

***APPROVED MINUTES*** of the Regular  
Meeting of the City Council of the City of Rye held  
in City Hall on January 8, 2003 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.

The Mayor said tonight was the annual organizational meeting that traditionally begins with a message from the Mayor.

3. Mayor's Annual Message

The Mayor read the following message into the official record.

“Welcome to City Hall and our first City Council meeting of the New Year. It is my honor to deliver the Mayor’s Annual Message for 2003. I believe the beginning of this year is a time for needed reflection, a time to assess the choices before us.

“We stand at the intersection of two roads, one path leading to continued progress through cooperation, the other route marked by discord and failure. Rye’s past accomplishments have been made possible because we have been a community that has worked together, supported each other, and endeavored to make the success of each

project or organization a community goal. We have not been a community saddled with the limitations of partisanship, rancor, or division. The successes of 2002 provide a guide for the course we must choose in the new year. The achievements of the last twelve months will be remembered long after the arguments and failures are forgotten. Every success was built by working together, supporting each other, cooperating to make progress possible.

“We began the year with the innovative work of the Special Fields Committee which brought together recreation, environmental, and neighborhood groups to design the site plans for Disbrow Park and Rye Nursery. This was followed by the passage of the \$4.4 million Recreation Bond Issue where parents, children, and senior citizens all came together to support the program developed over four years by the Recreation Commission and the Recreation Department in the Recreation Master Plan. The bond issue will benefit the entire community; furthermore, this initiative represents the largest single investment in youth programs in the history of our municipal government! How did we do it? By working together, supporting each other, and cooperating to make progress possible.

“Through the initiative of the Police Department, the Department of Public Works, and the City Engineer, we were able to reopen and modernize our long closed police department firing range at an affordable price. This necessary public safety training facility means that both our officers and residents will benefit from the proper training required of our police officers. How did we do it? The collaboration of City Departments was phenomenal. They did it by working together, supporting each other, and cooperating to make progress possible.

“Our City Comptroller is annually recognized for the quality of the financial documents produced for the City. Rye’s prized Aaa bond rating has again been reaffirmed by Moody’s. We remain in a strong financial position.

“Our Traffic and Transportation Committee continued its outstanding record of finding solutions to resident traffic safety complaints and working with the City staff to quickly implement needed changes. Our City and our Police Department are annually recognized by receiving traffic safety awards.

“Our newly formed Playland Advisory Committee has met with County officials and is developing expertise to protect Rye’s interests at Playland. They will participate in the County’s Playland Master Plan study process. They bring energy and enthusiasm to this important task.

“How did we do it? By working together, supporting each other, and cooperating to make progress possible.

“At Rye Town Park the Pavilions are being completely restored at a cost of between \$500,000 and \$600,000 through a partnership with Seaside Johnnies. This needed restoration will be completed at no cost to the taxpayer, thanks to Seaside Johnnies and

the cooperation of the Rye City Council, the Rye Town Park Commission, and the Town of Rye. The Friends of Rye Town Park are ready to proceed with the Duck Pond Project funded mostly through a \$495,000 state grant from the Department of Environmental Conservation.

“Governor Pataki has shown great interest and support for our open space parkland projects in Rye. His administration’s environmental agencies made the Rye Nursery, Friends Meeting House, and Beaver Swamp Brook acquisitions possible through a no-interest state loan. The Governor’s visit to Rye this past spring brought the announcement of grant funding towards the Friends Meeting House acquisition and the honor of his visit to our town.

“In December the NYS Department of Environmental Conservation awarded Rye \$1.6 million for our Long Island Sound wetland restoration project at Rye Nursery. The Wildlife Conservation Society is also a partner in this project contributing over \$270,000 in services. Rye appreciates the fact that the Governor and his environmental agencies have recognized our important parkland purchases with targeted funding support.

“Assemblyman Tocci has also secured funding for Rye towards our land acquisition projects. Congresswoman Lowey has continued to bring significant funding to our joint Beaver Swamp Brook Restoration Project with Harrison. We continue to work closely with our neighbors across the brook on careful implementation of that project, part of our Open Space and Project Impact initiatives.

Partnerships, outside funding, and grants are all necessary to make these projects possible while limiting the cost to Rye taxpayers. Again, whether inside Rye or with other levels of government, the key to success is working together, supporting each other and cooperating to make progress possible.

“Along those lines I will ask the City Council to authorize a volunteer committee of residents experienced in grant writing, historic preservation, and fundraising to take on the task of planning and financing the restoration of the Friends Meeting House. I believe we should attempt to fund this project privately, and towards that end the City Council unanimously eliminated \$40,000 in City funds towards this project from the 2003 budget. We have the expertise in the community, and it is my hope that this committee should consider establishing a 501(c)3 not-for-profit to accomplish this task. Ultimately, the City has the responsibility for the restoration of the building. A private partnership is the best route to accomplish this task. Our City Departments have developed a multiple use plan for the Friends property. The approach described in that plan was well thought out and should be supported.

“Our Milton Fire Station was reopened on budget this past fall. The design was the result of cooperation between the Board of Wardens, the Professional firefighters, and the City Engineer. More recently, our volunteer firefighters and our professional firefighters worked together on the staffing level issues in our recently adopted City budget. How

did we do it? By working together, supporting each other, and cooperating to make progress possible.

“Architects, members of our Board of Architectural Review, members of our Zoning Board of Appeals, and other interested residents have been working on refining a proposal to address the house size to lot size issue. With the assistance of the City Planner and the Building Inspector they have been meeting regularly, often on a weekly basis, to develop a cautious set of changes to our code that will address the excesses, and only the excesses, of the house size to lot size problem. They have been careful to focus the draft changes to our zoning code so that the vast majority of additions or tear-downs would not be hindered by closing the existing loopholes in our law. The subcommittee continues to test their model against case studies of actual homes and adjust their proposals to meet the cautious and conservative approach we seek. The dedication and intellectual energy of these volunteers has been exceptional. We await their report, more input from the public, and consideration by the City Council.

“The Rye Merchant’s Association has worked closely with the City, the Recreation Department, and other groups on beautification, street closing events, and scholarships. Their collaboration with others in every project is a major factor in the vitality of our Central Business District.

“Our Boat Basin and Golf Club continue to improve, invest in infrastructure, and meet the needs of their members and the community. In 2002 we established the Rye Senior Advocacy Committee which is providing information, assistance, and referrals to senior citizens. The Committee has created a comprehensive resource directory to make important information more readily accessible.

“After three years of work by our City Assessor and Corporation Counsels, the City of Rye won tax relief for City of Rye residents living in the Rye Neck School District. While the Town of Rye has now signaled that they will appeal this ruling, our victory at the NYS Office of Real Property Services was the first legal acknowledgement of the tax inequity shouldered by our residents. We will continue to protect our taxpayers.

“I would like to use this opportunity to again thank Julia Novak for her work as City Manager for the past 2 1/2 years. Julia has been dedicated, hard working, and energetic in carrying out her duties as City Manager. Rye is a busy community with a high level of activity. Julia has juggled many challenges along the way. For the entire City, I want to thank Julia for her service.

“Rye continues to benefit from the infinite hours of volunteer time our residents devote to the City government, not-for-profits, recreation, youth, and cultural activities. We thrive as a community because of the countless activities, causes, and projects that bring us together.

“These are just some of the successes from 2002. They all follow a pattern: no politics, no partisanship, just the people of Rye working together, supporting each other and cooperating to make progress possible.

“We look forward in 2003 to completion of athletic fields, upgrade of our sewer infrastructure, new traffic safety improvements, creation of dedicated senior citizen space at Rye Rec., and continued progress on the many activities of the City.

“For guidance as to what path we should take for 2003 let me share with you tonight quotes from two Republican Presidents whose words are relevant for us today. When the first President George Bush was sworn into office in 1989 he reached out across the political aisle to Congress and spoke of the importance of working together and of the higher calling needed to get the business of the nation done. He stated, “The American people await action. They didn’t send us here to bicker. They ask us to rise above the merely partisan. ‘In crucial things, unity’ and this, my friends is crucial.” These words have special meaning for us here in Rye because we are faced with a choice. At any level of government, when the partisan becomes everything, failure follows. We succeed when we support each other, work together, and act on the merits. This has certainly been the history of Rye. There is really only one choice for success, to end the partisan preoccupations that set our community back.

“We should also be guided by the words of another President, Dwight Eisenhower, who offered wise advice many years ago when he warned, ‘Don’t make your mistakes too quickly.’ The genius of this advice, for elected officials or any individuals in positions of responsibility, is two-fold. It appropriately reminds us of the humility with which we should approach all responsibilities, and it expresses a needed word of caution regarding the decisions we make.

“Rye is a great community where people are eager to settle, stay, raise their children, and call home. We didn’t become an exceptional community overnight. It took generations of careful planning, thoughtful design, and cautious growth and evolution. It took people working together to nurture the growth of our institutions like our schools, not-for-profits, and service organizations. Our predecessors thoughtfully developed the services for which residents asked and for which newcomers moved here.

“Change is inevitable and there is always room for improvement, but in a community that has so many assets, change must be carefully planned, thoughtfully designed, and cautiously implemented. To do otherwise is to put at risk what is special about our town.

“Last January I asked for unity. Today I repeat the call that we be guided by the same principles and perspective. ‘Our values, how we treat others, our sense of community, friendship, caring, unity of purpose, civility, cooperation, and neighborhood; these are the things that mark the history of our community..... Perspective, graciousness, values, these are the ways our community must distinguish itself.’

“I again ask the City Council and the community to follow the lead of these values, to follow the only principles by which our success can be based. Earlier I indicated we had a choice, but really there is no choice at all. Let us follow the principles that move our community forward. Let us do it together.”

Councilman Chu made some additional comments regarding the City Manager’s decision to resign, primarily caused by the dissention on the City Council. He described the qualities necessary to be a City Manager as having the wisdom of Solomon, the patience of a saint, and, with this Council, the strength of a street fighter. He said Julia Novak, with her intellectual, organizational, negotiating, and leadership skills would be a hard act to follow. He said he had spoken with the Mayor about a new civility and the Council has agreed to set aside personal differences, treat the City Manager with an increased degree of respect and reaffirm the City Manager form of government. He is convinced that Ms. Novak, with her family established in the community, really doesn’t want to go and hopes that she will be willing to work through this situation. The City Manager should transcend the Council who will come and go while the City’s manager remains constant. He said he fervently hoped and prayed Ms. Novak will stay on and asked everyone to express support for having her change her mind.

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

*Deborah Reisner*, Norman Drive, and *Christian Daviron*, Geenhaven Road, addressed the Council on the subject of big houses/outsized homes. They said many are concerned and know people are working on this issue, but there are examples in Greenhaven which have been approved and are blatantly “gaining a dubious FAR” (building “storage” which is clearly potential living space), fooling both the Board of Architectural Review (BAR) and others, and creating homes with height and volume horribly out of scale. They are asking for a moratorium on new building (much as there is in Scarsdale, Larchmont, Rye Brook, and Putnam Valley) while waiting for the new guidelines. They said this would be fair not only to builders but to future homeowners. Corporation Counsel Kevin Plunkett said the procedure would involve drafting a law (which could establish a time limit) and setting a public hearing before any moratorium could be set. The Mayor said the “big house” sub-committee, headed by BAR Chair Nick Everett and Zoning Board Chair Judy Studebaker, has been working hard on a draft report now on the City’s web page awaiting more public input. Councilwoman Cunningham urged people to watch her “Eye on Rye” interview with Nick Everett. Councilman Cypher said he was cautious about setting a moratorium lest it lead to a race to get approvals prior to the deadline and to hasty conclusions by the big house committee. Councilman McKean indicated he thought a cooling off period was a good idea. The Council was sympathetic to the idea but indicated they were looking forward to additional public input and the recommendations of the committee and staff before going ahead with a moratorium

*Bonnie Downing*, 400 Forest Avenue, addressed the Council as a professional therapist rather than as a former Council Member, but is well aware of how taxing it is to be one when the public is not always understanding, the press sometimes confused and there is an enormous amount to absorb. She said, however, she was worried because of the partisanship rancor that

has resulted in the resignation of Julia Novak, a smart, savvy terrific City Manager. She asked, what does this mean? Asking Julia to change begs the issue because something is wrong with the Council. She suggested that they work with an outside facilitator to find out what is wrong and to identify their own personal goals. She said dealing with a profoundly sensitive personnel issue in private is not, in her opinion, breaking the open government law, and she urged the Council not to walk away from the “elephant” but to examine what they are doing wrong so they will not make the same mistake again.

*Ken Cook*, Fairway Avenue, said he had never intended to even attend a Council meeting but the conduct of the Council has forced him to do so, because their attitude (acting like children fighting for a teddy bear) has forced one of the best City Managers to resign her post (he hopes she will change her mind). He described the Council meetings as a circus and said they voted according to party, not on the issues which are good for all citizens of Rye. He referred to the December 18<sup>th</sup> Council Meeting as Rye’s Civil War over the Nature Center. In his opinion, which he is entitled to, to know nature is to know life itself and, therefore, it is an essential service and he said the Council should have listened to public opinion. Councilman Cypher said his concerns were for our middle school and teenage population who need a place to play, and helping to avert alcohol-related tragedies was his passion and that is why he voted the way he did. Councilman Chu said he hoped by the end of the evening Mr. Cook would be happy with the future of the Nature Center.

*Dennis and Brian Spillane* (of 3 and 9 Thorne Place, respectively) addressed the Council on the effect the changes at Disbrow Park will have on their street and neighborhood with increased traffic and danger to children. They asked for two things: 1) that a traffic sign barring parking on both sides of the road be put up; and 2) that a fence be erected to prevent any balls slamming over tree lines to damage homes and perhaps children. *Steven Meyers*, Chair of the Recreation Commission, said he supported the parking sign although the design calls for a fence so people would have to walk around. He said it was possible a foul ball from the Little League field might stray into Thorne place, but he doubted there was any chance of a stray ball from the other field. The Mayor assured the Spillanes everyone would stay on top of the plans.

5. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term

Mayor Otis made a motion, seconded by Councilwoman Cunningham and unanimously carried, to appoint Councilman Chu to the Police Pension Fund for a one-year term.

6. Three appointments to the Board of Appeals for three-year terms, by the Mayor with Council approval

Councilman McKean made a motion, seconded by Councilwoman Larr and unanimously carried, to re-appoint Mr. Jonathan Kraut, Mr. Serge Nivelles, and Mr. Alan Weil to the Board of Appeals for three-year terms.

7. Two appointments to the Board of Architectural Review for three-year terms, by the Mayor with Council approval

These appointments were deferred to a future meeting.

8. One appointment to the Board of Ethics for a three-year term, by the Mayor with Council approval

The Mayor re-appointed Mary Ann Ilse to serve on the Board of Ethics for a three-year term.

9. Three appointments to the Commission on Human Rights for three-year terms; one appointment to fill the term ending January 1, 2004; and two appointments to fill the terms ending January 1, 2005, by the Mayor

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to re-appoint Jane Mickatavage and Janis Solomon to the Commission on Human Rights for three year terms.

10. Designation of the Chairman of the Commission on Human Rights, by the Mayor

The Mayor designated G. Patrick McGunagle as Chairman of the Commission on Human Rights.

11. Three appointments to the Conservation Commission/Advisory Council for three-year terms, by the Mayor with Council approval

Councilman McKean made a motion, seconded by Councilwoman Larr and unanimously carried, to re-appoint Joseph Murphy and to appoint Mary Julian to the Conservation Commission/Advisory Council, both for three-year terms.

12. Designation of the Chairman of the Conservation Commission/Advisory Council, by the Mayor

The Mayor designated Joseph Murphy as Chairman of the Conservation Commission/Advisory Council (CC/AC).

There was a round of applause for Nick Hodnett, retiring Chair of the CC/AC, for his many years of dedicated service, and in particular for his good contribution to the Field sub-committee. The Council wished him well, saying his shoes would be hard to fill.



13. Two appointments to the Finance Committee for three-year terms, by the City Council

Councilman Chu made a motion, seconded by Councilman McKean and unanimously carried, to re-appoint Jonathan Peters and Salvatore Samperi to the Finance Committee for three-year terms.

14. Two appointments to the Landmarks Advisory Committee for three-year terms and one appointment to fill the term ending January 1, 2005, by the Mayor with Council approval

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to re-appoint Russell C. Cecil and appoint Frederick Cummings to the Landmarks Advisory Committee for three year terms.

15. Two appointments to the Planning Commission for three-year terms and one appointment to fill the term ending January 1, 2004, by the Mayor with Council approval

Councilman McKean made a motion, seconded by Councilwoman Cunningham and unanimously carried, to re-appoint Michael Klemens and Martha Monserrate to the Planning Commission for three-year terms, and to appoint G. Patrick McGunagle to a one year term ending January 1, 2004.

16. Designation of the Chairman of the Planning Commission, by the Mayor

The Mayor designated Michael W. Klemens as Chairman of the Planning Commission.

17. One appointment to the Recreation Commission for three-year terms, by the Mayor with Council approval

Councilman Hutchings made a motion, seconded by Councilman McKean and unanimously carried, to re-appoint Thomas Fendler to the Recreation commission for a three-year term.

18. Three appointments to the Rye Cable Television Committee for three-year terms; one appointment to fill the term ending January 1, 2004; and two appointments to fill the terms ending January 1, 2005, by the City Council

These appointments were deferred until the next meeting.

19. Designation of the Chairman of Rye Cable Television Committee, by the Mayor

The Mayor designated Doris Blank as Chairman of the Rye Cable Television Committee.

20. Three appointments to the Rye Playland Advisory Committee for three-year terms, by the Mayor with Council approval

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to re-appoint Leila Bright, Suzanna Keith and Richard H. Neiman to the Rye Playland Advisory committee for three-year terms.

21. Three appointments to the Traffic and Transportation Committee for three-year terms, by the Mayor with Council approval

Councilman McKean made a motion, seconded by Councilwoman Larr and unanimously carried, to reappoint Paul Hackett and Nicholas Loddo, Jr. to the Traffic and Transportation Committee for three-year terms.

22. Designation of the City Council's Audit Committee by the Mayor

Mayor Otis designated Councilman Chu, Councilwoman Larr, and Councilman McKean as the City Council's Audit Committee.

23. Designation of the following City Council Liaisons by the Mayor

Mayor Otis stated that all the present liaisons would remain in place as follows:

Ambulance Corps	Councilwoman Larr
Board of Appeals	Councilwoman Cunningham
Board of Architectural Review	Councilman Cypher
Boat Basin Commission	Councilman Cypher
Commission on Human Rights	Councilwoman Larr
Conservation Commission/Advisory Council	Mayor Otis
Finance Committee	Councilman Chu
Landmarks Advisory Committee	Councilwoman Larr
Recreation Commission	Councilman McKean
Rye Cable Television Committee	Councilman Hutchings

Rye-CARES Coordinator	Councilwoman Cunningham
Rye City School Board	Mayor Otis
	Councilman Cypher
Rye Free Reading Room	Councilman Chu
Rye Golf Club Commission	Councilwoman Cunningham
Rye Merchants Association	Mayor Otis
Traffic and Transportation Committee	Councilman McKean

24. Designation of the days and time of regular meetings of the City Council

The Mayor set the next meeting for Wednesday, January 22, 2003 but deferred setting the rest of the 2003 schedule.

25. Designation of official City newspaper

The Mayor stated that a daily newspaper needs to be designated each year, and recommended *The Journal News*.

Councilman Hutchings made a motion, seconded by Councilman McKean and unanimously carried, to designate *The Journal News* as the official newspaper of the City of Rye for the purpose of publishing public notices.

26. Designation of the amounts of faithful performance bonds

Mayor Otis said the amounts of faithful performance bonds need to be made annually.

Councilman McKean made a motion, seconded by Councilman Hutchings and unanimously carried, to designate the faithful performance bonds in the following amounts:

A.	City Comptroller	\$1,000,000
B.	City Clerk	500,000
C.	City Marshall	100,000

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

This agenda item was deferred to a later date.

28. 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

Corporation Counsel Plunkett said he had reviewed the request by Rye Town Park Commission attorney Monroe Mann that the permit fees for the rebuilding of the Rye Town Park Pavilions be waived and said he agreed with Mr. Mann that the City should not charge the permit fees. The Council resolved not to charge the fee by roll call vote.

ROLL CALL

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

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

Councilwoman Larr, who had originally proposed a resolution requiring the distribution to the City Council of any written communications addressed in the name of the City, withdrew her proposal.

30. Consideration of proposed local law amending Chapter 196, Wireless Telecommunications, of the Code of the City of Rye

The consideration of a proposed local law amending Chapter 196, Wireless Telecommunications, of the Code of the City of Rye was deferred so that the proposals could be given additional review by the Council and staff. Councilman Hutchings said comments would also have an effect as the Council negotiates a contract with the wireless company and it was agreed that other aspects of the law, in addition to some of the “appearance” issues suggested by Councilman McKean, need to be addressed.

31. Authorization for the City Manager to solicit proposals for a strategic plan and management study of the Rye Fire Department

Councilman Chu, who suggested that a proposal for a strategic plan and management study of the Rye Fire Department be solicited, asked members of the Fire Department wishing to speak to address the Council.

Chief George Hogben, who was joined by Dennis Sweeney, Guy Elmore and John Wickham, made the following comments:

The Rye Fire Department, under the direction of the Board of Fire Wardens (BOFW), seeks to operate at the highest performance level possible and is aware they need strong leadership, well trained and organized volunteer and career firefighters, clear organizational and company structure, long and short term planning for recruitment, training, budget, capital

expenditures and a well developed relationship with the community. Therefore, the Board of Fire Wardens will emphasize the following in 2003:

1. Organization
  - a. Financial budget review with the department's new budget committee and the City's Finance Committee
  - b. Scheduling/monthly reporting for career staff, volunteer activity and a monthly review with the Fire Inspector on inspections
  - c. Systematic approach to help reduce false alarms
  - d. Review of department pre-plans
  - e. Review, planning, implementation for OSHA/NFPA compliance
  - f. Review of all policies and procedures in the fire dept.
  - g. Development of strategic plan (when funds become available) with a committee comprised of volunteer and career firefighters, the BOFW, and the City Manager with final approval by the BOFW
2. Teamwork, Safety, and Training
  - a. Planning/development of volunteer FF training programs/workshops
  - b. Planning and development of career FF programs
  - c. Delivery of training and workshops, including cross training
3. Member Development
  - a. Establish "New Member" plan
  - b. Develop Membership services program
  - c. Develop Rye Firefighter Day

He said the proposal before the Council had certain flaws. It is not appropriate to use contingency funds for such a study, especially at this time, and especially seeing as how there are no consultant funds left in the budget. It is not appropriate for the study to be administered solely by the City Manager, but by the BOFW and the City Council, and in any case, at this time it would be better to wait for the new City Manager so that person can be in on the process.

Dennis Sweeney, a member of the force for 32 years, an officer for 25 years, former Secretary, past Warden and a management consultant, voiced additional concerns about starting such a plan. He said he gets the feeling from the draft request for proposal that the Fire Department is broken and it isn't – they have their differences and they argue, but they are loyal, they do a great job and have worked seamlessly for the past 116 years giving Rye the best insurance rating possible. He said firehouse lore will always be; that it brings life to the group; but everyone can be counted on to work together in the clutch (witness 9/11 and the role of Engine 191). Before embarking on any study, the BOFW and the Council should meet, voice their concerns, and communicate as they work together.

Councilwoman Cunningham said she was encouraged by the offer to meet. Councilman Cypher said he was concerned with the friction between volunteers and paid FFs. He asked if it impeded anything, if they get enough training, if the main objection is financing? Chief Hogben said they were not opposed to a study, but to the timing and content of this particular proposal. Councilwoman Larr urged a specific timetable; Councilman Hutchings asked the firefighters to thoroughly edit the existing document so he would know their objections specifically (Chief

Hogben agreed to do this); The Mayor confirmed that the BOFW was asking for a two-step process: more interactive dialog at meetings with firefighters (paid and volunteer), BOFW, the Council and City Manager which would lead to acceptable wording for the RFP.

The issue was tabled and it was agreed to set up a meeting as soon as possible.

32. Discussion of responses to Request For Proposals for Operation of Programs at the Rye Nature Center

The Mayor reported the City had received three responses to its Request For Proposal (RFP) on the Nature Center: from the Rye Recreation Department, the Friends of Rye Nature Center (FRNC), and the Rye Y. He said that the Y had recently withdrawn its proposal in deference to the FRNC. Bob Clyatt, President of FRNC, said they had responded with a proposal which addressed the needs of children of Rye and the education programs (pre-school, after school and summer, in particular). He said they will work with others, but someone has to be in charge and the Friends want to be. He said he was heartened by the caliber of Rye talent that has emerged along with a very positive response to a request for funds. He also announced that Ron Tocci had committed \$50,000 to the FRNC and he thanked the Mayor for his phone calls. In conclusion, he said if the FRNC are selected they are ready to hire at least one person right away and get going; would talk to the Y and the Recreation Department about how best to handle payroll and other administrative tasks; and confirmed that the income for classes taught by the City Naturalist would go back to the City. He said the City is free to revisit the financial model set forth in the proposal at any time.

Steve Meyers, Chairman of the Rye Recreation Commission, said the Recreation Department had responded to the RFP to fill what they saw as a void, the Recreation Department had offered to be the operator, but assumes the FRNC would serve as the lead agent. He said after reading the credible proposal of the FRNC, he would suggest the Council award the lead to the Friends with the knowledge that the Recreation Department will run whatever programs requested.

Joe Murphy, new Chair of the Conservation Commission/Advisory Council (CC/AC) said CC/AC had held a special meeting and they were unanimous in their vote to recommend that the City Council accept the proposal from the FRNC.

The Mayor thanked Mr. Clyatt, the City Naturalist, the Recreation Department, and the Y for their great input and interesting ideas (especially for expanding the RNC audience) and said he was in favor of awarding the lead to the FRNC. In response to an inquiry from Councilman Chu, the Corporation Counsel said he thought the official agreement could be drawn up very quickly and the programs could be back underway by the end of January. Each Council member expressed their delight and enthusiasm with the outcome of the process, their appreciation to all who stepped up, and their compliments.

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

RESOLVED, that the Proposal to the City of Rye For Operation of the Environmental Education Programs of the Rye Nature Center submitted by the Friends of the Rye Nature Center be selected.

ROLL CALL

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

The resolution passed. Mr. Clyatt thanked the Council and said it was time to get to work.

33. Consideration of proposed revision of City of Rye Police Department Manual General Order #116.5, Overtime/Compensatory Time

Manager Novak explained that the proposed revision of the City of Rye Police Department Manual General Order #116.5, Overtime/Compensatory Time, was really a technical clarification, developed in cooperation with the Rye Police Association to provide an equitable method of allocating overtime and a more efficient procedure. She said it simplifies the overtime process and will hopefully reduce the number of grievances.

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

**RESOLVED**, that the proposed revision of City of Rye Police Department Manual General Order #116.5, Overtime/ Compensatory Time be revised as proposed.

ROLL CALL

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

The resolution passed.

34. Resolution declaring the Police Department's Intoxilyzer 4011ASA obsolete and surplus

Manager Novak explained that this once state of the art piece of equipment is truly obsolete and has been replaced by a "Datamaster" machine. It was suggested that it could be donated to the Rye Historical Society if they would want it.

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

**WHEREAS**, the Police Department has requested that an Intoxilyzer 4011ASA, City of Rye inventory #000391, be declared obsolete; and

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

**RESOLVED**, that said Intoxilyzer 4011ASA is declared obsolete and surplus; and be it further

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

ROLL CALL

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

NAYS: None

ABSENT: None

The resolution passed.

35. Miscellaneous communications and reports

There were no miscellaneous communications and reports discussed.

36. Old Business

Councilwoman Cunningham mentioned a letter from George Latimer concerning County taxes and wondered if any action had been taken.

Councilman McKean suggested that the agenda item calling for consideration of a Rye Beautification Committee not be placed on the agenda again unless the Council was committed to discussing the subject so that interested parties did not have to repeatedly attend the meeting and not be able to speak.

37. New Business



Mayor Otis mentioned a newspaper article concerning Playland's ability to regulate who can be on the grounds and the need for them to be able to have control. The Mayor suggested a letter from the Council be sent in support of this position. Councilman Cypher agreed and said it was possible even stronger action might have to be taken to make sure known pedofiles can be regulated.

38. Draft unapproved minutes of the regular meeting of the City Council held December 18, 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 on December 18, 2002 as amended.

39. Adjournment

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

Respectfully submitted,

Susan A. Morison  
City Clerk