

***APPROVED MINUTES*** of the Regular  
Meeting of the City Council of the City of Rye held in  
City Hall on April 3, 2002 at 8:00 P.M.

PRESENT:

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

ABSENT:

CAROLYN CUNNINGHAM

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.

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

Armand Puglia, Rye resident, observed that Seaside Johnnie's appeared to have already begun construction and he wondered if the contract had been signed. He said it appeared that the improvements were of direct benefit to the restaurant rather than to everyone, and that the pavilion was sealed off. Mayor Otis confirmed that a contract has been agreed upon in principal and assured Mr. Puglia that the fencing is temporary until the tiles can be stabilized. He said the extension of the platform near the stairs, which have long been closed, will provide more outside dining for everyone; that Seaside Johnnie's will get preference to use the nearest pavilion, but that the pavilions are definitely not for their exclusive use; and that the lease does provide for an annual increase payment of 3% or the Consumer Price Index, whichever is higher. Councilman McKean said the agreement was a good example of a balanced public/private partnership.

Orna Nahor, Rye resident, asked whether restaurant goers could now drink alcohol at the pavilions; will they be rented more frequently; will the parking be more limited; and can the Council revisit the idea of putting a playground for babies at either Rye Town Park (RTP) or at the Rye Nursery site. Mayor Otis assured her drinks stay at the restaurant; that the pavilion will be rented out to those who apply and that any drinking at the pavilions will be based on what is being served by the person holding the event; that a playground is not part of the plan for either RTP or the Nursery, but the idea can be revisited; that RTP is working on a new plan to set more limited parking space and Mrs. Nahor is welcome to join the next walk-through.

4. Resolution authorizing the issuance of \$4,400,000 serial bonds of the City of Rye, Westchester County, New York, to pay for the implementation of the Recreation Master Plan

Mayor Otis introduced Stephen Meyers, Recreation Commission Chairman, who thanked the Council for it's past support and said he was pleased to be able to present the following scaled back recreation bond proposal:

“As we all know, the previous \$6.975 million proposal was defeated by only 33 votes out of more than 2,200 that were cast. Despite the defeat of the bond, the recreation infrastructure needs of the City remain the same. There is still a critical need for athletic fields to support our growing youth population. The Damiano Center is still cramped and shabby, does not meet the growing needs of the community and is, quite frankly, an embarrassment for a community such as Rye. Additionally, Rye is still the only community in the sound shore area that does not have some form of dedicated senior facilities.

“Since the narrow defeat at the polls, the Recreation Commission met three times to work on developing a new proposal. These were open and noticed public meetings, including one regular meeting of the Commission and two special meetings. The Commission listened carefully to the voters, including those who voted for the proposal and those who voted against it. As a result we are submitting a scaled back proposal that we believe will meet Rye's critical and core infrastructure needs at a considerably reduced cost from that previously proposed.

“In developing the new proposal, the Recreation Commission worked to balance the oftentimes conflicting objectives of providing quality recreation infrastructure and services to the residents of Rye, while at the same time minimizing the tax impacts to the maximum extent possible. In developing the new proposal, the Recreation Commission made some hard choices and deferred some recreation projects that some members of the community will, no doubt, criticize us for. On the other hand, given the economic climate that currently exists, these choices were necessary.

“As a result of our deliberations and the work of the City staff, the Commission is proposing that the City Council authorize a \$4.4 million recreation bond for submission to the voters of Rye on June 11. The new proposal includes \$1.5 million for two new athletic fields and \$2.9

million for an expanded and renovated Damiano Community Center. Our new \$4.4 million proposal represents a very significant, nearly \$2.6 million, or 37%, reduction from the earlier \$6.975 million proposal.

“We reduced our prior athletic field proposal by \$850,000 or 38%. This reduction includes the deferral of work in upgrading of the Sterling and Feeley fields at Disbrow Park. Also not included in the revised bond issue are monies to go toward the City’s matching share of wetlands grants for the Rye Nursery project. While the field and wetlands restoration projects removed from the proposal are important, they can be funded over future years through the annual capital budget process. There were no changes made in the design of the two new athletic fields at the Nursery site and at Disbrow Park from our prior proposal. However, given the additional time, we were able to refine the Nursery and Disbrow Park estimates and reduced the cost of these new fields by \$75,000.

