Jessica Gay and to appoint Edith Burpee to the Traffic and Transportation Committee for three-year terms ending January 1, 2005, and to appoint George Ross, Jr. and Norman MacMaster to fill terms ending January 1, 2004.

29. Designation of the Chairman of the Traffic and Transportation Committee, by the Mayor

Mayor Otis designated Brian Dempsey Chairman of the Traffic and Transportation Committee.

30. Designation of a Marriage Officer for a four-year term, by the Mayor with Council approval

Councilwoman Larr made a motion, seconded by Councilman McKean and unanimously carried, to approve Mayor Otis' re-designation of Mary Ann Ilse as Marriage Officer for a four-year term ending January 1, 2006.

31. Designation of a City Historian

Mayor Otis re-designated Daniel Kelly as City Historian.

18. Two appointments to the Finance Committee for three-year terms; two appointments to fill the terms ending January 1, 2003; and one appointment to fill the term ending January 1, 2004, by the Mayor with Council approval

Mayor Otis announced that before making appointments to the Finance Committee, he understood there was a desire to change the appointment process. Councilman Cypher made a proposal that the resolution that had created the Finance Committee be amended so that proposed members on the finance committee would be nominated by all members of the Council, and the chairman be chosen by the Committee rather than designated by the Mayor. He said that he felt this approach would be more democratic; would avoid blockage and thereby use more available financial talent in the community; would allow each nominee to be nominated separately and

considered individually; and would lead to a more active, involved committee. Councilman Hutchings agreed, saying the proposal would enable the Council to have the best talent possible on the Committee. Councilman Chu assured the Council that the proposal was not an effort to “load” the committee and that he was confident that, in the end, the committee would be balanced and non-partisan. A vigorous and lengthy discussion ensued.

Councilwoman Cunningham, Councilman McKean and the Mayor strongly disagreed and felt that the original resolution, only five years old, should not be changed. Councilwoman Cunningham said it was sad that power is being taken away from the Mayor for a partisan reason and that the proposed change does not work to the benefit of the Council. During the extended discussion, the Mayor defended his non-partisan record of nominees over the years and said he was shocked to find that this year there were some people others sought to exclude from serving not only on the Finance Committee, but from the Rye Town Park Commission as well. He said he felt someone as knowledgeable about the City’s finances, such as a former Council member, should be able to stay on the Finance Committee. He said he thought the proposal created several outrages: 1) blocking a specific person; 2) changing the rules; and 3) attacking the credibility of the Finance Committee. He said he and Councilman Chu had worked well and hard to reach a consensus on committee members, but the proposal to change the resolution made further consensus difficult.

Councilman Cypher cited significant differences in the way some view the City’s finances. Councilman Chu said he and the Mayor had negotiated fruitfully and with easy agreement on the composition of 12 of 14 committees and 37 of 39 individuals, but that the failure on the part of the Mayor to win support for one or two individuals had set off the vigorous debate which should be seen as two different sides passionately trying to do what they consider best for the City. He urged that the completion of the nomination process proceed as soon as possible so the Council can get on with the City’s business.

Despite the fact that no public hearing was in place, the Mayor recognized several members of the audience who wished to comment on the proposed amendment. Doris Blank, Chair of the Rye Cable Committee, former Mayor Warren Ross, former Councilwoman Elizabeth Griffin Matthews, Joseph Murphy and Mario Sax all supported the Mayor’s position. They urged Councilman Cypher to withdraw his proposal as unstatesmanlike and partisan, keeping election issues in the forefront. Robin Javonovitch asked if diversity on the committee would remain and was assured by Councilman Chu that it would continue to reflect all points of view.

