

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on April 9, 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.

Mayor's Announcements

There will be a House Scale Subcommittee meeting Thursday, April 10, 2003 at 7:30 P.M..

The Mayor recognized the efforts of Emily Voss and her success in the first "Walk for Lyme Disease" which was held on Sunday, April 6, 2003. He also expressed special thanks to the Rye Police Department and the Auxiliary Police for their efforts and cooperation during the many street events that take place in the City.

Once again, the Mayor praised the efforts of the Department of Public Works for the snow removal and maintenance of the city streets.

Mayor Otis stated that this was City Manager Novak's last meeting and expressed gratitude for her hard work, energy and dedication over the past two and one half years. He welcomed back former City Manager Frank Culross, who will serve as Rye's Interim City Manager.

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

Nigel Kelly, Rye Gardens, spoke about pedestrian (particularly school children) safety issues along the Boston Post Road between Sonn Drive and Oakland Beach Avenue. He requested a steel guardrail between the road and the sidewalk. Mayor Otis said he had spoken to Brian Dempsey, Chair of the Traffic and Transportation Committee, and was told that the committee is still studying their options. The guardrail standards require a certain deflection area and having a sidewalk in that deflection zone creates liabilities. The Council agrees that there are safety issues for school children along that corridor, and it will continue to work with the Traffic and Transportation Committee for a solution. Councilman McKean said he will be attending the Traffic and Transportation Committee meeting on April 10, 2003 and will discuss this issue.

Anthony Troiano, representative of the Rye Renegades, a baseball team comprised of Rye resident children ages 13-17, attending Rye Schools, addressed the Council. He explained that the Rye Renegade organization (which functions under the auspices of the American Amateur Baseball Conference [A.A.B.C.]) plays at a higher level of competition than existing programs meeting the needs and wishes of the children of this community. He said that they have applied for field space and have been allotted very limited field use (8:00-9:00 a.m. Sunday mornings) and access to public facilities and feels that the organization is not being treated fairly and equitably. *Steve Gulotta*, 385 Milton Rd, expressed similar concerns. He requested that the City Council and the Recreation Department give close attention to the needs of the Renegades and their need for field space. Mayor Otis said the Council would follow-up with the Superintendent of Recreation and the Recreation Commission to get some feed back regarding this issue.

4. Consideration of Memorandum of Understanding between the Civil Service Employees Association Public Works Unit and the City of Rye for 2004-2006

City Manager Novak stated that the Memorandum of Understanding of the Civil Service Employees Association of Public Works Unit was approved last week by a divided vote of 27-14. It was a good negotiation indicative of the good relations with the unit. The City asked the employees to recognize the City's financial situation, and she felt the contract reflects the Unit's understanding of this position. They agreed to lower wage numbers than they had seen over a number of years and to some longer term concessions that over time will serve to decrease the cost of refuse collection and help stabilize this increasing cost. She thanked the City Council for giving her fair parameters with which to negotiate and extended her appreciation to the Bargaining Committee and all the employees in the Public Works Unit. The Mayor thanked City Manager Novak for working out an amicable agreement.

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

RESOLVED, that the Memorandum of Understanding between the Civil Service Employees Association Public Works Unit and the City of Rye for 2004-2006 be approved.

ROLL CALL

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

NAYS: None

ABSENT: None

5. Approval of amendment of Section 191-12, Vehicles and Traffic, of the Code of the City of Rye to designate a full-stop for traffic on Boulder Road at Stonycrest Road

City Manager Novak said she had been contacted by residents requesting a STOP sign at Boulder Road at Stonycrest Road. This is a T-intersection and by State Law a full-stop is automatic. Mayor Otis reported that the Council has a petition signed by the neighbors and that Brian Dempsey, Chair of the Traffic and Transportation Committee, was in full support.

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

RESOLVED, that Section 191-12, Vehicles and Traffic, Stop Intersections, be amended to designate a full-stop for traffic on Boulder Road at Stonycrest Road.