“Additionally, because we are no longer using the \$850,000 part of the EFC short-term loan for the upgrade of fields or wetlands restoration, the proposed bond does not include this amount that had been part of the previous proposal. The City’s bond counsel has informed the City staff that refinancing of the EFC debt into long-term instruments represents a transfer of existing debt rather than increased borrowing and does not require a new council authorization.

“We also eliminated the trailways project from the new bond proposal. Again, many residents will be disappointed that we took this element out, particularly when 77% of the residents in our master plan survey indicated that walking was their most popular recreation activity. Nonetheless, choices were necessarily made and the trailways project was not selected for inclusion. I point out, however, that the City has applied for two trailways grants from each of New York State and the Federal Government, in the amounts of \$500,000 and \$550,000, respectively. If we are successful in obtaining either or both of these grants, the City could construct a scenic trailways at a future date at an estimated out-of-pocket cost of only \$125,000, or possibly, in the case of the federal grant, no cost. Again, any such costs could be funded through the capital budget process. Of course, before any future trailways project were ever started, I would envision a process of public input similar to the process that we undertook in designing the two new athletic fields with the special athletic fields/wetlands committee.

“The Damiano Center proposal was slashed by \$1.1 million, or 28%. In scaling back the community center proposal, we worked to reduce the cost without significantly impacting the recreational functionality of the facility. In doing so, we gave priority, wherever possible, to activity space over administrative space. We decreased the size of the expansion space by over 2,000 square feet. We also made changes in the design and composition of the courtyard, consolidated staff offices and a conference room, modified toilet facilities and revised project contingencies. We did not make any significant changes to the about 2,000 square feet of dedicated senior lounge and activity space, other than to consolidate the senior adult staff coordinator’s office into activity space. The senior space will account for about 13% of the expanded community center. Following my presentation, Rex Gedney, our architect, is

available to discuss the specific Damiano Community Center changes in greater detail by reference to the design schematics.

“The new proposed bond of \$4.4 million is a reduction of about \$2.6 million from the prior proposal. Given that the projects to be financed are long-term capital investments in the community’s recreation infrastructure and our residents will receive the benefit of these projects over many years, it is appropriate to finance the underlying projects over a 15 to 20 year period and to thereby spread out the underlying tax impact. The athletic fields will be financed over 15 years and the Damiano Community Center expansion over 20 years.

“The tax impact upon the median assessed home in Rye is only \$89 and includes \$59 of debt service and \$30 of operating expenses. This \$89 will be phased-in over a three-year period to 2005. When fully phased-in in 2005, the tax increase is a 4.89% increase over the 2002 tax rate. The proposed tax impact represents a significant decrease of 29% from the prior proposal. The prior proposal would have increased taxes by a phased-in 7.1%, or \$125, in absolute terms. Unfortunately, in the last go-around there seemed to be a misconception in the community that the entire amount of the phased-in tax rate increase, which was then 7.1%, would be additive to the tax rate in 2003. This was not the case in the prior proposal and again is not the case in this new 4.89% proposal. The tax impacts will be phased-in over three years as the projects are constructed and become operational. I hope that this is clear to everyone.

“The Recreation Commission believes that our newly revised \$4.4 million proposal, a nearly \$2.6 million, or 37%, reduction from our prior proposal meets the core recreation infrastructure needs of the community, is affordable and achieves the necessary middle ground that will be supported by a majority of the voters of Rye.

“Four years ago, the Recreation Commission embarked on a journey to plan and develop the recreation infrastructure to meet the growing needs of Rye, not only for today, but for the foreseeable future. The proposal before you will accomplish this and at the same time maintain responsible funding to benefit the entire community.

“We recommend that the City Council authorize the \$4.4 million recreation bond for submission to the voters of rye for their consideration on June 11. The Council has been very supportive of the recreation needs of the community in the past. We again, thank you and look forward to your continuing support.”

The Mayor congratulated the Commission for its truly scaled back plan and opened the discussion. Councilman Hutchings said recreation is only one of the City’s needs and that the closeness of the last vote indicates many voters are wary, so he proposed delaying the decision to approve the new bond issue for a week to see how the proposal fits in with the other needs of the City. Councilman Chu said he found the proposal rational, but said it was unclear whether the defeat of the last proposal was because of the cost or because of larger concerns about the future needs of the City (the completion of the firehouses, the Friends’ Meeting House, the Home Depot case, needed sewage

upgrades, police facilities and parking). Therefore, he proposed that during the next week the City 1) review the current list of Capital Improvement Projects for 2002-4 with possible funding sources, 2) disseminate this information to the public and 3) solicit input from the public so the Council can have a conceptual, philosophical discussion of where recreation needs would place on a grand list of needs. Councilman Cypher said he supported the Recreation proposal but thought it was important to bring everyone on board first, so a week's delay would not hurt. Councilwoman Larr said the delay was really to educate the public.

Mayor Otis agreed that it was important not to ignore the general concerns of the community, but that the City will never be able to do everything it wants all at once. He said there are choices to be made and the Council should be careful not to get in a "no-bond" mode. He said recreation needs have been neglected for some time and he would hope the City would go forward at this time. He also said it is hard to state a definitive amount of a tax increase because one cannot predict revenues or how the Council and Staff can work with the budget. Councilman McKean said deferred maintenance really causes a city to go backwards. He agreed that it is good to set forth all future obligations, but felt that approval of this proposal was part of the Council's obligation to the future of Rye. He also said holding another referendum so soon (June 11<sup>th</sup>) would allow people to still be in town and, if passed, to allow the field construction to begin this year so that they would be ready one season sooner.

Members of the audience also had comments on the proposal. Robert Schubert, Rye resident, questioned the timing and wondered if so much could be cut now if the first one was frivolous. He agreed that seeing the big picture would be good. Mr. Puglia agreed it was good to look at everything, as it is really all about taxes and stated that those who voted against the bond issue weren't wrong. Mrs. Nahor said she was sorry to see the trails go. Mr. Meyers said there are many recreational needs, but they scaled back the immediate proposal to address the most core needs, deferring those that could come later, and said he hoped the grant money would enable the trailways to be constructed soon.

The Mayor said it was clear that the proposal would not be approved at this meeting and deferred the decision to the following meeting.

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

As consideration of the resolution authorizing the issuance of \$4,400,000 serial bonds of the City of Rye to pay for the implementation of the Recreation Master Plan was deferred, so was the resolution providing for submission to the qualified voters of the City of Rye a proposition for the implementation of the Recreation Master Plan.

6. Resolution approving updated Metes and Bounds of all election districts of the City of Rye and approval of new election district map

At the request of the City Manager, the City Clerk explained that election districts must be re-described each time the boundaries are changed. She said she discovered, while rewriting the metes and bounds for the new District No. 9 (approved at the regular meeting of the City Council on February 6, 2002) that some of the original districts had not been properly amended over the years, so she was asking the Council to approve all up-dated metes and bounds at this time and to approve the amended Election District Map.

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

**RESOLUTION UPDATING METES AND BOUNDS/  
APPROVING NEW ELECTION DISTRICT MAP  
April 3, 2002**

**WHEREAS**, Election Districts No. 9 and No 13 have been combined as a result of a City Council resolution on February 6, 2002, and

**WHEREAS** all metes and bounds for all election districts have been reviewed and updated to reflect current district boundaries, therefore be it

**RESOLVED**, that the boundaries of all districts, including the combined District No 9, shall read:

**Election District No. 1 (Established 1942; divided 1963)**

Beginning at a point where the City of Rye line intersects the shore of Long Island Sound; thence northerly along the Town of Mamaroneck-City of Rye line to Beaver Swamp Brook; thence northeasterly along Beaver Swamp Brook, also Town of Harrison-City of Rye line, to the intersection Bradford Avenue; thence southeasterly along the center of Bradford Avenue to the center of Boston Post Road; thence northeasterly along the center of Boston Post Road to the intersection of the stonewall delineating the southernmost boundary of the Rye Golf Club prior to Soundview Avenue; thence southeasterly along the center of said stonewall to the center of Milton Harbor; thence through the center of Milton Harbor to Long Island Sound.

**Election District No. 2 (Established 1942; divided 2001)**

Beginning at the intersection of the center of Beaver Swamp Brook and the center of Osborn Road, thence southeasterly along the center of Osborn Road to the center of Boston Post Road; thence northeasterly along the center of Boston Post Road to the center of Playland Parkway; thence southeasterly along the center of Playland Parkway to the center of Blind Brook; thence northeasterly along the center of Blind Brook to the center of Boston Post Road; thence northwesterly along the center of Boston Post Road to the center of Old Post Road; thence northwesterly along the center of Old Post Road to the center of North Street; thence northeasterly to the Town

of Harrison-City of Rye line; thence southwesterly along the Town of Harrison-City of Rye line to the Metro North Railroad; thence easterly along the Metro North Railroad to the center of Beaver Swamp Brook; thence southwesterly along the center of Beaver Swamp Brook, also Town of Harrison-City of Rye line, to the place of beginning.

**Election District No. 3 (Established 1942)**

Beginning at the intersection of the Town of Harrison-City of Rye line and Locust Avenue, thence easterly along the center of Locust Avenue to the Metro North Railroad; thence southwesterly along the Metro North Railroad to the center of Central Avenue; thence southeasterly along the center of Central Avenue to the intersection of Walnut Street; thence northeasterly along the center of Walnut Street to the center of Orchard Avenue; thence southeasterly along the center of Orchard Avenue to the center of Boston Post Road; thence northerly along the center of Boston Post Road and continuing northerly along the center of Purchase Street to the center of Highland Road; thence northwesterly along the center of Highland Road to the center of Mendota Avenue; thence northerly along the center of Mendota Avenue to the center of Cayuga Street; thence westerly along the center of Cayuga Street to the center of Highland Road; thence northerly along the center of Highland Road to the Town of Harrison-City of Rye line, and southwesterly along same line to place of beginning.

**Election District No. 4 (Established 1942)**

Beginning at the intersection of Purchase Street and Smith Street thence easterly along the center of Smith Street to the center of School Street; thence northerly along the center of School Street to the center of Purdy Avenue; thence easterly along the center of Purdy Avenue to the center of Boston Post Road; thence northeasterly along the center of Boston Post Road to the Village of Port Chester-City of Rye line; thence westerly along the Village of Port Chester-City of Rye line to the angle point in said line; thence northerly along same line to the southerly side of High Street at the intersection of the Town of Rye-Village of Port Chester-City of Rye line; thence westerly along the southerly side of High Street along the Town of Rye-City of Rye line to the westerly side of Ridge Street; thence northeasterly along the westerly side of Ridge Street to an angle point in the Town of Rye-City of Rye line; thence westerly along the Town of Rye-City of Rye line to the center of Blind Brook at the intersection of the Town of Rye-Town of Harrison-City of Rye line; thence westerly along the Town of Harrison-City of Rye line to the center of Highland Road; thence southerly along the center of Highland Road to the center of Cayuga Street; thence easterly along the center of Cayuga Street to the center of Mendota Avenue; thence southerly along the center of Mendota Avenue to center of Highland Road; thence southeasterly along the center of Highland Road to the center of Purchase Street; thence southerly along the center of Purchase Street to the center of Smith Street the place of beginning.