There being no further discussion, Councilman Cypher again made a motion, seconded by Councilwoman Larr, to adopt the following resolution:

**RESOLVED**, that the resolution establishing a Finance Committee for the City of Rye, adopted February 5, 1997 be amended as follows:

**WHEREAS**, citizen advisory committees form an important governmental foundation in the City of Rye; and

**WHEREAS**, past financial advisory committees of limited duration have supplied important citizen input on budget and other city financial matters; and

**WHEREAS**, against the above background of success, it is in the best interests of the City to establish a permanent citizens' advisory committee on finances; now, therefore, be it

**RESOLVED**, that a permanent Finance Committee for the City of Rye is hereby established to consist of seven members, all residents of Rye, to serve for three-year terms; and be it further

**RESOLVED**, that the initial appointments shall be staggered with two one year terms, two two-year terms, and three three-year terms; and be it further

**RESOLVED**, that the members of the Finance Committee shall be appointed by the City Council, and that one member shall be designated by the Finance Committee as Chairman, and be it further resolved

**RESOLVED**, that the Committee shall have the following duties:

1. To advise the City Council on appropriate revenue and expenditure policies and financial policies;
2. To review quarterly and annual financial statements of the City and report findings to the City Council;
3. To review the annual budgets of the City, including all the funds therein, and report their findings to the City Council;
4. To undertake such other studies as shall be assigned to them or as they shall deem appropriate to assure that the financial condition and policies of the City are sound and that the taxpayers are receiving appropriate value.

**ROLL CALL:**

Ayes: Councilmen Chu, Cypher, Hutchings and Larr  
Nays: Mayor Otis, Councilmen Cunningham and McKean  
Absent: None

The resolution passed by a vote of 4 to 3.

Councilwoman Cunningham made a motion, seconded by Councilman McKean, to appoint former council member Arthur Stampleman to the Finance Committee.

**ROLL CALL:**

Ayes: Mayor Otis, Councilmen Cunningham and McKean  
Nays: Councilmen Chu, Cypher, Hutchings and Larr  
Absent: None

The nomination failed to pass by a vote of 4 to 3.

Councilwoman Larr read a brief statement regretting tonight's discussion in light of her long-standing friendship with Councilman Stampleman.

Mayor Otis asked that his proposal to amend the size of the Finance Committee from seven members to eight be considered. He said that there was an additional candidate, not aligned with either political party whom he would like to see on the committee.

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

**RESOLVED,** that the resolution authorizing the Finance Committee be amended to increase the membership of the committee from seven members to eight.

ROLL CALL:

Ayes: Mayor Otis, Councilmen Cunningham and McKean  
Nays: Councilmen Chu, Cypher, Hutchings and Larr  
Absent: None

The resolution failed to pass by a vote of 4 to 3.

Councilman Chu made a motion, seconded by Councilwoman Larr, to appoint the following to the Finance Committee: George Pratt, and Duncun Hennes to terms expiring January 1, 2005, David King to a term expiring January 1, 2004 and Salvatore Samperi and Jonathan Peters to terms expiring January 1, 2003.

ROLL CALL:

Ayes: Councilmen Chu, Cunningham, Cypher, Hutchings and Larr  
Nays: Mayor Otis and Councilman McKean  
Absent: None

The nominations were approved by a vote of 5 to 2.

19. Designation of the Chairman of the Finance Committee, by the Mayor

The amendment to the resolution concerning the Finance Committee adopted as part of agenda number 18 states that the chairman of the Finance Committee will be chosen by the committee. Therefore, no designation was made.

27. One appointment to the Rye Town Park Commission for a two-year term, by the City Council

Councilman McKean made a motion, seconded by Councilwoman Cunningham, to appoint Richard Runes to the Rye Town Park Commission to a term expiring January 1, 2004.

ROLL CALL:

Ayes: Mayor Otis, Councilmen Cunningham and McKean  
Nays: Councilmen Chu, Cypher, Hutchings and Larr  
Absent: None

The nomination was not approved by a vote of 4 to 3.

Councilman McKean made a motion, seconded by Councilwoman Cunningham, to appoint Brian Daly to the Rye Town Park Commission.

ROLL CALL:

Ayes: Mayor Otis, Councilmen Cunningham and McKean  
Nays: Councilmen Chu, Cypher, Hutchings and Larr  
Absent: None

The nomination was not approved by a vote of 4 to 3.

