

APPROVED MINUTES of the Special Meeting of the City Council of the City of Rye held in City Hall on July 26, 2002 at 9:30 A.M.

PRESENT:

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

ABSENT:

CAROLYN CUNNINGHAM

Councilman Hutchings made a motion, seconded by Councilman Chu and unanimously carried, to convene an Executive Session at 7:37 A.M. to discuss a personnel matter.

Councilman McKean made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn the Executive Session at 8:30 A.M.

The City Council convened a Special Meeting at 9:30 A.M.

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. Adoption of 2002/2003 tax levy for the Rye Neck Union Free School District

City Manager Julia Novak explained that the adoption of the tax levy for the Rye Neck Union Free School District needs annual approval of the Council. This year's levy for the portion of the school lying within the City of Rye is for \$6,454,779, at the rate of \$459.340139. She said the rate of collection is always excellent.

Councilwoman

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

WARRANT FOR SCHOOL TAXES
RYE NECK UNION FREE SCHOOL DISTRICT

WHEREAS, the lawful authorities of the Rye Neck Union Free School District have fixed the amount of taxes to be raised for said district for the fiscal year beginning July 1, 2002 and ending June 30, 2003, in the amount of \$19,523,428.00 and have duly apportioned to the parts of said district lying within the City of Rye the amount of \$6,454,779.00 and they have established a tax rate in the amount of \$459.340139 per \$1,000 of assessed value, for the levy of the aforesaid School District taxes for the parts of said district lying within the City of Rye.

NOW, THEREFORE, in pursuance with the relevant provisions of the City Charter, you are hereby commanded to collect the taxes in the amount of \$6,454,779.00 from the part of Rye Neck Union Free School District lying within said City, at the rate of \$459.340139 per \$1,000 of assessed value as fixed by the City Council.

IN WITNESS WHEREOF, the Council of the City of Rye has caused this warrant to be signed by its Mayor and the corporate seal of the City to be affixed hereto this 26th day of July, 2002.

MAYOR, CITY OF RYE

Attest:

Susan A. Morison
City Clerk

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Cunningham

4. Consideration of a Licensing Agreement with Lightpath

Manager Novak reported an easement was needed to run fiber optics for the Library and City Hall running between the Boston Post Road and the Library. She said the optimum place to run the fibers is along the sidewalk beside City Hall, rather than down the center of the Green. Because the new agreement has not been drafted and needs to be completed by August 1, 2002, she asked the Council to delegate power to the City Manager to authorize any needed amendments to the agreement and to be able to sign it. The question of what material should be used when the sidewalk was replaced (brick, concrete, or a form of concrete that looks like brick) and who would pay for the reinstallation ensued. Betty Teoman, Director of the Library,

said she was happy to have the trench built on the side of the Village Green as long as it doesn't cost the Library extra funds. Arthur Stampleman, Grace Church Street, reminded the Council of the Village Green's Landmark status. Councilman Hutchings said he was pleased wires were going underground and suggested maybe electrical and phone lines (or at least spare conduits) could also be laid in the same trench while it was opened. The Council requested the City Manager forward a copy of the draft for their review prior to signing it.

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

RESOLVED, that the Council delegate authority to the City Manager to amend and sign an agreement with Lightpath to install fiber optics between the Boston Post Road and the Library by running a trench down the side of the Village Green.

5. Draft unapproved minutes of the regular meeting of the City Council held June 12, 2002.

Councilwoman Larr made a motion, seconded by Councilman Hutchings and unanimously carried, to adopt the minutes of the regular meeting of the City Council held June 12, 2002 as amended.

New Business (non-agenda item)

Mayor Otis announced that the Council had met in Executive Session earlier in the morning and, after careful consideration, had decided to make a personnel change regarding the position of Corporation Counsel and is looking to transition from our current Corporation Counsel to a new person. He said they had prepared a resolution to that effect.

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

RESOLVED, that the City Council is making the following changes regarding the position of Corporation Counsel:

1. J. Henry Neale, Jr. will hold the position of Corporation Council until August 31, 2002
2. Kevin J. Plunkett is appointed Corporation Counsel and will coordinate with the Corporation Counsel during the transition period.

The Mayor thanked Mr. Neale for his work over the past three years.

Corporation Council Henry Neale said he had not advance notice this would be an agenda item but made some remarks to the Council. He told the Council that when the Mayor

and Councilman Hutchings fired him on Friday, July 19, 2002 no reason was given. He said he felt he had provided the City with reasonably good service over the past three years, that he had not lost a case for the City and had provided good on-site service to the staff. He pointed out that he had been favorably reviewed by the Council in December; had been given a raise, and received no unfavorable comments or warning since that time. He said that the Council has the right to hire and fire the Corporation Counsel, but if there is a good reason he would have hoped they might have the courtesy to say what it was. He said he considered himself the attorney for the Council as a whole, rather than for any individual, and has tried to give them the best legal advice he could and be a truth-teller. In conclusion, he said the city staff (which is, in his opinion, highly professional and competent and work together well as a team) had been appreciative of his work over the years and he will miss working for the City.

Mayor Otis said it had been a carefully considered and difficult decision to move in a new direction. Several Councilmen thanked Mr. Neale for his past service.

ROLL CALL:

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

NAYS: None

ABSENT Councilwoman Cunningham

The Mayor noted that Councilwoman Cunningham, because of her long-standing friendship with Mr. Neale, would not have voted in favor of the decision, had she been present.

6. Adjournment

There being no further business to consider, Councilman Hutchings made a motion, seconded by Councilwoman Larr, to adjourn the meeting at 10:15 A.M.

Respectfully submitted,

Susan A. Morison
City Clerk