**Election District No. 5 (Established 1942; divided 1974)**

Beginning at the intersection of the shore of Long Island Sound and a prolongation of the center of Hewlett Avenue; thence northwesterly along a prolongation of the center of Hewlett Avenue and continuing westerly along the center of Hewlett Avenue to the center of Blind Brook; thence southerly along the center of Blind Brook and through the center of Milton Harbor to Long Island Sound containing all that area south and east of the above lines to Long Island Sound.

**Election District No. 6 (Established 1942, divided 1959)**

Beginning at the intersection of the shore of Long Island Sound and a prolongation of the center of Oakland Beach Avenue; thence northwesterly along a prolongation of the center of Oakland Beach Avenue through Rye Town Park across Forest Avenue and along the center of Oakland Beach Avenue to the center of Blind Brook; thence in a general northerly direction along the center of Blind Brook to the center of Playland Parkway; thence southeasterly along the center of Playland Parkway through Playland to the shore of Long Island Sound; all the area enclosed above to Long Island Sound.

**Election District No. 7 (Established 1942, divided 1959)**

Beginning at the intersection of the shore of Long Island Sound and a prolongation of the center of Playland Parkway; thence northwesterly along a prolongation of the center of Playland Parkway to the intersection of Playland Parkway and Midland Avenue; thence in a northeasterly direction along the center of Midland Avenue to the center of Apawamis Avenue; thence southeasterly along the center of Apawamis Avenue to the intersection of Forest Avenue; thence southwestwardly along the center of Forest Avenue to the intersection of Forest Avenue and Manursing Way; thence southeasterly to the intersection of North Manursing Island and the shore of Playland Lake; thence southwestwardly along the southern shore of Playland Lake through the Read Wildlife Sanctuary to the extension of the shore of Long Island Sound and the place of beginning.

**Election District No. 8 (Established 1942; divided 1959)**

Beginning at the intersection of the shore of Port Chester Harbor and the Village of Port Chester-City of Rye line thence westerly along the Village of Port Chester-City of Rye line to the center of Midland Avenue; thence southwestwardly along the center of Midland Avenue to the intersection of Apawamis Avenue; thence southeasterly along the center of Apawamis Avenue to the intersection of Forest Avenue; thence southwestwardly along the center of Forest Avenue to the intersection of Manursing Way; thence southeasterly along the center of Manursing Way to the intersection of North Manursing Island and the shore of Playland Lake; thence southwestwardly along the shore of Playland Lake through the Read Wildlife Sanctuary to the shore of Long Island Sound which point would be the intersection of the shore of Long Island Sound and a prolongation of the center of Playland Parkway. Being all that area enclosed above and extending to Long Island Sound.



**Election District No. 9 (Established 1959, rejoined with No. 13 [created in 1986] in 2002)**

Beginning at the at a point where the City of Rye intersects the shore of Milton Harbor thence northwesterly along the extension of the center of the stonewall delineating the southernmost boundary of the Rye Golf Club prior to Bradford Avenue to the center of the Boston Post Road; thence northeasterly along the center of the Boston Post Road to the center of Playland Parkway; thence southeasterly along the center of the Playland Parkway to the center of Blind Brook; thence in a general southerly direction along the center of Blind Brook and partly through the center of Milton Harbor to the place of the beginning.

**Election District No. 10 (Established 1959)**

Beginning at the intersection of the center of Playland Parkway and the center of Midland Avenue thence northwesterly along the center of Playland Parkway to the center of Blind Brook; thence in a general northeasterly direction along the center of Blind Brook to the center of the Boston Post Road; thence continuing northeasterly along the center of the Boston Post Road to the center of Cross Street; thence southeasterly along the center of Cross Street and across Milton Road and continuing southeasterly along the center of Palisade Road to the center of Midland Avenue; thence southwesterly along the center of Midland Avenue to the center of Playland Parkway and place of beginning.

**Election District No. 11 (Established 1959)**

Beginning at the intersection of the center of Midland Avenue and the center of Palisade Road; thence northwesterly along the center of Palisade Road across Milton Road and along the center of Cross Street to the center of the Boston Post Road; thence northerly along the center of the Boston Post Road and the center of Purchase Street to the center of Smith Street; thence easterly along the center of Smith Street to the center of School Street; thence northerly along the center of School Street to the center of Purdy Avenue; thence easterly along the center of Purdy Avenue to the center of Boston Post Road; thence northeasterly along the center of the Boston Post Road to the Village of Port Chester-City of line; thence southeasterly along the Village of Port Chester -City of Rye line to the center of Midland Avenue; thence southwesterly along the center of Midland Avenue to the center of Palisade Road and place of beginning.

**Election District No. 12 (Established 1963)**

Beginning at the intersection of the center of Beaver Swamp Brook and the center of Osborn Road; thence southeasterly along the center of Osborn Road to the intersection of Boston Post Road; thence southwesterly along the center of Boston Post Road to the center of Bradford Avenue; thence northwesterly along the center of Bradford Avenue to the center of Beaver Swamp Brook and City of Rye-Town of

Harrison line; thence northeasterly along Beaver Swamp Brook, City of Rye-Town of Harrison line to place of beginning.

**Election District No. 13**

(Established 1986; combined with No. 9 in 2002. Nos. 14 and 15 renumbered in 2002

**Election District No. 13 (Established as No. 14 in 1974; renumbered 2002)**

Beginning at a point of the centerline of Hewlett Avenue at its most westerly end and thence southeasterly along the centerline of Hewlett Avenue to its intersection with Forest Avenue and continuing easterly along a straight line extension of Hewlett Avenue to the mean high water line of Long Island Sound; thence northeasterly along the mean high water line of Long Island Sound to a point on the prolongation of the centerline of Oakland Beach Avenue, easterly across Forest Avenue and Rye Town Park to the mean high water line of Long Island Sound; thence westerly along said prolongation of the centerline of Oakland Beach Avenue and the centerline of Oakland Beach Avenue to the center of Blind Brook; thence southerly along the center of Blind Brook to Milton Harbor; thence easterly along the dam on the northerly side of the City Boat Basin on a straight line to the point of the centerline of Hewlett Avenue at its most westerly end, the point and place of beginning.

**Election District No. 14 (Established 2001; renumbered 2002)**

Beginning at the intersection of the Town of Harrison-City of Rye line and the center of North Street, thence southwesterly along the center of North Street to the center of Old Post Road; thence southeasterly along Old Post Road to the center of Boston Post Road; thence northeasterly along the center of Boston Post Road to the center of Orchard Avenue; thence northwesterly along the center of Orchard Avenue to the center of Walnut Street; thence southwesterly along the center of Walnut Street to the center of Central Avenue; thence northwesterly along the center of Central Avenue to the center of the Metro North Railroad; thence easterly along the center of the Metro North Railroad to the center of Locust Avenue; thence northwesterly along the center of Locust Avenue to the Town of Harrison-City of Rye line; thence southwesterly along the Town of Harrison-City of Rye line to the place of beginning.

and be it further

**RESOLVED**, that this resolution shall be considered effective April 1 2002,  
and be it further

**RESOLVED**, that the City Council adopts the proposed election district map which is attached hereto, effective April 1, 2002.

7. Designation of the official polling places of the City of Rye for all elections and authorization for the City Clerk to request a waiver of accessibility requirements for Milton School Gymnasium which does not meet the accessibility standards for the disabled

At the request of the City Manager, the Clerk explained that polling places must be officially adopted each year. She said she hoped to make some changes to the polling places when the firehouse renovations are completed so that handicapped access in all polling sites is better.

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

**RESOLVED** that the City of Rye hereby designates the following locations as the official polling places for all the elections:

District No.	1	The Carriage House, Jay Heritage Center	698-9275
District No.	2	The Osborn, in the Strathcona Building	967-4100
District No.	3	City Hall, Council Chambers	967-7371
District No.	4	City Hall, Council Chambers	967-7371
District No.	5	Milton School Gymnasium, Hewlett Av.	967-6561
District No.	6	Rye Middle School Gymnasium	967-9867
District No.	7	Damiano Recreation Center, Midland Av.	967-2535
District No.	8	Damiano Recreation Center, Midland Av.	967-2535
District No.	9	Disbrow Park, Public Works Building, (Old Garage) Oakland Beach Avenue	967-7464
District No.	10	Rye Middle School Gymnasium	967-9867
District No.	11	City Hall, Council Chambers	967-7371
District No.	12	Osborn School Gymnasium, Osborn Road	967-6554
District No.	13	Milton School Gymnasium, Hewlett Av.	967-6561
District No.	14	The Osborn, in the Strathcona Building	967-4100

**RESOLVED**, that the Council of the City of Rye hereby authorizes the City Clerk to request a waiver of the accessibility requirements for Milton School Gymnasium which does not meet the accessibility standards for the handicapped.

8. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department

Manager Novak explained that the Police Commissioner has recommended that the Police Department Manual be revised to prohibit the taking of photographs or otherwise recording images or events while on duty by adding a paragraph (#39) to General Order #103.1. The recommendation has been forwarded to the Rye Police Association and needs Council approval.

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

**RESOLVED**, that General Order #103.1 of the Police Department Manual be reviewed by adding a new paragraph #39, under section entitled "Prohibited conduct" to read as follows: "*Be equipped with, or utilize, still or video cameras, or other devices that capture video or audio images, while on duty, except in the discharge of duty, or as specifically authorized by the Police Commissioner.*"

9. Adoption of County tax rate for 2002

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

**RESOLVED**, that the tax rates for the amounts of County, Blind Brook Sewer District, Mamaroneck Valley Sewer District, and Refuse Disposal District charges for the fiscal year beginning January 1, 2002, shall be as follows:

<u>County</u>	
Levy	\$12,225,519
Taxable Assessed Value	133,295,955
Taxable Rate per \$1,000 Assessed Value	91.717
 <u>Blind Brook Sewer District</u>	
Levy	\$ 1,937,894
Taxable Assessed Value	138,023,014
Taxable Rate per \$1,000 Assessed Value	14.040
 <u>Mamaroneck Valley Sewer District</u>	
Levy	\$ 315,384
Taxable Assessed Value	19,742,937
Taxable Rate per \$1,000 Assessed Value	15.975
 <u>Refuse Disposal District No. 1</u>	
Levy	\$1,831,571
Taxable Assessed Value	136,728,651
Taxable Rate per \$1,000 Assessed Value	13.396

and it is further

**RESOLVED**, that the Council does hereby certify to the City Comptroller the above stated levies and tax rates for the County, Blind Brook Sewer District, Mamaroneck Valley Sewer District, and Refuse Disposal District, and the City Comptroller is hereby directed to apportion and extend against each taxable property listed upon the assessment roll of the City of Rye for 2002 at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums computed and determined, and, it is further

**RESOLVED**, that the tax warrant of the County be signed by the Mayor and directed to the City Comptroller to collect the amount of said taxes with interest as provided by law and any special assessment heretofore authorized and approved.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Hutchings, Larr,  
and McKean

NAYS:None

ABSENT: Councilwoman Cunningham

10. Miscellaneous communications and reports

Mayor Otis reported that he had attended a County meeting on the water emergency and that County rules are pretty much in line with the New York American Water Company (NYAWC)'s guidelines. He also said they recommend not watering much now as you make plantings thirstier. Manager Novak said the City is trying to publicize the regulations as best it can and to coordinate with other communities. She said the City's street sweeper requires water and she is investigating the possibility of drawing water from Blind Brook. Corporation Counsel Henry Neale pointed out that the Council has adopted the NYAWC's plan, but, to be in compliance with the Code of the City of Rye, the Council should make a determination that there is an emergency.

Councilman McKean said he noticed a public notice entitled "non-nuclear natural gas power plant proposed by Entergy Indian Point Peaking Facility, LLC." He said it is encouraging and wished the Entergy representatives had informed the Council of this plan while they were here.

11. Old Business

Councilwoman Larr proposed that the Council and City use the services of RCTV to keep the public informed of newsworthy events by developing a daily television spot, possibly entitled "From the City Manager's Desk." The Mayor thought more use of "Eye on Rye" could be made and that a written newsletter was still important. Various ideas for how to publicize a newsletter followed, including putting it on the web. Ideas for items to be included were reminders about noise, the new fence ordinance, and gathering input on seasonal parking around Playland.

Councilman Cypher asked if the Zen group now had insurance and was informed that they did. He also asked if there was new information about prohibiting graffiti and was informed that Section 104 of the Code of the City of Rye addresses the issue and the City will enforce the code.

12. New Business

Mayor Otis asked the Council to review a proclamation to be delivered on Thursday, April 4, 2002 at the dinner for Terri Silverman-Jessen who is retiring after almost 25 years as a City of Rye employee.

Councilman Cypher made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the following proclamation:

***WHEREAS**, Terri J. Silverman-Jessen has worked for the City of Rye, New York for almost 25 years, joining the staff in 1977 as an Intermediate Clerk Typist and rising through the ranks to become Manager of the Rye Golf Club on January 1, 1995, and*

***WHEREAS**, during her tenure as Manager, many changes and improvements have been made to The Rye Golf Club including building renovations and additions, most notably the restoration of Whitby Castle and the construction of the new golf locker building; computerized operations; increased membership and usage; and financial security, making the club the envy of all other Westchester communities, and*

***WHEREAS**, the beautification of the club has been enhanced over the years by Terri's decision to join the Audubon Sanctuary Program to make the entire facility environmentally sensitive with birdhouse markers, wild flowers and grasses, and magnificent plantings, and*

***WHEREAS**, she is a life-long resident of our community, having graduated from Rye High School and volunteering her services for many years for many organizations ranging from Midland School to raising funds for the Ladies Auxiliary of the Rye Fire Department, and*

*WHEREAS, her entertainment skills as a singer, par excellence, have entertained not only Rye City employees (particularly at the now annual employee recognition day), but also at private parties and, for years, at The White Elephant, and*

*WHEREAS, Terri's wonderful spirit and enthusiasm, her tireless dedication and commitment have helped to make the Club the successful enterprise it is,*

*NOW, THEREFORE, BE IT RESOLVED, that the Rye City Council pauses in its deliberations to recognize and commend Terri J. Silverman-Jessen for her many years of service to the City of Rye, and congratulate her on her lasting contributions to our community, and*

*BE IT FURTHER RESOLVED, that the City Council wish Terri and her husband, Ben many happy and well deserved years of retirement in Florida, and*

*BE IT FURTHER RESOLVED, that this resolution be presented to Terri Silverman-Jessen as an expression of the City of Rye's appreciation on behalf of the entire City for her accomplishments as Rye Golf Club Manager.*

*Signed and sealed this 3rd day of April, 2002.*

SEAL

\_\_\_\_\_  
Steven Otis, Mayor

*Franklin Chu  
Robert H. Hutchings*

*Carolyn Cunningham  
Rosamond Larr*

*Robert Cypher  
Douglas McKean*

13. Draft unapproved minutes of the regular meeting of the City Council held March 20, 2002

Councilman Hutchings made a motion, seconded by Councilwoman Larr and unanimously carried, to accept the minutes of the regular meeting of the City Council held March 20, 2002, as submitted.

Councilman McKean made a motion, seconded by Councilman Cypher and unanimously carried, to adjourn to Executive Session at 10:35 P.M. to discuss two litigation matters and one personnel issue.

The Council reconvened at 11:35 P.M.

Councilman Cypher made motion, seconded by Councilwoman Larr and unanimously carried, to change law firms for the City's Home Depot Litigation case in order to follow attorney Bob Hermann from Plunkett and Jaffe to Thacher Proffitt, pending approval by the City's insurer.

14. Adjournment

There being no further business to discuss, Councilwoman Larr made a motion, seconded by Councilman McKean and unanimously carried, to adjourn the meeting at 11:37 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk