

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on August 14, 2002 at 8:00 P.M.

PRESENT:

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

ABSENT:

ROBERT H. HUTCHINGS

1. Pledge of Allegiance

Mayor Otis called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor Otis asked the City Clerk to call the roll; a quorum was present to conduct official city business.

Mayor Otis reported that the Council had just concluded an “Austerity Workshop” which reviewed where the City is now financially, and what it can do to conserve expenditures going forward. He said the City was \$369,000 ahead of where we thought it would be in areas such as personnel, retirement fund obligations, and the unspent contingency. He commended the City Manager for preparing information outlining how staff has been finding ways to curtail expenses and do tasks more efficiently. (For example, Kruger the Goose-Chasing Dog at the Golf Club is owned by the City, thereby saving thousands in having a “consultant” dog come in once a day.) In addition to these savings it was decided that there would be a 30-day hiring freeze on every new vacancy; that no new trees would be planted this year (especially because of the drought situation); that we would use Cable TV and the City’s Web page rather than create and send a newsletter. Other savings will continue to be identified as the year progresses. He said it was important for people to know everyone is trying to save where they can, so he was asking the City Manager to release her report to the press.

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

Kurt Tietjen, 20 Grapal Street, Vice President of Union 209 Career Firefighters, expressed his displeasure with comments at the annual Capital Improvement Program (CIP) presentation on Monday, August 12, 2002 suggesting there might be cuts to the number of firefighters. He said he was disheartened this idea was used as an example of how to save expenses. He pointed out that the number of firefighters was already at a minimal level and he would not want a casual comment to become an acceptable example. Councilman Chu corrected any misunderstanding, saying that after his rhetorical list of possible cuts, he had added the words "I think not."

Bonnie Downing, former City Council member, said she was not speaking to take issue with, or criticize, the Council's decision to make a change in the position of Corporation Counsel, but to say positive things about J. Henry Neale, Jr., Corporation Counsel for the last three years, and to say why she thought he had been a good one.

- He loves the law and, as a student of the law, would research issues thoroughly, presenting all nuances and all options for the Council to consider.
- He was fair and consistent and treated everyone the same, keeping everyone informed, following all the tenets of open government and full disclosure.
- He was well liked and appreciated by the staff who are upset to see him go.
- He was not in any way guilty of doing anything wrong, but if he were, he should have been so informed.
- He performed impeccable work, rendering serious and considered opinions.
- He loves his job, working tirelessly for the City even when it was over and above the hours for which he was being paid.
- He is a man of integrity and a man of his word who searches for the truth and avoids playing either politics or favorites.

Mrs. Downing concluded by saying these were qualities to be appreciated and that she, for one, appreciates Mr. Neale. A round of applause followed her remarks.

4. Presentation by Kids' Space

Marion Anderson, President of Kids' Space, followed up on her remarks to the Council at the prior meeting saying that she and her Board had visited the space in the Rye Town Park (RTP) tower building above the pavilions and decided this was exactly the space they need and the direction they should be pursuing. They are also working with the Rye Youth Council which may want to develop a teen center RTP, and they will be meeting with the RTP Commission. She asked the City to support their proposal and to help the organization until June, 2003 by allowing them to use the McDonald Building or the Friends Meeting House from noon-3 PM, three days a week. They offered to make the necessary renovations to the Friends Meeting House.

The Council was in agreement that the use of the RTP space was better than the Meeting House; that the RTP space is wasted space now and would be safer and better in the long run even though it would take a lot of fund raising on the part of Kids' Space; and that it is better to use existing available space before building new. There was a comment that maybe there would even be a play area at the park as a result. While the Council was sympathetic to the request for guaranteed space, the City Manager pointed out that Damiano Center would be under construction and the Recreation Department will have their own space pressures. She also said that the practice is not to book space in the McDonald Building so far in advance. The Mayor was requested to report back to the Council on the RTP Commission meeting and the matter was left open.

5. Presentation by the Rye Fire Department Building Committee

Richard Mecca, Chair of the Fire House Building Committee, followed up on his presentation to the City Council at the prior meeting saying that they had met with the Finance Committee who asked them to justify the need for additional funding, to remove the apparatus from the bond request and to take another look at the Locust Avenue Firehouse. He said they had complied with all requests and reiterated the need for \$1,900,000 to complete the Locust Avenue Firehouse.