6. Approval of amendment of Chapter 191, Vehicles and Traffic, of the Code of the City of Rye with respect to seasonal parking restrictions on Thorne Place

Dennis Spillane, 3 Thorne Place, had submitted a petition signed by the residents of Thorne Place requesting the prohibition of parking along the street adjacent to Disbrow Park. They are concerned that construction of the new ball fields will increase the probability that people will use Thorne Place as parking for the Park, making the street more difficult to cross and more dangerous for children in the area during the baseball and soccer season. City Manager Novak said that this issue had been processed through the Traffic and Transportation Committee and that it is recommended that this area be posted as a restricted parking area.

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

RESOLVED, that Chapter 191, Vehicles and Traffic, Section 191-13, Seasonal Parking Restrictions, be amended to prohibit parking on Thorne Place from April 1 to October 31.

7. Consideration of request for a Letter in Support of AN ACT to amend the retirement and social security law in relation to the manner of paying employer contributions (at the request of the State Comptroller)

Mayor Otis stated that the New York State Comptroller is requesting letters of support for legislation he has proposed to help strengthen the NYS Common Retirement Fund by instituting a minimum annual payment (4.5% of payroll) and realigning the Retirement Systems' billing cycle to match governments' budget cycles. City Comptroller Michael Genito has reviewed the provisions of the legislation and recommends that the City express its support for this bill. City Manager Novak said that one of the issues the staff has brought to the Council's attention is the dependency of the NYS Retirement System on the very volatile and declining stock market. The original plan, which is still in place, has the City facing an \$800,000 shortfall from our current budget numbers to pay the bills to the State Budget Fund. The proposed legislation, which we have been asked to support, will lessen the impact on the 2003 adopted budget resulting in an increase of \$17,000 over the budgeted 2003 payment. Rye is not alone; every community throughout the state is facing the same issue and the New York Conference of Mayors and Municipal Officials (NYCOM) and the Westchester Municipal Officials Association are making this a top priority issue. Having a minimum payment will prevent fluctuations in payments, which have varied over the past thirty years from as low as 3% to as high as 20% of payroll, and makes financial projections very difficult. However, it is important to note that the legislation as drafted postpones the \$800,000 until 2004, but it will still have to be paid. Mayor Otis said that the Council had received a NYCOM alert dated March 26, 2003 which reported that the Association of Towns and Association of Counties will join with NYCOM to support two pieces of legislation relating to the retirement system payment due in December 2004. Councilman Chu said he supported the Comptroller's proposal but did not want to make a decision at this time regarding the amendments as proposed by NYCOM. However, Mayor Otis suggested that we support NYCOM to show good faith and keep in mind that these are options we can choose to act upon or not. The Council agreed to include them in the resolution.

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

WHEREAS, the State Comptroller has submitted legislation to amend the retirement and social security law in relation to the manner of paying employer contributions; and

WHEREAS, the City of Rye supports the authorization of municipalities to issue bonds (not to exceed five years) for the increase in pension costs between December 2003 and December 2004; and

WHEREAS, the City of Rye supports the expansion of the definition of “employee benefit accrued liability reserve fund” to include retirement system; and

WHEREAS, the City of Rye supports other measures which may be under consideration for extending the current liability over more years; now, therefore, be it

RESOLVED, that the City Council of the City of Rye supports AN ACT to amend the retirement and social security law in relation to the manner of paying employer contributions, as referred by the State Comptroller, the expansion of the definition of “employee benefit accrued liability reserve fund” to include retirement system contributions and other measures which may extend the current liability over more years; and be it further

RESOLVED, that a copy of this resolution be forwarded to Governor George E. Pataki, New York State Comptroller Alan G. Hevesi, State Senator Suzi Oppenheimer, Assembly Ronald C. Tocci and the legislative leaders of the Senate and Assembly.

8. Consideration of request for a Letter in Support of S.201, The State and Local Aid and Economic Stimulus Act of 2003, introduced by Senators Charles Schumer and Olympia Snowe

Mayor Otis advised that Senators Charles Schumer and Olympia Snowe have drafted a bill that would provide \$40 billion in direct Federal Aid to states and localities on a one-time basis to help relieve fiscal stress. There are two pools of funds in the proposed legislation; \$20 billion would go directly to the states and \$20 billion would go directly to the cities and other localities based on population and unemployment. Councilman Chu said it was his understanding that this proposal had been withdrawn as a result of an amendment submitted by Senator Rockefeller and Senator Collins for a similar fiscal aid package in the amount of \$30 billion. City Manager Novak said she had spoken to Senator Schumer’s office last week and she had not been notified since that time of an amended package. Mayor Otis suggested that the Council approve the Schumer-Snowe bill contingent upon what Councilman Chu reported and if this bill is no longer alive, the Rockefeller-Collins bill can be substituted. Councilman McKean pointed out that the bill outlined priority uses such as: homeland security, Medicaid, public health, education and prevention of further property tax increases.

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

RESOLVED, the Council send a letter in support of S.201, The State and Local Aid and Economic Stimulus Act of 2003 proposed by

Senators Schumer and Snowe or the Senators Rockefeller-Collins bill as a substitution.

9. Consideration of proposed resolution for the City of Rye to become a Hudson River Valley Greenway Community

Mayor Otis explained that The Hudson River Valley Greenway Community is a state sponsored program, which was created to facilitate the development of a regional plan for preserving scenic, natural, historic, cultural and recreational resources while encouraging compatible economic development and maintaining the tradition of home rule for land use decision-making. As a member of Greenway, Rye can become eligible for grants and technical assistance.

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

RESOLVED, that the City of Rye become a Hudson River Valley Greenway Community.

10. Appointment of City Engineer George Mottarella as a voting member of the Long Island Sound Watershed Intermunicipal Council (LISWIC)

Councilman Hutchings made a motion, seconded by Councilwoman Larr and unanimously carried, to appoint City Engineer George Mottarella as a voting member of the Long Island Sound Watershed Intermunicipal Council.

11. Consideration of proposed resolution requesting a mid-year preliminary financial forecast for 2004

Councilman Chu stated that last year the Council asked the City staff to prepare a mid-year projection which turned out to be a very helpful exercise for staff, Council and the public at large in that it gave everyone an early sense of what the future financial issues, priorities and choices may be. He said this is a practice that is widely used in corporations and is supported by the City's Finance Committee. Therefore, Councilman Chu requested that this procedure be formalized. Mayor Otis indicated he supported the resolution but reminded the Council that mid-year forecasts are less accurate than numbers available at budget time.

Councilman Chu made a motion, seconded by Mayor Otis and unanimously carried, to adopt the following resolution:

WHEREAS, the City Manager presents the Tentative Annual Budget in November of the calendar year; and

WHEREAS, the City Staff would benefit from timely and specific guidance from the City Council as soon as practicable with regards to the construction of the upcoming year's Tentative Budget; and

WHEREAS, the citizens and taxpayers of Rye should be made aware of the City's impending fiscal situation as soon as possible so that their priorities and suggestions can be known and reflected in the upcoming year's Tentative Budget; and

WHEREAS, the adoption of a mid-year preliminary financial forecast is a prudent and widely accepted financial management practice in business, government and other organizations; now, therefore, be it

RESOLVED, that the City Staff prepare a Preliminary Financial Forecast, for review by the City Council at a regularly scheduled meeting in July, a summary of the Projected Operating Deficit/Surplus and Projected Tax Rate Change in the upcoming year's Tentative Budget based on the following guideline:

The Tentative Budget shall be a *maintenance only* budget that provides funding to maintain existing service levels and provides changes in expense levels consistent with contractual requirements and other expected changes.

12. Consideration of proposed resolution incorporating multi-year forecasting in the annual budget process

Councilman Chu said that he felt it was important to extend forecasting especially when it comes to collective bargaining, capital projects, referendums etc. which have multi-year effects so that when financial decisions are made concerning these kinds of issues the Council can see the long range effects.

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

WHEREAS, it is important to recognize that financial and policy decisions about the upcoming year's budget often have implications for successive years; and

WHEREAS, informed decisions about capital projects, bond referendums and the assumption of other long-term liabilities rely upon the availability of multi-year financial forecasting information; and

WHEREAS, the adoption of multi-year forecasting is a prudent and widely accepted financial management practice in business, government and other organizations; now, therefore, be it

RESOLVED, that the City Staff prepare a Three-Year Summary Financial Forecast Projection (the upcoming year plus two successive years) based on anticipated trends in major revenue and expense categories, with particular attention to the financial impact of authorized capital projects, bond issuances and other contractually required expense payments. These Financial Forecast Projections, along with their underlying assumptions, shall be delivered concurrent with the delivery of the City Manager's Tentative Annual Budget.

12A. Discussion of a proposed resolution establishing a Youth Advisory Council and determining its membership, officers, and duties

Councilman Cypher stated that the older youth of the City of Rye lack in recreational and constructive activities and that many in the community have been appropriately concerned regarding some of the unfortunate behaviors over the past several years involving drinking and substance abuse. He would like the City to establish a Youth Advisory Council which would be comprised of Rye youths who would advise the City as to what their concerns and needs are and what they require to become full participants in this community. Councilman Cypher feels this should be a community-wide endeavor involving the schools (inclusive of the Rye Neck School District and Rye County Day School) and outside agencies, and that he will present this idea at the joint School Board Meeting. Councilwoman Cunningham said that she had read the information submitted by Casey Liebst, Assistant to the City Manager, and thought the idea had a lot of merit. Councilman McKean said the proposal needed some refining and suggested that it be sent out along with a cover letter with all the information links Ms. Liebst had found and provided. Councilman Cypher asked for all input to be sent to him so that the Council can have a more finished project by the end of the month.

13. Consideration of proposed revision of Police Department Manual General Order #104.1, Uniform Specifications and Equipment

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

RESOLVED that the of City of Rye Police Department Manual General Order #104.1, Uniform Specifications and Equipment be approved as proposed.

14. Adoption of County tax rate for 2003

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

RESOLVED, that the tax rates for the amounts of Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District charges for the fiscal year beginning January 1, 2003, shall be as follows:

<u>Westchester County</u>	
Levy	\$14,115,128
Taxable Assessed Value	134,689,556
Taxable Rate per \$1,000 Assessed Value	104.797
<u>Blind Brook Sewer District</u>	
Levy	\$2,039,924
Taxable Assessed Value	138,941,418
Taxable Rate per \$1,000 Assessed Value	14.682
<u>Mamaroneck Valley Sewer District</u>	
Levy	\$323,848
Taxable Assessed Value	20,229,777
Taxable Rate per \$1,000 Assessed Value	16.008
<u>Refuse Disposal District No. 1</u>	
Levy	\$2,018,243
Taxable Assessed Value	138,079,545
Taxable Rate per \$1,000 Assessed Value	14.617

and it is further

RESOLVED, that the Council does hereby certify to the City Comptroller the above stated levies and tax rates for Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District No. 1 charges, and the City Comptroller is hereby directed to apportion and extend against each taxable property listed upon the assessment roll of the City of Rye for 2003 at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums computed and determined, and, it is further

RESOLVED, that the tax warrant of Westchester County be signed by the Mayor and directed to the City Comptroller to collect the amount of said taxes with interest as provided by law and any special assessment heretofore authorized and approved.

15. Acceptance of a Grant Award from the New York State Division of Criminal Justice Services in the amount of \$5,000 for the purchase of upgraded portable radios for the Auxiliary Police Unit

City Manager Novak commended Officer Gary Olivier and Auxiliary Lt. Vincent Pepe for their efforts in obtaining grants for the City.

Councilwoman Cunningham made a motion, seconded by Councilman McKean, to accept a Grant Award from the New York State Criminal Justices Services in the amount of \$5,000 to purchase upgraded portable radios for the Auxiliary Police.

ROLL CALL

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

NAYS: None

ABSENT: None

16. Approval of a supplemental appropriation of \$7,000 from the 2003 General Fund Contingent Account to Assessor Consultants for the purpose of engaging assessment consultants

City Manager Novak reported that the City is challenging the most recent equalization rate determined by the New York State Office of Real Property Services which will require some technical assistance from outside consultants. Councilman Chu complimented City Assessor Noreen Whitty for her work which involves complicated data and her vigilance in taking initiative to protect the interest of the taxpayers.

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

WHEREAS, the City Assessor has recommended that the City engage assessment consultants to assist in the preparation of a defense of our equalization rate against the New York State Office of Real Property Services; and

WHEREAS, the City Assessor has estimated that the cost of said services is \$7,000; and

WHEREAS, no funds were appropriated in the 2003 adopted City Assessor budget for said services; and

WHEREAS, sufficient funds exist in the Contingent Account for transfer to the City Assessor budget, now, therefore, be it

RESOLVED, that the City Assessor be authorized to engage the services of assessment consultants to assist in preparing a defense of our equalization rate, and be it further

RESOLVED, that the fiscal 2003 General Fund budget be amended as follows to provide funding for said services:
Increase Assessor Consultants \$7,000, and
Decrease Contingent Account \$7,000

ROLL CALL

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

17. One appointment to the Board of Architectural Review to fill a three-year term expiring January 1, 2006, by the Mayor with Council approval

Councilman McKean made a motion, seconded by Councilwoman Larr and unanimously carried, to reappoint Lisa Easton to fill a three-year term ending January 1, 2006.

18. One appointment to the Rye Cable Television Committee to fill the term expiring January 1, 2004, by the City Council

Councilman Hutchings made a motion, seconded by Councilwoman Larr and unanimously carried, to reappoint Susan Sciascia to fill a term expiring January 1, 2004.

19. Miscellaneous communications and reports

None

20. Old Business

Councilman McKean said that several months earlier he requested that the role of the RCTV Committee be expanded to include the responsibility for the modification and updating of the wireless telecommunications law. Mayor Otis said that the real focus and need of the Committee was on generating programming for the station and that there were not enough telecommunications issues at this time to generate interest by new members. Councilman Hutchings added that the Committee was currently working on establishing a process of initiating negotiations for a renewal franchise agreement for 2006. Mayor Otis requested that the

original information submitted to the Council be re-circulated and the item placed on a future agenda.

Councilman Chu reported that the “speeding” on city streets is a recurring issue and that the Traffic and Transportation Committee is considering designating certain streets to be reduced from 30 mph to 25 mph. Councilwoman Cunningham stated that many years ago she was told by Corporation Counsel that state law prohibits speed limits under 30 mph on streets and asked that this be clarified. Councilman Chu hoped that the Council would complete their review on a timely basis and would make a recommendation in accordance with that of Traffic & Transportation Committee.

Councilman McKean stated that Corporation Counsel Plunkett had drafted a letter regarding the “residency” issue of the City Manager and said the Council was closing in on the time when they will need language to modify the City Charter. He suggested information be gathered from other communities.

Councilman Hutchings reported that the graffiti on the gas station located at the intersection of Wappanocca and Purchase has still not been removed. City Manager Novak said the last certified letter was received one week ago. The property owner has two weeks to comply, after which time a summons can be issued. She added that they have been notified on both the interior and exterior violations.

21. New Business

Mayor Otis said he would like to discuss the status of the issue of the City and School Board’s interaction regarding disaster preparedness and requested that the prospective staffs prepare an update which can be reviewed at the joint meeting with the School Board on April 26, 2003. He said this item and any others should be forwarded to Steve Feeney, School Board President.

Councilwoman Cunningham reported that other communities have publicity out about the new state law regarding pedestrians in crosswalks. City Manager Novak said the signs in the CBD had been replaced and signs in other areas will be going up. Mayor Otis said the Traffic and Transportation Committee had sent it to the press and Councilwoman Cunningham requested that it be sent to RCTV as well.

22. Draft unapproved minutes of the regular meeting of the City Council held March 19, 2003

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to adopt the minutes of the regular meeting of the City Council Meeting of March 19, 2003, as amended.

23. Adjournment

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

Respectfully submitted,

Diane C. Moore
Deputy City Clerk