Councilwoman Larr made a motion, seconded by Councilman Hutchings, to nominate George Ilse to the Rye Town Park Commission.

ROLL CALL:

Ayes: Councilmen Chu, Cypher, Hutchings and Larr  
Nays: Mayor Otis, Councilmen Cunningham and McKean  
Absent: None

The nomination was approved by a vote of 4 to 3.

Mayor Otis indicated his vote against the nomination was to demonstrate his dissatisfaction with how the appointment process was handled. He welcomed Mr. Ilse back to the commission and said he looked forward to working with him again. Councilman McKean and Councilwoman Cunningham concurred.

32. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term

The appointment of a Council Member as Trustee of the Police Pension Fund was deferred to a later Council meeting.

33. Designation of the City Council's Audit Committee by the Mayor

Mayor Otis designated Councilman Chu, Councilwoman Larr, and Councilman McKean as the City Council's Audit Committee.

34. Designation of the following City Council Liaisons by the Mayor

The designation of City Council Liaisons by the Mayor was deferred to the next meeting.

35. Acceptance of a donation to the Detective Division of the Rye Police Department in the amount of \$4,500 from Mrs. Thomas A. Williams and approval of an amendment to the 2002 General Fund budget in that amount to provide for the unanticipated revenue and the appropriation of funds for the purpose specified by the donor

Mayor Otis announced that Mrs. Thomas A. Williams had offered to donate \$4,500 to the Rye Police Department as a token of her appreciation for the excellent detective work by the department, and specifically by Jake Chittenden and Paul Kenny, in tracking down those who robbed her house and recovering many of the stolen items. The donation will be used to purchase some video-surveillance equipment for the Detective Division. Councilwoman Larr mentioned that Mrs. Williams had also played a roll in the success of the investigation by giving her full cooperation to the police.

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

**RESOLVED**, that the Comptroller of the City of Rye be and is hereby authorized to accept the generous and thoughtful gift of \$4,500 from Mrs. Thomas A. Williams and to amend the 2002 General Fund budget in that amount to provide for the unanticipated revenue and to appropriate the funds for the purchase of video-surveillance equipment for the Detective Division of the Rye Police Department.

ROLL CALL:

Ayes: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
Larr and McKean

Nays: None

Absent: None

The resolution passed.

36. Resolution endorsing an application for a grant under the Long Island Sound Restoration Act (LISRA) for wetland restoration at the Rye Nursery Site

At the request of Mayor Otis, City Manager Novak explained that by applying for, and obtaining, a grant under the Long Island Sound Restoration Act (LISRA), funds would be available to assist the City in restoring the wetlands on the Rye Nursery property. She said the City would work with Planning Commission Chairman Michael Klemens in preparing the grant for submission to the State by January 31, 2002.

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

**RESOLVED**, the City of Rye be and is hereby authorized to apply for a grant under the Clean Water/Clean Air bond Act, Environmental Protection Fund (EPF), Performance Partnership Grant (PPG) and under the Long Island Sound Restoration Act (LISRA) for wetland restoration at the Rye Nursery Site.

37. Resolutions authorizing bonding for 2002 Capital Improvement Projects

At the request of the Mayor, the City Manager said it was time to authorize bonding for the 2002 Capital Improvement Projects as approved by the Council.

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

**RESOLVED**, that the following bonds be issued subject to permissive referendum for various capital projects as adopted in the fiscal 2002 budget, to wit:

**BOND RESOLUTION DATED JANUARY 16, 2002.**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$669,500 SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION OF VARIOUS CITY-OWNED BUILDINGS LOCATED THROUGHOUT AND 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; and

**WHEREAS**, it is now desired to authorize the financing of said capital project; now therefore be it

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

**Section 1.** For the class of objects or purposes of paying the cost of the reconstruction of various City-owned buildings located throughout and in and for the City of Rye, Westchester County, New York, including original furnishing, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$669,500, there are hereby authorized to be issued \$669,500 serial bonds of the City of Rye, Westchester County, New York, pursuant to the provisions of the Local Finance Law.

**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 \$669,500 serial bonds of said City authorized to be issued pursuant to this bond resolution.

**Section 3.** It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty years, pursuant to subdivision 12(a)(1) 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 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 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.** Upon this resolution taking effect, the same shall be published in full in *The Journal News*, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 12.** This resolution is hereby adopted subject to a permissive referendum in accordance with paragraph B Section C21-9 of the City of Rye Charter.

**BOND RESOLUTION DATED JANUARY 16, 2002.**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$280,000  
SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY,  
NEW YORK, TO PAY THE COST OF THE PURCHASE AND  
INSTALLATION OF A NEW HVAC SYSTEM IN CITY HALL, 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; and

**WHEREAS**, it is now desired to authorize the financing of said capital project; now therefore be it

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

**Section 1.** For the specific object or purpose of paying the cost of the purchase and installation of a new HVAC system in City Hall, in and for the City of Rye, Westchester County, New York, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$280,000, there are hereby authorized to be issued \$280,000 serial bonds of the City of Rye, Westchester County, New York, pursuant to the provisions of the Local Finance Law.

**Section 2.** It is hereby determined that the plan for the financing of the aforesaid specific object or purpose shall consist of the issuance of the \$280,000 serial bonds of said City authorized to be issued pursuant to this bond resolution.

**Section 3.** It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 13 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 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 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.** Upon this resolution taking effect, the same shall be published in full in *The Journal News*, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 12.** This resolution is hereby adopted subject to a permissive referendum in accordance with paragraph B Section C21-9 of the City of Rye Charter.

**BOND RESOLUTION DATED JANUARY 16, 2002.**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$40,000  
SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY,  
NEW YORK, TO PAY THE COST OF THE ORIGINAL IMPROVEMENT  
AND EMBELLISHMENT OF VARIOUS CITY PARK AND  
RECREATIONAL AREAS LOCATED THROUGHOUT AND 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; and

**WHEREAS**, it is now desired to authorize the financing of said capital project; now therefore be it

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

**Section 1.** For the class of objects or purposes of paying the cost of the original improvement and embellishment of various City park and recreational areas located throughout and in and for the City of Rye, Westchester County, New York, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$40,000, there are hereby authorized to be issued \$40,000 serial bonds of the City of Rye, Westchester County, New York, pursuant to the provisions of the Local Finance Law.

**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 \$40,000 serial bonds of said City authorized to be issued pursuant to this bond resolution.

**Section 3.** It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 19(c) 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 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 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.** Upon this resolution taking effect, the same shall be published in full in *The Journal News*, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 12.** This resolution is hereby adopted subject to a permissive referendum in accordance with paragraph B Section C21-9 of the City of Rye Charter.

**ROLL CALL:**

Ayes: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
Larr and McKean  
Nays: None  
Absent: None

The resolution passed.

A brief discussion concerning the progress of the Boston Post Road wall ensued. Councilman McKean and City Manager Novak reported that the removed rocks will be pulverized and used as fill behind the wall; that a drainage system, both behind the wall and under the Post Road was being put in place; that the wall would be stained in the spring; and that the wall had garnered many compliments.

38. Authorization to pay the balance of Union Free School District taxes as of December 31, 2001

The City Manager explained that each year the Council must authorize the payment of taxes to the Rye Neck Union Free School District due, but not yet paid, even though collection of those taxes are in dispute. Arrears notices will continue to be mailed in an effort to collect these balances prior to the filing of the list of delinquent taxes with the County scheduled for May 1, 2002. Councilman Chu reported that he had met with the district's superintendent and was working on arrangements for a meeting between the City Council and the Board of Education in Rye Neck so that everyone could become better acquainted.

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

**RESOLVED**, that the City Comptroller be, and is hereby authorized to pay the balance of Rye Neck Union Free School district taxes as of December 31, 2001, in the amount of \$53,036.86 on February 15, 2002 in accordance with Section 22.9 of the City Charter.

**ROLL CALL:**

Ayes: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
Larr and McKean  
Nays: None  
Absent: None

The resolution passed.

**39. Bids for one (1) or two (2) Cab & Chassis**

The City Manager explained that there were two bids for the Council to review: Bid #8-01 was for a cab and chassis only, and Bid #1-02 was for the snow removal equipment (dump body, salt spreader, central hydraulics and snow plow) that go on the chassis. She said the following bids for the cab and chassis had been received:

**BID #8-01**

**ONE (1) OR TWO (2) HEAVY DUTY CAB & CHASSIS**

NAME OF BIDDER	SECURITY	AMOUNT BID	
		ONE	TWO
Gabrielli Truck Sales 3333 Conner Street Bronx, New York 10475	Bid Bond	72,800.00 Mack	144,670.00 Mack
Gabrielli Truck Sales 3333 Conner Street Bronx, New York 10475	Bid Bond	71,000.00 Sterling L9500	142,000.00 Sterling L9500

The City Engineer has reviewed the bids for (1) or two (2) cab and chassis with the sole bidder, Gabrielli Truck Sales, bidding two different model cab and chassis: Mack and Sterling. Because the Sterling model does not meet certain key City specifications, the City engineer recommends that the City purchase two (2) Mack cab and chassis.

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

**RESOLVED**, that Bid #8-01 “One (1) or two (2) heavy duty cab and chassis” be and is hereby awarded to Gabrielli Truck Sales, Inc. for the purchase of two (2) Mack cabs and chassis, that model best meeting the specifications, in the amount of \$144,670.00.

**ROLL CALL:**

Ayes: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
Larr and McKean  
Nays: None  
Absent: None

The resolution passed.

40. Bids for one (1) or two (2) Heavy Duty Dump Body, "V" Spreader, 11' Plow & Central Hydraulic System

The City Manager said the following bids had been received for one (1) or two (2) heavy duty dump Body, “V” Spreader, 11’ Plow and Central Hydraulic System.

**BID #1-02**

**ONE (1) OR TWO (2) HEAVY DUTY DUMP BODY,  
V-BOX SPREADER, 11' SNOWPLOW & CENTRAL HYDRAULIC SYSTEM**

NAME OF BIDDER	SECURITY	AMOUNT BID	
		ONE TRUCK	BOTH TRUCKS
Advanced Equipment 75 Cedarhurst Avenue Medford N.Y. 11763	Bid Bond	\$39,995.00	\$79,790.00
Trius 458 Johnson Avenue P.O. Box 158 Bohemia, N.Y. 11716	Bid Bond	\$39,687.00	\$79,374.00

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

**RESOLVED**, that Bid #1-02 “One (1) or two (2) heavy duty dump body, V-Box spreader, 11’ snowplow and central hydraulic system be and is hereby awarded for two (2) trucks to Trius, the

lowest bidder meeting specifications, in the amount of \$79,374.00.

ROLL CALL:

Ayes: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
Larr and McKean  
Nays: None  
Absent: None

The resolution passed.

41. Miscellaneous communications and reports

Councilwoman Cunningham inquired about plans for renovation of the War Memorial plaque which is estimated to cost \$18,000, asking why it is so expensive and questioning whether this is a good year to be spending this amount. Manager Novak confirmed that replacement of all the names for the sake of uniformity is expensive and suggested the project might be something to which the various veterans groups might contribute. She said she would get additional information and input from the American Legion and other groups. Councilman Cypher said he would supply the names of those to contact.

Mayor Otis reported that he and Councilman McKean had made a site visit to the Tower Building at Rye Town Park and the deterioration of the roof can no longer be ignored. He said architect Lisa Easton, Rye resident and partner of a preservation architecture firm, is looking into the situation in order to make sure repairs are properly made. He reported there is no budget for capital improvements, but the Rye Town Park Commission will be bringing a proposal to the Council. He said other major projects have been paid for by means of grants, private donations and other sources.

Councilman McKean noted that the Rye Youth Council, which the Council supports, had made a contribution to the Friends of Nugent Field.

Councilwoman Cunningham said that the G.U.A.R.D. group, which is looking into the Tappan Zee Bridge expansion, has a meeting coming up, and she suggested that the Council send a representative from Rye.

42. Old Business

There was no old business to be considered

43. New Business

There was no new business to be considered.

44. Draft unapproved minutes of the regular meeting of the City Council held January 2, 2002

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the regular meeting of the City Council held January 2, 2002 as submitted.

Councilman Hutchings made a motion, seconded by Councilman Cypher and unanimously carried, to adjourn to Executive Session at 11:51 P.M. to discuss a personnel matter.

The Council reconvened at 12:33 A.M.

45. Adjournment

There being no further business to consider, Councilwoman Larr made a motion, seconded by Councilman McKean and unanimously carried, to adjourn the meeting at 12:34 A.M.

Respectfully submitted,

Susan A. Morison  
City Clerk

The full text of the Mayor's Statement presented at the Inauguration Ceremony in Council Chambers on January 1, 2002 is attached for the record.

**Mayor's Statement, January 1, 2002, Rye City Hall, Inauguration Ceremony**

“Judge Lane, Congresswoman Lowey, Assemblyman Tocci, County Legislator Latimer, former Mayors, former Members of the City Council, colleagues on the new City Council, residents of the City of Rye. We gather here together for a renewal of our City as one community. At the outset I want to thank my wife Martha whose support, sacrifice, and love allow me to be here today and serve the community that I cherish. I would also like to express my appreciation to the people of Rye for the support and courtesy they have extended to me.

“Occasions such as today's provide an opportunity for our town to come together, reflect upon our history, and consider the values that make our community special. We do not always afford ourselves the opportunity to think about time, mileposts, perspective, and the larger significance of community life.

“We have just completed an extraordinary year in the life of our nation and the life of our town. The attack of September 11th has meant horrible losses for our community and for our country. As a nation we have all searched for meaning and a broader perspective. As a community we have come together in caring, in remembrance, and hope. The importance of family and friends has never been clearer. Perspective has given us a reaffirmed sense of community, neighborhood, and caring. We have taken a deep breath as a nation and we now have a better sense of the things that are really important.

“We will celebrate mileposts. 2004 will mark our centennial as the community we now know as the City of Rye. In 1904 we became a Village. Our Historical Society, our City government, the schools, and all of our organizations should start to think ahead of ways we can honor the history of our community to mark this occasion. Events marking the centennial of Milton School and the 50th year anniversary of Rye becoming a city have afforded us similar opportunities to see our community in a broader perspective.

“In 2001 we lost our most senior member of the community, Marion Kirby. At 108 she lived a long life blessed by family and community. She was our link not only to Rye in the twentieth century, but to the nineteenth century as well.

“Later this year we will celebrate the importance of our Fire Department with the reopening of the Milton Point Fire Station. Our firehouses were opened in the early years of the last century. We will mark the reopening of a building but we will also honor service that spans the life of our community.

“So much of what we concentrate on in local government are the physical things. We are at work fixing roads, upgrading buildings, buying parkland, recreational facilities, and maintaining the things in the community that you can touch. These are all vital to our quality of life.

“But the truest mark of our community is not the things we can touch. What sets our small town apart must be the values that bricks and mortar do not make. Among the lessons of September 11th, especially for a town as deeply affected by loss as Rye, is our sense of

perspective. Our values, how we treat others, our sense of community, friendship, caring, unity of purpose, civility, cooperation, and neighborhood; these are the things that mark the history of our community.

“These are the values that must guide our actions. Perspective, graciousness, values, these are the ways our community must distinguish itself. I have no doubt they will mark Rye’s future as they have our past.”