Mr. Mecca said that the Milton Fire House was planned with the combined input of the Fire Department, the Board of Architectural Review and the Landmarks Advisory Committee and while the exterior looks beautiful, retaining the old look came at a cost. He said the Architect's error caused bids to be made on 800 less square feet and various external requirements (from the State, from OSHA, etc.) made saving any money at Milton impossible. He said that they were looking into long-term leasing for the needed new apparatus and that the needs for Locust Avenue cannot be paired down – they need an elevator to the second floor for the handicapped; a new lavatory on the first floor for children who drop in; to fix the wiring, etc.

Councilman Cypher said everyone knows it was not the Fire Department's fault that the extra money had to be spent and are agreed that they would like to see the job finished. Councilwoman Cunningham said she would need to see additional questions answered about the actual costs involved before voting for a new bond. Mr. Mecca said they need to know they have additional funding before getting more specific numbers. In answer to a suggestion from Councilwoman Larr that a referendum be delayed, Mr. Mecca said he feels they have to continue now; that it is a good time to borrow; and that if they do it piecemeal it will cost more.

Mayor Otis said he was in favor of completing the project correctly, but there are many things to consider, especially in these economic times and the Council will need to be able to show the public that the City is being austere in other areas to justify the additional bonding. He reminded everyone the school board will be conducting their school bond referendum vote on October 22, so there could be no campaigning for the Fire House bond prior to that vote. He suggested that 1) the staff develop the documents necessary to have a vote on setting a bond referendum date at the next Council Meeting on September 4, 2002, and 2) a workshop should be held with the building committee, the Fire Wardens and Calgi Construction to work out more

details. The workshop was set for Thursday, August 15, 2002 at 7:30 P.M. at the Durland Scout Center.

Mrs. Pat Larkin addressed the Council to say as a “village person” she always considered the Locust Avenue Fire House the main one and she was speaking for all those who thought Locust should have been renovated before Milton. People in the village are not happy to hear that more money is being requested, especially when it was spent on the wrong firehouse to begin with, but they want the right one fixed. Mr. Mecca said they had to do Milton first so the they could combine operations during the renovations without having to build a temporary firehouse.

6. Public hearing on a proposed local law amending Chapter 104, Graffiti, of the Code of the City of Rye by amending Section 104-6, Failure of owner to comply

Mayor Otis opened the public hearing on proposed local law amending Chapter 104, Graffiti, of the Code of the City of Rye by amending Section 104-6, Failure of owner to comply. There were no comments from the audience or the Council so the Mayor closed the public hearing.

Councilwoman Cunningham made a motion, seconded by Councilman McKean, to adopt the following amendment (as underlined) to the local law:

**Amendment to the Rye City Code
Chapter 104, GRAFITTI
Section 104-6
Failure of owner to comply**

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

Section 1. Section 104-6 of Chapter 104 of the Code of the City of Rye is hereby amended to read as follows

§ 104-6. Failure of owner to comply

Failure of the owner of the building or structure to remove the graffiti within the time allowed after written notice may subject the owner to civil proceedings or criminal prosecution as authorized by Chapter 108, Article VIII of the Code.

Section 2. 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, McKean and Larr

NAYS: None

ABSENT Councilman Hutchings

The amendment carried.

7. Public hearing on a proposed local law amending Article VIII, Section 108-56, Penalties for offenses, of Chapter 108, Housing Standards, of the Code of the City of Rye

Mayor Otis opened the public hearing on proposed local law amending Article VIII, Section 108-54, Review by Supreme Court and 108-56, Penalties for offences, of Chapter 108, Housing Standards. There were no comments from the public. The Mayor explained that fines are set by the judge and the amendment raises the maximum amount which can be charged and expedites the amended Graffiti Law. There were no further comments from the Council so the Mayor closed the public hearing.

Councilman McKean made a motion, seconded by Councilwoman Larr, to adopt the following amendment (as underlined) to the local law:

**Amendment to the Rye City Code
Article VIII, Administration and Enforcement
Section 108-54 Review by Supreme Court and
Section 108-56 Penalties for offenses,
of Chapter 108, HOUSING STANDARDS**

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

Section 1. Article VIII of Chapter 108 of the Code of the City of Rye is hereby amended to read as follows:

**ARTICLE VIII
Administration and Enforcement**

§ 108-46. Department of Buildings.

