

APPROVED MINUTES of the Regular Meeting of
the City Council of the City of Rye held in City Hall
on October 2, 2002 at 8:00 P.M.

PRESENT:

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

Mayor Otis announced that the Rye Fire Department Inspection Parade would take place on Thursday, October 3, 2002 at 7:30 P.M. and invited everyone to attend.

Councilwoman Cunningham announced that a Pulverman Foundation free concert would take place at the Rye High School Auditorium on Sunday, October 6, 2002 at 3:00 P.M.

2A. Presentation by Crozier • Gedney Architects of proposed plans for the reconstruction and expansion of the Snack Bar area at Seaside Johnnies, Rye Town Park

Mayor Otis reported that John Ambrose and Sam Chernin, owners of Seaside Johnnies, had made a presentation to the Rye Town Park Commission for the proposed plans for the reconstruction and expansion of the Snack Bar area at their restaurant in Rye Town Park and said he had asked Mr. Ambrose and Mr. Chernin to make the presentation to the Council. Mr. Ambrose said this was another step in the continued enhancements to the facility and would bring the snack bar area up to the same level of the upper portion with the ability to offer breakfast, better and more selections and additional evening fare. He said the beneficiaries would be the young families in the community desiring a less traditional dining experience.

Rex Gedney, architect for Seaside Johnnie's, said the snack bar had seen better days and band aid solutions would no longer work. He said the footprint was basically the same, but he was expanding on both sides so that the areas would increase from 450 square feet to 900 square feet. He said his proposal also creates a terrace on the roof, effectively linking the two existing terraces. Robert Morabito, Rye Town Supervisor and President of the Rye Town Park Commission, said his board had not yet met, but the Rye Town Park Commission was very enthusiastic, especially about the proposed stone work. The Council was generally in favor of the plan, but agreed that it should be reviewed by the Planning Commission, the Board of Architectural Review and the Landmarks Committee to determine if an LWRP is necessary and if there are any alienation of parkland issues.

Councilwoman Larr said she would really like to have the ability to use charge cards available. Councilman Chu said he would like to see winter dining, but Mr. Ambrose said they have been unable to generate enough business to warrant staying open. He reported that the improvements to the pavilions would begin after the plans had been approved by the State Landmarks Office on November 15th.

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

Tony Piscionere, Boston Post Road, commented on the Mayor's column in the last issue of the "Rye Record" noting that it called for a non-partisan approach, but was, in itself, partisan. He asked the Mayor to lead by example.

Councilman Cypher said he had been surprised at the critical tone of the Mayor's letter toward volunteers serving on the Finance Committee and felt it was an attempt to intimidate those volunteers and make sure they kept quiet. He said he thought people work best when all sides are heard. He also said the Mayor's comments were not, in his opinion, substantiated by the facts and figures and that it is unreasonable to indicate that Republicans only want large tax increases. He concluded by saying he considers himself a partisan for debate, for fiscal responsibility and for Rye.

Philip Semprevivo, Hill Street, also spoke about the Mayor's column saying he was not so worried about the jabs at members of the Council, but about the jabs at the volunteers on the Finance Committee who were accused of being pawns of the Republican Council members. He said this has had a chilling effect on all volunteers.

Mayor Otis said he thought his article was fair and that his point was that prior tax debates had always been non-partisan and united in a call for zero or low tax increases with the assumption that when the economy turned, taxes would have to be raised. He said he loves volunteers and the real intimidation was when the Republicans blocked a nomination to the Finance Committee. He said he has attended many Finance Committee meetings and there is always a 4-3 voting block. Councilman McKean opined that the revision of the Financial Policies was controlled by the Republicans who would not even allow editorial comments. Councilman Chu, who is the Council Liaison to the Finance Committee, said his impression is totally different from that of the Mayor and he feels the committee is doing great work and that legitimate differences are fully debated and worked out. He also said Webster's definition of

“partisan” is, in part, described as someone who is blind, prejudiced and unreasonable.” The Mayor said, in his opinion, a “permanent campaign mentality” seems to exist and urged this to stop.

4. Proposed resolution declining the opportunity to purchase property located at Cottage Street and Edgar Place in connection with Westchester County's desire to purchase and convey said property for the purpose of providing affordable housing

Mayor Otis said he had received a letter from the County Commissioner of Planning announcing the County’s intention to purchase the property located at Cottage Street and Edgar Place proposed as affordable housing from LAZZ Development Co., LLC for \$1.00. In order to complete the transaction, the County needs the City of Rye to release any future rights to purchase the property. Kathleen Walsh, representing the developer, assured the Council there have been no changes to the proposed plan for affordable housing and that this action was to alleviate the high cost of land, helping the developer to create the affordable housing which will continue as affordable housing for at least 40 years. The land will be taxable to Rye at affordable housing rates which will be at least as much as the taxes on the present unimproved land rate. She said there would be no need to take additional action other than to adopt the proposed resolution. Councilman Chu said he hoped all City and School employees would be notified of the affordable housing proposal.

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

WHEREAS, the County of Westchester desires to purchase and then convey approximately 24,000 square feet of real property located at Cottage Street and Edgar Place in the City of Rye to LAZZ Development Co., LLC for the purpose of providing affordable housing for a period of forty years; and

WHEREAS, the County of Westchester has offered the City of Rye the opportunity to purchase a portion of said property subject to any applicable subdivision requirements and under the following terms and conditions:

1. For use in perpetuity for park and municipal recreation purposes for the sum of one dollar (\$1.00);
2. For other municipal purposes at the current appraised value as determined by the Board of Legislators, or for no more than the same consideration for which it is proposed to be sold to LAZZ Development Co., LLC, whichever is less;
3. Deeds conveying said Property to the City for either purpose shall include clauses specifying said purpose and that the property shall revert to the County if it is not utilized for that purpose within five (5) years or at any time that such specifically enumerated use ceases;

4. The City of Rye shall elect to make such purchase within ninety days of its receipt of the aforesaid offer from the County or within any greater length of time that may be provided for in a written agreement of the County with the City;
5. This opportunity to purchase this property shall not constitute a right to purchase and may be withdrawn by the County at any time

Now, therefore be it

RESOLVED, that the City of Rye hereby declares its support for the aforesaid project; and be it further

RESOLVED, that the City of Rye waives and relinquishes any rights that it may have under the aforesaid opportunity to purchase said property.

5. Proposed resolution supporting the acquisition of David's Island as a County Park

Councilwoman Cunningham proposed that the Council adopt a resolution supporting the acquisition of David's Island as a County Park saying that there have been many bad proposals for the island. Many people, including the City of New Rochelle, would like to see it become a park, and that such resolutions from neighboring communities have been helpful in similar situations. Councilman Hutchings said he was in sympathy with the acquisition, but was leery to pass a resolution without knowing more about who was in opposition and why and what the plans for the park included. Councilman Cypher wondered who would clean it up, would the use be active or passive, would there be a ferry or bridge. Councilwoman Cunningham said there is opposition from one member of the Board of Legislators, but it is a great opportunity for more recreation, more open space and less pollution of the Sound. She said everyone is aware the clean-up will be expensive and not immediate; that she believes the plans call for a pedestrian and emergency vehicle bridge; and that the exact uses of the park have yet to be determined. She said the plan is to bond for the estimated \$6.5 million acquisition cost. Councilman Cypher suggested the resolution be tabled until the Council can know more. Councilwoman Cunningham said she would learn what she could, but the Mayor cautioned that there were no answers at this time to some of the questions and he would not want to lose the opportunity to get the land. The resolution was tabled to the next Regular Council Meeting.

6. Proposed resolution instituting a modified hiring freeze as of October 2, 2002 until further notice.

Councilwoman Cunningham presented a proposed resolution instituting a modified hiring freeze for existing vacancies and potential future hires except at the request of the City Manager as of October 2, 2002 until further notice. Councilwoman Larr was concerned that the resolution would be micromanaging the City Manager. The City Manager asked for clarification about which positions would be frozen (only the General Fund positions or those in the Enterprise Funds as well) and what the end date would be. She said she would prefer that positions after the

end of this fiscal year would be addressed during the budgeting process. Councilman Chu said he thought a freeze is the right direction. The Mayor said it is a matter of operating presumption in that when a job becomes available, it should be looked at as an opportunity rather than an automatic replacement. He also stated that he was not in favor of cutting public safety slots.

After further discussion, Councilman Cypher made a motion, seconded by Councilwoman Larr, to amend the resolution to include only those positions covered by the General Fund.

ROLL CALL:

AYES: Councilman Cypher and Councilwoman Larr
NAYS: Mayor Otis and Councilwoman Cunningham
ABSTAIN: Councilman Chu, Hutchings and McKean

The motion resulted in a tie vote and therefore failed to pass.

Councilman Cypher made a motion, seconded by Councilwoman Larr, to amend the resolution to set a finite hiring freeze date of December 31, 2002 with the option to extend, rather than use the original wording of "until further notice."

ROLL CALL:

AYES: Councilmen Cypher, Hutchings, Larr and McKean
NAYS: Mayor Otis and Councilwoman Cunningham
ABSTAIN: Councilman Chu

The motion passed by a vote of 4 to 2.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr, to adopt the amended resolution as follows:

RESOLVED, that the City Council institutes a modified hiring freeze as of October 2, 2002 through December 31, 2002, and be it further

RESOLVED, that the City Council may make exceptions to this hiring freeze upon request of the City Manager that such exceptions are necessary.

ROLL CALL:

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

The resolution as amended passed.

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

Mayor Otis reported that the 2002/2003 tax levy for the Rye Neck Union Free School District had been reduced as a result of the hard work of the City's Assessor and Corporation Counsel, and that he was pleased to be able to ask the Council to approve a resolution setting a lower tax warrant for those residents living in Rye attending the Rye Neck Schools. Councilman Chu thanked everyone for the timely follow-up to the court ruling, especially the Superintendent and Assistant Superintendent of the Rye Neck School System.

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

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 \$5,799,488.00 and they have revised the tax rate from the amount of \$459.340139 per \$1,000 of assessed value to \$412.7078 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 \$5,799,488.00 from the part of Rye Neck Union Free School District lying within said City, at the rate of \$412.7078 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 3rd day of October, 2002.

MAYOR, CITY OF RYE

Attest:

Susan A. Morison
City Clerk

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed. Mayor Otis suggested the staff draft a letter to be sent to all relevant citizens explaining the reason for the savings. Councilman Chu suggested such a letter be printed in the newspapers, thereby, in the spirit of creating savings wherever possible, eliminating the production and postage charges associated with such a mailing.

8. Resolution declaring the Police Department's Xerox XC1255 Copier inoperable and surplus

Mayor Otis said the Police Department has a Xerox XC1255 Copier which is inoperable and he asked the Council to declare it surplus.

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

WHEREAS the Police Department has requested that a Xerox XC1255 Copier be declared inoperable, and

WHEREAS, the Police Commissioner has requested authorization to dispose of said copier, now, therefore, be it

RESOLVED that said Xerox XC1255 Copier is declared surplus, and be it further

RESOLVED, that the City Comptroller is authorized to dispose of said copier.

ROLL CALL:

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

NAYS: None

ABSENT: None

9. Authorization for the City Manager to sell at auction surplus equipment as listed by the City Engineer

The City Manager presented the list of items to be auctioned on Saturday, October 5, 2002 in Scarsdale and asked that the Xerox XC1255 Copier just declared surplus be added to the list of items to be auctioned. She said police cars are normally sold after only two years as the maintenance becomes onerous and the other City vehicles are on a fairly standard rotation schedule. She said Rye Town Park will buy one of the trucks so she will mark it "sold" as long as she has a check from them by Friday.

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

RESOLVED, that the Council authorize the auctioning of surplus equipment on Saturday, October 4, 2002.

ROLL CALL:

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

- 9A. Approval of Second Assistant Chief Peter Cotter as First Assistant Chief and the appointment of Warden Peter Donahue to the position of Second Assistant Chief until an election to fill this position is held on November 7, 2002

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve Second Assistant Chief Peter Cotter as First Assistant Chief and the appointment of Warden Peter Donahue to the position of Second Assistant Chief until an election to fill this position is held on November 7, 2002.

10. One appointment to the Board of Assessment Review for a five-year term expiring September 30, 2007

Mayor Otis announced that Paul Bschorr had, after 22 years, declined reappointment as head of the Board of Assessment Review and it was necessary to appoint an additional member to the Board.

Mayor Otis made a motion, seconded by Councilman Cypher and unanimously carried to appoint L. William Fishman to the Board of Assessment Review for a five-year term expiring September 30, 2007.

Mayor Otis said Mr. Bschorr had served the Board of Assessment for many long years, providing magnificent service to the City of Rye and would be greatly missed and he asked the Council to consider a proclamation prepared in Mr. Bschorr's honor.

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

PROCLAMATION

WHEREAS, Paul Bschorr has provided service to the City of Rye by serving on the Board of Assessment Review since 1979, and

WHEREAS, Paul agreed to become the Chairman of the Board of Assessment Review in 1982 and has served for the past twenty years in that

capacity, conducting himself in the highest professional manner at all Grievance Day hearings and while addressing petitioners or asking questions for consideration of their complaints; and

***WHEREAS**, he has always made time in his busy life to be present at all meetings, despite the demands of his highly regarded and demanding law practice; and,*

***WHEREAS**, Paul and his wife, Anne have been residents of Rye for over a quarter of a century, have raised three daughters here and have given much to the community during that time and*

***WHEREAS**, Paul Bschorr will be retiring from the Board of Assessment Review after the conclusion of this summer's sessions; and*

***WHEREAS**, Paul's commitment to fairness, equity, and sound judgment have been reflected in the deliberations of the Board of Assessment Review for the many years of his service; and*

***WHEREAS**, the City of Rye deeply appreciates the length, excellence, and dedication represented by Paul's service to Rye;*

***NOW, THEREFORE**, I, Steven Otis, Mayor of the City of Rye, New York, on behalf of the City Council, do hereby express heartfelt thanks to Paul Bschorr for the tremendous contribution to the City of Rye, especially in his capacity as Chairman of the Board of Assessment Review, and congratulate him for setting an example of public service for all to follow.*

Signed and sealed this 1st day of October 2002.

SEAL

*Steven Otis
Mayor*

11. One appointment to the Planning Commission to fill the term ending January 1, 2004, by the Mayor with Council approval

This agenda item was tabled to a later time.

12. Two appointments to the Boat Basin Commission, by the Council, for two-year terms expiring January 1, 2005

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the appointments of Ford Winter and Greg Gavlik to the Boat Basin Commission for two-year terms expiring January 1, 2005.

13. Designation of one member to the Boat Basin Nominating Committee

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to designate Mr. Frank Mangiamele a member of the Boat Basin Nominating Committee.

14. Four appointments to the Rye Golf Club Commission, by the Council, for two-year terms expiring January 1, 2005

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the appointments of George DeFilippo, Douglas Killip, Jeanne Temple, and Michael Hammer to the Rye Golf Club Commission for two-year terms expiring January 1, 2005

15. Designation of two members to the Rye Golf Club Nominating Committee

Councilman McKean made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the designation of Adrienne Belluscio and Bill Meyers to the Rye Golf Club Nomination Committee.

16. Miscellaneous communications and reports

Councilman Chu reported receiving an unsigned letter from a group calling themselves “taxpayers concerned with closing the gap.” He said he would be happy to respond if anyone wishes to come forth and be identified.

Councilman Cypher read a letter dated last July from Warren McGowen of Cedar Place concerning problems with the bus company. He asked the City Manager to investigate and get back to him, but she reported that all the action which the City can take has already been taken and that she believes most of Mr. McGowen’s concerns have long since been addressed.

Councilwoman Cunningham said she had attended a Long Island Sound Watershed Intermunicipal Council Meeting concerning, among other topics, the storm water sewer district and investigating the possibility of having the district run by a group of municipalities rather than by the County.

Councilwoman Cunningham also attended a meeting concerned about ferry service on the Sound. She reported it was a very preliminary discussion for many years down the line, but reiterated to those attending that Rye has always had the position that ferries in and out of parkland for non-park purposed should be prohibited.

Councilman McKean, reporting on the Conservation Commission, said there was concern about the property on Polly Park Road, adjacent to Rye, where a 22 house development is being considered. He said the Commission also wants to be involved in the Master Plan process for Playland.

17. Old Business

There was no old business to be considered.

18. New Business

Councilwoman Larr, concerned about speeding in the City of Rye, suggested that the 30th of every month be designated as “30 miles per hour” day in order to heighten awareness of both the speed limit and the problem. The Mayor suggested the idea be considered by the Traffic and Transportation Committee. Councilman Chu said the police also need to be involved as no idea, however great, succeeds without enforcement.

19. Draft unapproved minutes of the regular meeting of the City Council held September 4, 2002, and the special meeting of the City Council held September 25, 2002

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the regular meeting of the City Council held September 4, 2002 as amended.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the special meeting of the City Council held September 25, 2002 as amended.

20. Adjournment

There being no further business to come before the meeting, Councilman Cypher made a motion, seconded by Councilman McKean and unanimously carried, to adjourn the meeting at 10:05 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk