

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

PRESENT:

STEVEN OTIS, Mayor  
FRANKLIN J. CHU  
CAROLYN CUNNINGHAM  
ROBERT S. CYPHER  
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.

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

There were no residents who wished to discuss matters not on the agenda.

4. Public hearing on proposed 2003 Budget

Mayor Otis reviewed the budget process to date saying the Council had had three workshops and heard extensively from the public at the prior City Council Meeting on November 20, 2002. He said they had tried to pare expenses and keep services, that the tax increase had been lowered to 21.3%, and tonight was a time for more input and, if possible, for new issues and suggestions. The Mayor opened the public hearing.

*Marty Edelman*, 55 Hillside Road and President of the Board of the Rye Free Reading Room, thanked the Council for the 2% increase, but asked the Council to include more funds so the library can maintain the basic level of City funding. He said the library is a core service,

dependent on the City for basic operations while counting on the public for enhancements. He said without this support the library might have to look at a special library taxing district which hasn't worked in the past, but may have to in the future. He urged the Council to play catch-up with the tax increase, despite the fact that it might not be good for political resumes.

Many in the audience urged the Council to lower the increase. *Adrian Watkins*, 10 Wainwright Street, said the services are great, but people have been hit with a lot (school taxes, recreation bond, school bond, and now this increase). She said with this economy there are lots of people, not just senior citizens, on a fixed income and something has to go. She asked if you can't cut curbside pick up, what can you cut? *Michael Metler*, a resident of 40 plus years, said he was tired of paying taxes; questioned why he had to pay for everything he does and suggested the school charge extra for more than two children in the system. *Armand Puglia*, 27 Ridgeland Terrace, said not everyone is affluent and those living on fixed incomes, as well as those with moderate incomes, will have to leave if the Council does not sharpen their pencils and cut, rather than whittle, expenses. *Sis D'Angelo*, Wappanocca Avenue, remarked that everyone is looking for more and more and everyone should be satisfied with what they got last year. Maybe our children don't need everything and the City should concentrate on enforcing the laws they have (like getting merchants to clean up their own spaces). *Leila Negri*, 7 Platt Lane, was appalled at the tax increase; was disappointed the garbage collection schedule was not cut; and advocated the use of more volunteers. *Sharon Lawyer*, 15 Hillside Place, said it was a wonderful, special community, but it was just getting too expensive. Invoking President Kennedy's "Ask not what your country can do for you..." she urged the Council to ask what people are willing to give up. *Norm McMaster*, 11 Langeloh Court, thanked Duncan Hennes for the good report from the Finance Committee and urged everyone to pay attention to the City's debt level, taking into account the future burden current and future debt will be to the taxpayer. He challenged the Council to get people to do what they don't want to do and like it. *Martin Gerson*, 1 Warriston Lane, spoke on the power of compound interest and escalation saying that with an increase of 10% each year, taxes will double every 7 years, and that every time benefits and salaries are increased the base grows. He said it was tough to cut, but the Council should get a grip.

*George DiFillipo*, 39 Palisade Road and member of the Rye Golf Club Commission, said he agreed with the mooring charges, but considered the non-resident surcharge at the Golf Club and Boat Basin inappropriate. He said if they lose any non-resident members as a result it would be detrimental to residents.

*Judy Secon*, 85 Halsted Place and Director of the Rye Youth Council (RYC), asked the Council to reconsider a \$5K increase, saying how hard they had tried to raise funds, how difficult it is to do in Rye, and how important it is to maintain a stable funding base. *Carrie Donahue*, RYC Middle School Advocate, described her typical day, stressing how important it is to have an independent advocate in the schools, and saying how proud she is to be a part of such a valuable organization.

*John Castelhana*, Career Staff of the Fire Department, said the department feels so strongly about not being short staffed that they would like to contribute to the solution by offering to take training on their time off. *George Hogben*, Fire Chief, said they need an additional person and that, if given an overtime dollar amount, the department would be

accountable. He urged the Council to nail down a date for a joint meeting with the Board of Fire Wardens.

*Mary Julian*, 20 Onondaga, pleaded with the Council not to cut the Naturalists at the Rye Nature Center saying it is the programs that make it so special. She said the RNC is the place where children are trained to be caretakers of our earth. *Angel Morris*, 66 Mendota, said cuts to the RNC would not end programs, but other things as well, like the Strawberry Festival and the Butterfly House. *Joe Murphy*, 57 Franklin Avenue, said the RNC camp was the best his daughter ever attended, setting her on the path to become an environmental lawyer.

The Mayor prefaced the Council's consideration of the budget by saying that: 1) the City has gone for 10 years with hardly any increase, so Rye has almost the lowest tax rate; 2) the impact of the economy is large (lower interest rates, higher contributions to the retirement fund, for example); and 3) there is no longer the option of using fund balances to balance this budget because the excess fund balance is no longer available to assist in suppressing property taxes. He said the Council has looked at a lot of things to reduce expenses (i.e. garbage collection which, when fully analyzed, was not going to produce as much savings as thought) and to increase revenue, and they will continue to do so. He remarked that the debt service has been increased with consent of the voters, but the level is still in line for a community of this size. Councilman Chu noted that tonight's audience was a different group providing more balanced comments and he found this helpful.

Summarizing his suggestions for decreasing the property tax percentage, the Mayor said he favors increasing revenue by 1) increasing the Mortgage Recording Tax estimate to the level of the 3-year average (because he viewed the current projection as significantly underestimated) which would lower the tax rate by 2.28%; and 2) by amending the sales tax revenue. He said he would decrease expenditures by cutting discretionary spending by 1.5% and by eliminating the consulting fees. He said these suggestions would bring the tax rate down to between 18 and 18.5%. He would also like to further investigate the possibility of adding a firefighter and take advantage of the department's offer. Councilman Cypher said he was pleased with the firefighter's proposal and wants to look into it. Councilman Hutchings said it was refreshing to hear the offer of help from the firefighters.

In discussing the mortgage tax proposal, Councilman Cypher said he was concerned about reducing the percentage by making exaggerated revenue projections and was more in favor of realistic cuts. Councilman Hutchings was concerned with the mortgage tax estimate saying the staff has provided good figures; that overestimating can get you in trouble; and he prefers cuts in spending. Councilman McKean suggested using a number somewhat below the 3-year average; that revenues have always come in higher than budget; it is not good to use lower estimates as a way of padding the fund balance; and underestimating revenues is really a hidden tax. Councilman Chu said that the Mortgage Banker's Association has estimated that the mortgage numbers will decrease next year so, while he would support some increase, he would not want to see the number increased too much. He would support raising the amount from \$950K to \$1M with hopes that the housing market does not go down. Councilwoman Larr said she saw the possibility of more people out of work, more houses on the market and lower housing prices. The Mayor suggested taking the 4-year average, rather than 3-year, and raising

the amount to \$1,143,000, or considering some other number higher than \$1M. City Comptroller Michael Genito said it is important to have enough at the end, but would be comfortable raising the amount to \$1M. Finance Committee Chairman Duncan Hennes concurred with the expectation that mortgages will come down significantly, so raising the amount too high could lead to a budget deficit for a 3<sup>rd</sup> year in a row which would lead to a downgrade in our fund rating, so the Council should be careful. He said if the figure were larger in the end it would be good for the fund balance.

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

**RESOLVED**, that the Mortgage Recording Tax amount be increased by \$50,000 to \$1,000,000 instead of \$950,000.

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** None

The resolution passed 7-0. Mayor Otis, Councilwoman Cunningham and Councilman McKean went on record to say this was a missed opportunity to lower property taxes.

Councilwoman Larr said it was time for the City to live within its means and it was necessary to take another look at the Rye Nature Center whose dependency on the City has grown to \$185,125. She said City expenditures have to be focused on things that produce the greatest good for the greatest number. She pointed out that the Nature Center began as a passive park, supported by one employee, but over recent years it has expanded far beyond its capacity to be self-supporting. She proposed reducing the activities of the RNC only to what can be accomplished by the Naturalist, eliminating three curators and the administrative position and producing a net savings to the City of \$98,231 (the salaries saved total \$105,961, but the additional fees of \$6,930 added to the budget at the prior meeting would have to be eliminated). Councilman Hutchings said it was a hard issue, but this is a non-essential service that affects the least amount of people and by reducing the Nature Center to a passive park, 1% can be cut from the proposed tax increase. Councilman Cypher said it was hard to vote in favor of such a cut, but it was necessary and he hoped the Friends of Rye Nature Center would step up and into the breach. Councilman Chu said a passive park was still nice; that the City could not afford to be in the Nature Center business; that the RNC should be considered more like the Art Center or the Historical Society; and asked people to consider if the City is doing too much?

Councilwoman Cunningham said no one was more adamant than she about lowering taxes, but this suggestion is draconian, unnecessary, and too deep a cut from one place. She said she thought they had agreed only to freeze the number of employees. Mayor Otis said it was not right to make the RNC the scapegoat; that for years the subsidy stayed steady at \$130K; that the Council has tried not to dismantle services; that the RNC is unique and he is shocked at the willingness to do harm to this department. Councilman McKean said it was a sad statement of

how we think of the environment. The Mayor recognized others in the audience who wished to speak. *Chantal Detlefs*, City Naturalist, said almost 15,500 children would be impacted. *Bob Weeden*, former FRNC Board Member, said a lot of money had been raised for the RNC and perhaps there is still an endowment. He said he was a big supporter of helping children. *Nick Hodnett*, Chairman of the Conservation Commission/Advisory Committee (CC/AC), reviewed the bottom line impact of reducing the staff to one, saying that the expenses would be cut \$219K, but revenue would be down by \$229K, so the suggestion would have a negative impact. *Bob Clyatt*, President of the FRNC, said it was a good example of how cuts should not be made. He said the Friends were a small operation and could not take over the management of the RNC. *Joe Murphy* said if they were going to make such cuts, he would like to see all suggestions on the table at once. *John Hunt* agreed, saying it was unfair to single out one group. He asked why the City should have a pistol range and not a nature center. Commissioner Connors pointed out the value in terms of training and how one mistake because of lack of training could create a lawsuit that would cost far more than the amount spent on restoring the range.

After additional heated discussion, Councilwoman Larr made a motion seconded by Councilman Hutchings, to adopt the following resolution:

**RESOLVED**, that the Rye Nature Center eliminate all active programming beyond what the City Naturalist can support and that the 2003 budget include a general fund transfer to the Rye Nature Center of only \$80,000 for a savings of \$98,231, and be it further

**RESOLVED**, that the Friends of the Rye Nature Center, and other citizens groups interested in conservation, work with the Rye City Manager to develop self-sustaining services independent of the City's financial support.

ROLL CALL:

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

The resolution passed 4-3

Councilwoman Cunningham said she was revising her suggestion to cut half the consultant budget line to cut 100% of it. City Manager Novak said there was little she could say except to say that for every dollar spent this year on consultants, \$4 had been saved.

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

**RESOLVED**, that the Consultants line in the City Manager's budget be reduced to zero, for a savings of \$54,000.

ROLL CALL:

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

The resolution passed 6-1

Because a similar resolution failed to pass by an adequate vote at the prior Council Meeting, Councilman McKean made a motion, seconded by Councilwoman Cunningham, to adopt the following resolution:

**RESOLVED**, that the City Manager, at her discretion, reduce discretionary spending (\$2,065,591) by 1.5% (\$30,953).

ROLL CALL:

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

The resolution passed 7-0.

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

**RESOLVED**, that the amount reserved for administrative pay raises be reduced by \$66,500.

ROLL CALL:

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

The resolution passed 4-3

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

**RESOLVED**, that the sales tax estimate be increased by \$24,440.

ROLL CALL:

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

The resolution passed 4-3

Councilman McKean asked Betty Teoman, Director of the Rye Free Reading Room, if the library could contribute any additional savings. She said they had already cut their budget and any reduction from City funds would necessitate reducing open hours. Councilman Chu recognized the strong opinions held concerning the library because it is not looked upon as an essential service. He urged the continuation of the public/private relationship. Councilman McKean urged Ms. Teoman to take another look at the library's request.

The Mayor said he would like to fill the firefighter's position, but the Council agreed that 1) it should meet with the Board of Wardens as soon as possible and 2) get a proposal in writing. City Manager Novak, with the agreement of Bob Herman, substituting for Corporation Counsel Kevin Plunkett, said taking time off for training violates the fair labor law.

Steve Meyers, Chairman of the Recreation Commission, asked the Council to make a technical correction to the budget by rescinding a vote to increase the revenue budget by \$24,000. He said this amount was already in the tentative budget.

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

**RESOLVED**, that the decision to increase revenues for the Rye Recreation Department budget by \$24,000 be rescinded.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed 7-0.

The Mayor closed the public hearing at this point.

5. Resolution amending the Administrative Pay Plan

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

**RESOLVED**, that the City Manager comply with GML 207-M with regards to the compensation of the Police Commissioner, and be it further

**RESOLVED**, that the City Manager may, at her discretion within available funds, reward exemplary performance of management employees by providing one-time bonuses prior to the end of fiscal year 2002 within available funds, that do not increase the base pay of those individuals in 2003.

ROLL CALL:

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

The resolution passed 4-3

6. Proposed resolution adopting a Job Reduction Review Policy

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

**RESOLVED**, that the City Council adopts a Job Reduction Review Policy as follows: when vacancies occur for any position the City Manager will evaluate the feasibility of eliminating that position through restructuring departments, redistributing tasks, or other reorganizing to reduce positions, and be it further

**RESOLVED**, that this review is in addition to the hiring freeze review where the City Manager may request exception to the hiring freeze for positions essential to providing services from the City Council.

ROLL CALL:

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

The resolution passed 7-0

19. Consideration of proposed local law amending Chapter 46, Alarm Systems, of the Code of the City of Rye with respect to fees

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

**WHEREAS**, the Council wishes to amend Chapter 46, Alarm Systems, of the Code of the City of Rye, with respect to fees; and

**WHEREAS**, it is now desired to call a public hearing on such proposed amendment to the law, now, therefore, be it

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on December 18, 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 proposed local law.

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

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing on a proposed local law amending  
Chapter 46, Alarm Systems, Section 1, Subsection C(1) of Section  
46-8, of the Code of the City of Rye, with respect to fees**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 18th day of December, 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 local law amending Chapter 46, Alarm Systems, Section 1, Subsection C(1) of Section 46-8, of the Code of the City of Rye, with respect to fees

Copies of said local law may be obtained from the office of the City Clerk.

Dated: December 9, 2002

Susan A. Morison  
City Clerk

8. Consideration of proposed local law amending Chapter 64, Boats and Harbors, of the Code of the City of Rye with respect to mooring fees

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

**WHEREAS**, the Council wishes to amend Chapter 64, Boats and Harbors, of the Code of the City of Rye, with respect to mooring fees; and

**WHEREAS**, it is now desired to call a public hearing on such proposed amendment to the law, now, therefore, be it

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on December 18, 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 proposed local law.

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

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing on a proposed local law amending Chapter 64,  
Boats and Harbors, Section 64-10, Moorings and Floats, of the Code of the  
City of Rye, with respect to fees**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 18th day of December, 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 local law amending Chapter 64, Boats and Harbors, Section 64-10, Moorings and Floats, of the Code of the City of Rye, with respect to fees

Copies of said local law may be obtained from the office of the City Clerk.

Dated: December 9, 2002

Susan A. Morison  
City Clerk

9. Consideration of proposed local law amending Chapter 93, Filming, of the Code of the City of Rye with respect to fees

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

**WHEREAS**, the Council wishes to amend Chapter 93, Filming, of the Code of the City of Rye, with respect to fees; and

**WHEREAS**, it is now desired to call a public hearing on such proposed amendment to the law, now, therefore, be it

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on December 18, 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 proposed local law.

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

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing on a proposed local law amending Chapter 93,  
Filming, Section 1, Subsection B of Section 93-6, of the Code of the City of  
Rye, with respect to fees**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 18th day of December, 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 local law amending Chapter 93, Filming, Section 1, Subsection B of Section 93-6, of the Code of the City of Rye, with respect to fees

Copies of said local law may be obtained from the office of the City Clerk.

Dated: December 9, 2002

Susan A. Morison  
City Clerk

19. Consideration of proposed local law amending Chapter 167, Streets and Sidewalks, of the Code of the City of Rye with respect to fees

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

**WHEREAS**, the Council wishes to amend Chapter 167, Streets and Sidewalks, of the Code of the City of Rye, with respect to fees; and

**WHEREAS**, it is now desired to call a public hearing on such proposed amendment to the law, now, therefore, be it

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on December 18, 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 proposed local law.

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

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing on a proposed local law amending Chapter 167, Streets and Sidewalks, Section 1, Subsection D of Section 167-9, of the Code of the City of Rye, with respect to fees**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 18th day of December, 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 local law amending Chapter 167, Streets and Sidewalks; Section 1, Subsection D of Section 167-9, of the Code of the City of Rye, with respect to fees.

Copies of said local law may be obtained from the office of the City Clerk.

Dated: December 9, 2002

Susan A. Morison  
City Clerk

11. Consideration of proposed local law amending Chapter 173, Surface Water, Erosion and Sediment Control, of the Code of the City of Rye with respect to fees

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

**WHEREAS**, the Council wishes to amend Chapter 173, Surface, Water, Erosion and Sediment Control, of the Code of the City of Rye, with respect to fees; and

**WHEREAS**, it is now desired to call a public hearing on such proposed amendment to the law, now, therefore, be it

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on December 18, 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 proposed local law.

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

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing on a proposed local law amending Chapter 173,  
Surface Water, Erosion and Sediment Control, Section 1, Subsection A of  
Section 173-9, of the City Code of the City of Rye, with respect to fees**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 18th day of December, 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 local law amending Chapter 173, Surface Water, Erosion and Sediment Control, Section 1, Subsection A of Section 173-9, of the City Code of the City of Rye, with respect to fees.

Copies of said local law may be obtained from the office of the City Clerk.

Dated: December 9, 2002

Susan A. Morison  
City Clerk

19. Consideration of proposed local law amending Chapter 191, Vehicles and Traffic, of the Code of the City of Rye with respect to fees

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

**WHEREAS**, the Council wishes to amend Chapter 191, Vehicles and Traffic, of the Code of the City of Rye, with respect to fees; and

**WHEREAS**, it is now desired to call a public hearing on such proposed amendment to the law, now, therefore, be it

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on December 18, 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 proposed local law.

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

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing on a proposed local law amending Chapter 191,  
Vehicles and Traffic, Section 1, Subsection C of Section 191-38.1 of Part 2,  
Article VII, of the City Code of the City of Rye, with respect to fees**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 18th day of December, 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 local law amending Chapter 191, Vehicles and Traffic, Section 1, Subsection C of Section 191-38.1 of Part 2, Article VII, of the City Code of the City of Rye, with respect to fees.

Copies of said local law may be obtained from the office of the City Clerk.

Dated: December 9, 2002

Susan A. Morison  
City Clerk

13. Consideration of establishing a City of Rye Beautification Advisory Committee

This agenda item was deferred to a later meeting.

14. Consideration of the request of the Rye Town Park Commission that the permit fees for the rebuilding of the Rye Town Park Pavilions be waived

This agenda item was deferred to a later meeting.

15. Proposed resolution on Enhanced Environmental Protection

Councilman Chu presented a proposal for a resolution on Enhanced Environmental Protection he developed as a result of his involvement with the Planning Commission. He said the resolution has an educational component asking for recommendations on how to expand voluntary commitment to wetlands and recognize Rye residents who take initiatives to protect them. The primary objective, however, is to develop recommendations on how to enforce wetlands protection. He said he wanted the Council's approval before setting a plan in motion. Councilman McKean said he thought the timing was poor and that input from the Conservation Commission/Advisory Committee and the Planning Commission would be beneficial. Councilwoman Cunningham urged the deadline be moved to March instead of January. The Mayor requested his proposed changes be included. Nick Hodnett, Chairman of CC/AC, said the resolution sounds good, but he is not sure if the purpose is to increase wetlands or decrease flooding and pointed out that the enforcement lies with the Planning Commission and accountability of the homeowner.

Councilman Chu made a motion, seconded by Councilman Hutchings, to adopt the following resolution, as amended

**WHEREAS**, wetlands are a critical element in mitigating flood risk and providing habitat to a wide variety of plants and animals, and contribute to the quality of life in Rye; and

**WHEREAS**, the risk of flooding by Blind Brook and Beaver Swamp Brook is an economic issue of concern to many homeowners in Rye; and

**WHEREAS**, managing that risk is dependent on control measures taken by Rye residents and upstream communities; and

**WHEREAS**, a broad-based, voluntary, coordinated and affirmatively engaged public can have a beneficial effect upon wetlands stewardship; and

**WHEREAS**, appropriate Rye City wetland laws exist but there is need for improvement in implementation of compliance and enforcement; now, therefore, be it

**RESOLVED**, that the CC/AC and the Planning Commission report to the City Council by March 1, 2003:

- 1) A cost efficient program to expand education aimed at increasing voluntary Rye resident commitment to wetlands protection; and
- 2) The details of a recognition program to be created and administered by CC/AC to recognize Rye residents voluntary wetlands initiatives;

and it is hereby further

**RESOLVED**, that the Planning Commission, Conservation Commission, City Manager and Corporation Counsel, after consultation with the CC/AC and the Planning Commission, recommend to the City Council by March 2003:

- 1) How the active enforcement of Rye's wetlands statutes and supervision of wetland violations can be placed more effectively with the Planning Commission and the Courts, including a wider range of fines, fees, and other measures beneficial to the environment in order to address those incidents of willful and egregious damage to the environment, particularly as related to wetlands and flood plains;
- 2) Such report shall include recommendations regarding improvements for Rye's system of enforcing wetlands and flood control laws including

compliance with Planning Commission permit decisions, evaluation of wetland violations, enforcement of wetland laws, review of fines and permits, and review of storm water runoff rules.

3) How to establish greater accountability of contractors, landscapers and non-licensed consultants for wetlands violations and to establish measures that will encourage these individuals and entities to assist in preventing environmental damage by following Rye City regulations and laws.

and it is further

**RESOLVED**, that CC/AC and the Planning Commission issue to the Rye City Council in May of each year an annual assessment report on flooding risk and the state of the wetlands, including specific vulnerabilities associated with the Blind Brook and Beaver Swamp Brook watershed.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

16. Proposed resolution requiring the distribution to the City Council of any written communications addressed in the name of the City

After a brief discussion, this agenda item was deferred.

17. Acceptance of a donation to the Rye Police Department from the Birny Mason Jr. Foundation in the amount of Two Hundred Fifty (\$250) Dollars

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

**WHEREAS**, the Birny Mason Jr. Foundation desired to donate Two Hundred Fifty Dollars (\$250) to the Rye Police Department; and

**WHEREAS**, the fiscal 2002 General Fund budget did not anticipate this donation, now, therefore, be it

**RESOLVED**, that the City Council of the City of Rye accepts the aforementioned donation; and be it further

**RESOLVED**, that the City comptroller is authorized to amend the fiscal 2002 General Fund budget as follows:

Increase Deferred Revenues – Police Donations \$250.00

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

18. One appointment to the Rye Golf Club Commission to fill an existing vacancy until the 2003 Golf Club Commission elections

Mayor Otis explained that Ms. Jeanne Temple, who had been elected in September to serve on the Golf Club Commission and appointed by the City Council at its October 2<sup>nd</sup> meeting, is now unable to serve. Therefore it is recommended that Mr. Charles Dorn, the next highest vote recipient, be appointed in her place.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the appointment of Mr. Charles Dorn to the Rye Golf Club Commission for the term January 1, 2003 to January 1, 2004.

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

Mayor Otis said it is the prerogative of the Mayor to make appointments to fill the vacancy on the Planning Commission for a term ending January 1, 2004 and he has deferred the appointment for some time because his nominee, who is well qualified, willing to serve, and acceptable to the Commission Chairman, is not acceptable to all members of the Council. He said he was going to nominate former Mayor Warren Ross this evening, because he wanted the lack of consensus to be public. Franklin Chu said that he had proposed nine other names, from a broad spectrum and also with the approval of the Commission Chairman, but that no one else was acceptable to the Mayor. The Mayor responded that no one is better qualified, and politics should not play a role in the nomination process. Allen Clark, Forest Avenue, said he had once been ousted from a volunteer role in Mamaroneck because of politics and urged the Council to reach a consensus.

Mayor Otis made a motion, seconded by Councilman McKean, to nominate Warren Ross to fill the term on the Planning Commission ending January 1, 2004.

ROLL CALL:

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

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

20. Miscellaneous communications and reports

There were no miscellaneous communications and reports to be considered.

21. Old Business

There was no old business to be considered.

22. New Business

There was no new business to be considered.

23. Draft unapproved minutes of the regular meeting of the City Council held November 6, 2002; the Special Council Meeting/Budget Workshops held November 12, 13 and 20, 2002; and the regular meeting of the City Council held on November 20, 2002

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the regular meeting of the City Council held November 6, 2002 as submitted.

Councilwoman Larr made a motion, seconded by Councilman Cypher and unanimously carried, to approve the minutes of the special budget workshop of the City Council held November 12, 2002 as amended.

Councilman McKean made a motion, seconded by Councilman Cypher and unanimously carried, to approve the minutes of the special budget workshop of the City Council held November 13, 2002 as submitted.

The review of the drafts of the regular meeting of the City Council and the special budget workshop held on November 20, 2002 was deferred to the next regular meeting of the City Council.

24. Adjournment

As there was no further business to come before the meeting, Councilman McKean made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn the meeting at 12:10 A.M.

Respectfully submitted,

Susan A. Morison  
City Clerk