- A.** The Department of Buildings, under the direction and supervision of the Building Inspector, shall be charged with the duty of administering the applicable housing standards and securing compliance therewith and shall be empowered to adopt rules and regulations necessary for securing such compliance, provided that such rules and regulations shall not be in conflict with the applicable housing standards and are approved by the Common Council.
- B.** The Department of Buildings shall be authorized to conduct surveys of housing in any area of the city to determine the conditions of premises, extent of deterioration, lack of facilities, inadequate maintenance, unsafe and unsanitary conditions, extent of overcrowding, land use and other relevant factors.
- C.** The Building Inspector and other personnel of the Department of Buildings shall be free from personal liability for acts done in good faith in the performance of their official duties.

§ 108-47. Duties of Building Inspector.

It shall be the duty of the Building Inspector:

- A. To cause periodic inspections to be made, not less than once every five years, of all premises within the scope of applicable housing standards.
- B. To cause an investigation of all complaints of alleged housing violations or other unsafe or unsanitary conditions.
- C. To order in writing the remedying of all conditions found to exist in or on any premises in violation of the provisions of this chapter or of the rules and regulations adopted by the Department of Buildings; to state in the violation order a reasonable time for compliance therewith; and, where necessary, to order the vacation of premises found unfit for human habitation.
- D. To request the Corporation Counsel to take appropriate legal action in the name of the city upon failure of the responsible party to comply with such violation order within the time specified therein.
- E. To cause a search of said Department's records of housing violations on any premises and to issue a certified statement thereof upon receipt of a written request and payment of any fees required by the city.
- F. To study housing conditions in the city.
- G. To cooperate with other municipal, governmental and private agencies engaged in the study and improvement of housing conditions.
- H. To submit to the City Manager an annual report of housing conditions in the city, accomplishments of the Department of Buildings and recommendations for the future.

§ 108-48. Right of entry.

- A. The Building Inspector and his subordinates shall be authorized and have the right, in the performance of their duties, to enter any premises during normal business hours and in emergencies whenever necessary to protect the public interest.
- B. Owners, agents, operators and occupants shall be responsible for providing access to all parts of the premises within their control to authorized city personnel acting in the performance of their duties.

§ 108-49. Notice of violation.

Whenever the Building Inspector determines that there has been a violation of any of the provisions of this chapter or any rule or regulation adopted pursuant thereto, he shall give notice of such violation or alleged violation to the person or persons responsible for the violation. Such notice shall specify in writing the alleged violation, provide a reasonable time for compliance and be served upon the owner, agent, operator or occupant, as the case may require.

§ 108-50. Power to act in emergencies.

Where violations of this chapter exist and pose an immediate hazard or danger to the health, safety or welfare of the occupants of a building or of the public, the Building Inspector may issue an order citing the violation and directing that such action be taken as is necessary to remove or abate the hazard or danger. If such a violation has not been corrected within the time specified in the order, the Building Inspector may take such action as is necessary to remove or abate the hazard or danger. Expenses incurred in connection therewith shall be recovered as provided in § 108-51 hereof.

§ 108-51. Recovery of expenses.

The expenses incurred pursuant to §108-50 herein shall be paid by the owner or occupant of the premises or by the person who caused or maintained the violation. The Building Inspector may institute suit in the name of the city to recover such expenses against any person liable for such expenses or may cause such expenses to be charged and assessed against the property as a lien upon certification of the amount therefore to the City Comptroller. If such expenses are not paid within 10 days after demand, the amount thereof shall be added to and become part of the taxes next to be assessed and levied upon the said premises and shall be collected and enforced in the same manner as taxes.

§ 108-52. Extension of time for compliance.

The Building Inspector may extend the compliance time specified in any notice or order issued under the provisions of this chapter where there is evidence of an intent to comply within the period specified, provided that reasonable conditions exist which prevent immediate compliance.

§ 108-53. Hearings.

Any person affected by any notice of violation issued in connection with the enforcement of this chapter or of any rule or regulation adopted pursuant thereto may request and shall be granted a hearing before the City Manager, provided that such person shall file in the office of the City Manager a written request for such hearing within 10 days after the service of notice of violation, setting forth a brief statement of the grounds therefor. The City Manager shall set a time and place for such hearing within 30 days after the date on which the request was filed. After a hearing and in consideration of the evidence presented, the City Manager shall sustain, modify or withdraw the notice of violation. Where there are practical difficulties or unreasonable hardships in the literal enforcement of the provisions of this chapter, the City Manager shall have power to authorize a variance from the provisions of this chapter, provided that the intent of the chapter shall be observed with respect to the safeguarding of safety, health and welfare.

§ 108-54. Review by Supreme Court.

Any person or persons jointly or severally aggrieved by any order of any officer or department of the city may apply to the Supreme Court for relief by a proceeding under Article 78 of the Civil Practice Law and Rules.

§ 108-55. Records.

The Department of Buildings shall keep records of all complaints received, inspections made and violations found regarding premises regulated by this chapter. Records shall be kept in a manner and form as prescribed by the City Manager.

§ 108-56. Penalties for offenses.

Every person who shall fail to comply with a violation order issued by the Department of Buildings within the time specified therein or shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars (\$1,000.00) for violations of Chapter 104 of this Code, each ten day period after notification of violation shall be deemed a separate offense and, for all other violations, and each day such violation continues shall constitute a separate offense.

§ 108-57. Severability.

If a term, part, provision, section, subsection or paragraph of this chapter shall be held unconstitutional, invalid or ineffective in whole or in part, such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subsections and paragraphs.

Section 2. 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, McKean and Larr
NAYS: None
ABSENT Councilman Hutchings

The amendment carried.

8. Public hearing on a proposed local law amending Section 68-12, Fees, of Chapter 68, Building Construction, of the Code of the City of Rye

Mayor Otis opened the public hearing on proposed local law amending Section 68-12, Fees, of Chapter 68, Building Construction. The amendment calls for a \$1000 application fee for building without permits, an increasingly frequent situation. Councilman McKean said it was a good idea and confirmed that this does not affect open Certificates of Occupancy on jobs performed with the proper permits. There being no further comments from the public or from the Council, the Mayor closed the public hearing.

Councilwoman Cunningham made a motion, seconded by Councilman McKean, to adopt the following amendment (as underlined) to the local law:

**Amendment to the Rye City Code
Section 68-12, Fees,
of Chapter 68, BUILDING CONSTRUCTION**

Be it enacted by the council of the City of Rye as follows

Section 1. Section 68-12 of Chapter 68 of the Code of the City of Rye is hereby amended to read as follows:

§ 68-12. Fees.

- A. Upon the filing of an application for a building-related permit or license, fees shall be payable in connection with the following:
 - (1) Plumbing, oil heating, gas heating or electric certificate of competency.
 - (2) Building permits.
 - (3) Plumbing permit for changes in plumbing that do not require a building permit in existing buildings.
 - (4) Oil or gas heating permits in existing buildings where a building permit is not required.
 - (5) Electrical permits in existing buildings where a building permit is not required.
 - (6) Certificate of occupancy.
- B. The City Council shall set the fees in connection with the above annually by resolution before adoption of the budget.
- C. In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of 50% of the fee paid, provided that no construction has been commenced. If construction work has been started and the application is not approved, the fees paid shall not be refunded.
- D. Due to large additional administrative and inspection expenses incurred by the city, an additional application fee of \$1,000 shall be payable when construction work has been commenced prior to the issuance of the building permit or when, as determined by the Building Inspector acting reasonably, construction work has been done in a manner not substantially consistent with a prior approval by the Board of Architectural Review or when, as determined by the Building Inspector acting reasonably, construction work has been done in a manner not in substantial compliance with the requirements of a building permit.

Section 2. 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, McKean and Larr
NAYS: None
ABSENT Councilman Hutchings

The amendment carried.

9. Public hearing on a proposed local law electing a retirement incentive program as authorized by Chapter 69, Laws of 2002, State of New York, for the eligible employees of the City of Rye

Mayor Otis opened the public hearing on proposed local law electing a retirement incentive program as authorized by Chapter 69, Laws of 2002, State of New York, for the eligible employees of the City of Rye. City Manager Novak explained that this proposed law will become a new Chapter 12 in the Code of the City of Rye and said that the savings to the City could be as much as \$18,000. There were no comments from the public or the Council so the Mayor closed the public hearing.

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

**Amendment to the Rye city Code
by creating a new Chapter 12,
EARLY RETIREMENT INCENTIVE**

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

Section 1. Chapter 12 of the Code of the City of Rye is hereby added to read as follows:

§ 12-1. The City of Rye hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 69, Laws of 2002, State of New York.

A. The commencement date of the retirement incentive program shall be September 1, 2002.

B. The open period during which eligible employees may retire and receive the additional retirement benefit shall be ninety (90) days in length.

C. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the City of Rye for each employee who receives the retirement benefits payable under this local law.

Section 2. 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, McKean and Larr
NAYS: None
ABSENT Councilman Hutchings

The amendment carried.

10. Resolution scheduling a public hearing on September 4, 2002 for cost allocation in connection with the Summit Avenue Sewer Improvement District

Manager Julia Novak said a public hearing should be set for September 4, 2002 to allocate costs in connection with the Summit Avenue Sewer Improvement District.

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

WHEREAS, the City Council of the City of Rye voted in July, 2000 to create a special assessment district to provide a sanitary sewer improvement benefiting four residents on Summit Avenue in response to a petition filed by those residents and following a public hearing, and

WHEREAS, the final cost of the sanitary sewer improvement project has now been established by the City Engineer at \$138,131.78 with each benefited property responsible for an equal share of \$34,532.95, and

WHEREAS, Section C22-4 provides for the holding of a public hearing on the assessment of the cost for that sanitary sewer improvement on the benefited properties, and

WHEREAS, following the above said public hearing the City Council in addition to setting the above individual share also will establish a date certain up to which a person may pay the entire sum without interest, the interest rate, and a 20-year amortization schedule; and

WHEREAS, it is now desired to call a public hearing on such proposed application, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section C22 of the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on September 4, 2002 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such resolution.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on the proposed cost
assessment on the benefited properties of the Summit
Avenue sanitary sewer district improvements.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 4th day of September, 2002 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed cost assessment on the benefited properties of the Summit Avenue sanitary sewer district improvements.

Copies of said resolution may be obtained from the office of the City Clerk. Materials on the cost assessment may be obtained through the office of the City Engineer and the City Comptroller.

11. Discussion of Proposed Fees for the 2003 Budget

The Council reviewed some of the fees recommended by the Maximus Group. Councilwoman Cunningham said she would like to see more comparisons and information on fees recommended for Coastal Consistency Management and Wetlands Reviews. She also questioned the fees for Auctioneers.

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

Mayor Otis announced the election of new members to the Rye Fire Department and asked approval of the Council.

Councilman Cypher made a motion, seconded by Councilman McKean and unanimously carried, to approve the election of Bruce Bendish (Elizabeth Street) into membership in the Poningo Hook and Ladder Company at their regular monthly meeting held July 1, 2002 and approved by the Board of Fire Wardens at their July 8, 2002 meeting.

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the election of John Cotter (7 Ellsworth Street), James Culyer (40 Palisades Road) and Charles Praid (42 Oakwood Avenue) into membership in the Milton Point Engine and Hose Company at their regular monthly meeting held August 7, 2002 and approved by the Board of Fire Wardens at their August 12, 2002 meeting.

13. Bids for dredging Milton Harbor

The City Manager asked the Council to approve the low bid for dredging Milton Harbor. She said there was an extraordinary spread in the bids so there was some concern about whether the low bid was acceptable. She said everything checked out well and the appropriate bonds (both Bid Bond and Performance Bond) are in place, so the City is convinced that this bidder will do a good job. She said the budget was \$375,000 so the City will be able to save some money. Councilman McKean was skeptical about accepting such a low bid, but Councilman Cypher felt that this was a case of the City getting lucky. The bid tabulation is listed on the following page.

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

RESOLVED, that Contract 2002-10, Milton Harbor Dredging, is hereby awarded to M.A.T. Marine, the lowest bidder meeting specifications, in the amount of \$229,000.

ROLL CALL

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, McKean and Larr
NAYS: None
ABSENT Councilman Hutchings

The resolution carried.

MILTON HARBOR DREDGING
Contract No. 2002-10

Name of Bidder			M.A.T. Marine		Burnham Associates Inc.		Jay Cashman Inc.		Spearin Preston Burrows Inc.	
#	Item	Qty	Unit	Total	Unit	Total	Unit	Total	Unit	Total
1	Mobilization	LS		25,000.00		50,000.00		150,000.00		10,000.00
2	Demobilization	LS		5,000.00		50,000.00		25,000.00		5,000.00
3	Maintenance Dredging of the Boat Basin & Entrance Channel w/Transportation & Disposal to the Central Long Island Sound Disposal Site	17,000 CY	9.42	160,140.00	18.50	314,500.00	32.00	544,000.00	110.00	1,870,000.00
4	New Dredging of a Sedimentation Basin Within the Boat Basin Area with Transportation and Disposal at the Central Long Island Sound Disposal Site	3,000 CY	9.42	28,260.00	22.00	66,000.00	32.00	96,000.00	125.00	375,000.00
5	Removal and Re-Driving of Existing Anchor and Mooring Poles	15 Each	450.00	6750.00	600.00	9000.00	1,500.00	22,500.00	1,900.00	28,500.00
6	Provide in kind all damaged Timber Piles and Install to the Tip and cut off elevations as Currently Exists	5 Each	770.00	3850.00	1450.00	7250.00	2,000.00	10,000.00	2,000.00	10,000.00
	Contractor's Total			229,000.00		496,750.00		847,500.00		2,298,500.00
	Engineer's Total			229,000.00		496,750.00		847,500.00		2,298,500.00
	Position			1		2		3		4
	% Above Low Bidder			N/A		117%		270%		904%

14. Resolution fixing the compensation of the Corporation Counsel

Mayor Otis asked approval from the Counsel for compensation to the new Corporation Counsel of \$65,000 effective August 1, 2002. He said this was the same amount paid to the current Corporation Counsel.

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

RESOLVED, that the compensation for Kevin J. Plunkett, incoming Corporation Counsel for the City of Rye, be fixed at \$65,000 per year, effective August 1, 2002.

ROLL CALL

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, McKean and Larr
NAYS: None
ABSENT Councilman Hutchings

The resolution carried.

15. Miscellaneous communications and reports

Councilwoman Larr said she had heard from Mr. Sol Himmelman that his letters to the Mayor had not been answered. The Mayor said he had spoken to Mr. Himmelman, but would respond in writing if that is what he wished.

Councilwoman Cunningham said that the Zoning Board of Appeals was taking a look at the rule requiring a 100 foot set-back from the Boston Post Road. She said it was helpful when the Sloane-Kettering property was being developed, but maybe it is time to take another look at the law.

16. Old Business

Councilwoman Cunningham said the workshop on the "Big House" issue really needs to be scheduled. The Mayor asked everyone to submit acceptable dates in September.

Councilwoman Larr reported that Landmarks Advisory Chairman, Diane Moran is concerned about the proposed development plans in the old Mill Town area of Rye and is interested in making it an historic district. She said many residents are hesitant, but now that the City owns the Friends Meeting House maybe it is a good time to at least proceed with the Landmark Designation for that building. Councilman McKean said listing a landmark locally

does not preclude making improvements, but provides guidelines. He said it would be important to have the exact boundaries of the area being considered for landmark status.

Councilwoman Cunningham inquired about how much sewer work needs to be completed by December, as mandated by the County. The City Manager said that any sewer problem in a City right of way was being worked on now and that private homeowners who have been reluctant to cooperate (only about 20), are beginning to do so. She said if they do not, they will be taken to court.

17. New Business

There was no new business to come before the Council.

18. Draft unapproved minutes of the regular meeting of the City Council held July 17, 2002 and the special meeting held July 26, 2002

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adopt the minutes of the regular meeting of the City Council held July 17, 2002 as amended.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to adopt the minutes of the special meeting of the City Council held July 26, 2002 as amended.

19. Adjournment

There being no further business to consider, Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn the meeting at 10:00 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk