

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on, April 30, 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

Mayor Otis thanked the Rye Police for their busy day on Sunday, April 27 when the Little League Parade, the Rye Derby and the MS Walk all took place on the same day.

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

Anthony Triano, head of Rye Renegades and a Rye resident, protested that his son had been denied the right to play Babe Ruth baseball because he had applied too late and was told that, because of Babe Ruth rules, he could not play in Port Chester. Mr. Triano said he felt this was unjust. Councilman Cypher suggested he speak directly to the Babe Ruth Organization and the Chairman of the Recreation Commission. The City Manager will investigate the matter further to see if there is any action that should be taken.

4. Discussion of a proposal to create a Youth Advisory Council

Councilman Cypher reported he had received a positive response from the Board of Education to his proposal to create a Youth Advisory Council. He said the biggest issue appears

to be how the new group should be staffed and he felt the idea of filling the slots by nomination was good. He said he was requesting input from the Rye Youth Council; the full proposal was going to be reviewed by the Board of Education and by the heads of all student governments (the High School, Rye Country Day School, Rye Neck, Resurrection and Holy Child); and he was hopeful details would be in place by the next meeting.

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

Mayor Otis said there was continuing interest in setting up a non-regulatory Rye Beautification Advisory Committee to provide collaborative input to the Council on small community projects. He said it would act much as the Traffic and Transportation Committee to speed up solutions to specific issues. Councilwoman Larr said she had heard people voice concerns about forming another committee which would overlap on what is already being done and Councilman Chu remained unconvinced another committee was necessary, suggesting the Rye Merchants Association might take on the responsibility. Councilman McKean suggested there are a number of issues to work on, over and above Purchase Street, and he feels there are areas where no one is paying enough attention to ambiance details. Councilwoman Cunningham mentioned there have been lots of advisory committees over the years (recycling, the County airport) and they add strength to City government and the community while keeping taxes in check.

Members in the audience spoke in favor of forming the committee. *Holly Galgano*, president of the Little Garden Club, said all the garden clubs do what they can, but they can't do it all, and she views the committee as being able to establish non-partisan goals, set standards, coordinate legacies and wish-lists and create a beautification master plan. She pointed out it would be free to the City and that similar groups and plans exist in other communities (Harrison's group is a 501(C) (3) organization). *Chris Cohan*, 315 Oakland Beach Avenue, a landscape architect, emphatically supported the plan, citing the need for improved gateways to the City and for increased ease in getting things accomplished. *Ann Finnegan*, 195 Locust Avenue, who actually suggested the idea, said her interest came as a result of trying to get something done under the Locust Avenue bridge and feeling that with a committee citizens would know whom to talk to. *Katherine Parker*, head of the Rye Merchants Association, said they were in favor and happy to participate, but not in a position to do it themselves. *Edith Neuhoff*, Ceres Garden Club, said lots of places need improving and her garden club can't imagine why anyone would object. *Connie Macleod*, Topsail Lane, said she thought everyone should be applauding the fact that people want to help. *Paul Munding*, Stuyvesant Avenue, said Rye was pretty and he was not in favor of not adding another City committee.

Mayor Otis said having this be a City committee ensured it would be a noticed event and open to everyone's input; that there are already enough 501 (C) (3) groups in Rye, that ideas would be coordinated through the staff via the City Manager; and that its purpose was to brainstorm and act as a passive entity.

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

RESOLVED, that the members of the Committee select their own chairman rather than having that chairman appointed by the Mayor.

ROLL CALL:

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

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

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

WHEREAS, the City of Rye values the beauty and aesthetic character of our community; and

WHEREAS, there are many interested individuals and organizations who bring expertise in the area of evaluating and implementing projects that impact Rye's appearance; and

WHEREAS, Rye would benefit by bringing these individuals together to provide advice and the opportunity for collaboration on such projects; and

WHEREAS, together these individuals will be able to better channel advice to the City of Rye; now, therefore, be it

RESOLVED, that a City of Rye Beautification Advisory Committee is hereby established to consist of nine members, all residents of Rye, to serve for three-year terms; and be it further

RESOLVED, that the initial appointments shall be staggered with three one year terms, three two-year terms, and three three-year terms; and be it further

RESOLVED, that the members of the City of Rye Beautification Advisory Committee shall be appointed by the Mayor, with the approval of the City Council and that one member shall be designated by the Mayor as Chairman; and be it further

RESOLVED, that the:

1. The Beautification Advisory Committee will provide advice to the City Council on issues relating to issues relating to the appearance or design of specific projects under consideration in the City.

2. The Beautification Advisory Committee will serve as a forum to discuss and provide advice on the aesthetic aspects of specific projects being considered in the community.

3. The Beautification Advisory Committee will provide advisory opinions regarding temporary or permanent beautification projects as it determines but will not serve as a regulatory body nor have jurisdiction over applications before the Planning Commission, Board of Architectural Review, Zoning Board of Appeals, Landmarks Advisory Committee, or Conservation Commission\Advisory Council.

4. Membership on the Beautification Advisory Committee will be offered to Rye's garden clubs, merchant association, and others interested in the promoting of beautification projects.

- 5 The Beautification Advisory Committee will serve as a forum to foster collaboration on projects between community organizations and individuals interested in sponsoring specific beautification projects.

ROLL CALL

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

The resolution passed by a vote of 4-3.

6. Discussion of a proposal to amend Chapter 196, Wireless Telecommunications, of the Code of the City of Rye

Councilman McKean said he was aware that the staff was interested in reviewing all aspects of Chapter 196 of the Code of the City of Rye, Wireless Telecommunications, and suggested his thoughts be coordinated with input from the staff so that the whole law could be revised at the same time.

7. Review of reports from the Conservation Commission/Advisory Council and the Planning Commission regarding Enhanced Environmental Protection

Councilman Chu said he was pleased with the input from the Planning Commission and the Conservation Commission/Advisory Committee (CC/AC) on the Enhanced Environmental Protection Resolution adopted by the Council at its December 2, 2002 meeting. He commented that the CC/AC had some excellent suggestions regarding the education and recognition components of heightening awareness of the City's wetlands issues; that the Planning Commission had good ideas about emphasizing accountability of the staff in following up on wetlands plans; and it was good to seek partnerships with other entities. He also thought the comments from the Corporation Counsel in his January 23, 2003 memo concerning enforcement

of the law were helpful. Councilwoman Cunningham liked the input, but suggested now was not the time to implement any suggestions which cost money and that they should talk to the Corporation Counsel concerning fines. Councilman Chu suggested, and the Council agreed, the City Manager should consolidate the comments into an action document upon which the Council could vote.

8. Discussion of construction noise issue and the possibility of establishing hours for construction activity

Mayor Otis reported he had received a number of comments concerning inappropriate times when noise on construction sites was being created. He said Rye has no laws limiting such noise, but other communities do (for example, in Briarcliff Manor the hours are limited to 7 AM-7 PM and banned on Sundays) and he is looking for community input.

Warren Keegan, 210 Stuyvesant Avenue, reported constant noise from a rock crusher at the 211 Stuyvesant Avenue construction site and said he was horrified to find there was nothing he could do. He suggested no construction noise on anyone's Sabbath or on holidays. *Paul Munding*, 200 Stuyvesant Avenue, agreed. *Connie Macleod*, Topsail Lane said the issue is the constant noise and suggested 8 AM-5 PM and certainly not on weekends. *Nick Everett*, a landscape architect, cautioned that all construction workers start at 7 AM and asked the Council to consider what they were regulating (just noisy construction or all work, such as painting).

Councilman Hutchings suggested it was a simple issue of noise and if the Council just sets reasonable times, violators can be given a summons and have to pay the established fee of \$250. Councilman McKean cautioned care in drafting an ordinance, making sure it addressed such issues as commercial buildings in a residential area, and seasonal factors such as greater restrictions in the summer when people are outside and windows are open. Councilman Cypher thanked Mr. Everett for his voice of reason and urged caution to make sure whatever restrictions are adopted will stand up to a legal challenge.

Mayor Otis urged keeping the new ordinance simple and suggested a quick but careful timetable. He asked for input from the Police Commissioner and any additional feedback so that a new ordinance could be drafted by the May 14th Council meeting and a public hearing could be set for May 28th or, at the latest, June 18th.

9. Proposed resolution directing the Corporation Counsel and City Planner to prepare amendments to the Rye City Zoning Code to address house scale concerns

Judy Studebaker, and Nick Everett, Co-Chairs of the committee which has been addressing house scale concerns, presented their findings to the Council. They summarized their recommendations which include changes in code conformance, scale, floor area ratio calculations and building height considerations. They reported they have conducted two public hearings, have worked quickly and hard; and have, at the request of the Finance Committee, conducted a financial impact study on what their proposed changes would mean to residents. Mr. Everett said they have looked at all building applications during 2000 and had determined

that only 3 of the total 424 could not have been made to conform under the new laws, should they be adopted. Of the 424, 247 were reviewed by the BAR; 140 could have been theoretically impacted by the changes, 57 would have been; 16 would have had an FAR impact. He said the figures show minimal impact in fees to the City, but it is harder to analyze the value of property and resale values. Councilwoman Larr suggested establishing a Sunset clause thereby forcing a review of the impact of the changes. Mr. Everett agreed that this was a good idea and suggested a three year Sunset clause with a review after two years. The Mayor asked if the Board of Architectural Review should have some regulatory power, but that it was suggested the Zoning Board of Appeals would be the best agency to deal with good plans perhaps caught up by the new rules. The Council suggested that after approving the resolution to proceed, the wording of the new law be submitted to the Corporation Counsel for review and the public hearing be set for the June meeting. In the meantime, the sub-committee will meet again prior to May 14.

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

WHEREAS, the Rye City Council is concerned with the impact of the size, scale, bulk and height of residential construction on the character of the City's neighborhoods; and

WHEREAS, in September 2002, the House Scale Committee and Sub-Committee was created to review concerns regarding the size, scale, bulk and height of residential construction and to develop recommendations for the City Council's consideration; and

WHEREAS, the House Scale Committee and Sub-Committee prepared draft recommendations to amend the Rye City Zoning Code to address house scale concerns; and

WHEREAS, said recommendations were revised based on comments raised at public meetings; and

WHEREAS, the House Scale Committee prepared and presented a report to the City Council entitled, *Recommendations to Address House Scale Concerns*, dated January 29, 2003; and

WHEREAS, the House Scale Sub-Committee has prepared an analysis reviewing the impact of the proposed recommendations on properties in Rye; new, therefore be it

RESOLVED, that the City Council supports the recommendations of the House Scale Committee and directs the Corporation Counsel and City Planner to prepare a local law for its consideration amending the Rye City Zoning Code consistent with the recommendations provided in the House Scale Committee's January 29, 2003 report.

10. Designation of a Committee to negotiate a cable television franchise agreement with Cablevision

Mayor Otis requested the Council designate a committee to negotiate a cable television franchise agreement expiring January 1, 2006 with Cablevision as they had for the past two negotiations. He said a committee was necessary to assist the City Manager with technical input and the special issues involved in this contract.

After discussion, Mayor Otis made a motion to designate a committee to negotiate a cable television franchise agreement with Cablevision chaired by the City Manager and including Councilman Hutchings as Council Liaison and three members of the Cable Committee (to be determined by the Committee). The motion was seconded by Councilwoman Cunningham and approved by a vote of 6-1, with Councilman McKean voting against the motion.

11. Authorization for the City Engineer to notify Figaro Inc. and Steve Joyce, private developers, that the City of Rye will accept the new sanitary force main developed on Drake-Smith Lane and extending into the Forest Avenue sanitary sewer

Interim City Manager Frank Culross said that a plan to develop a new sanitary force sewer main on Drake Smith Lane had been negotiated by City Engineer George Mottarella. He said it was a win/win situation for the City as two individual developers will build one line which the City can accept as a public sewer at no cost to the City, thus removing these homes from their septic systems. He assured the Council that Mr. Mottarella will inspect the line and that all homeowners will be urged to join. He pointed out that this neighborhood is on a City-owned street, as opposed to the previous request to build a new sewer to be taken over by the City which was on a private street. The Council congratulated the City Engineer for developing this plan.

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

RESOLVED, that the City Engineer be authorized to notify Figaro Inc. and Steve Joyce, private developers, that the City of Rye will accept the new sanitary force main developed on Drake Smith Lane and extending into the Forest Avenue sanitary sewer.

12. Consideration of the request of the Rye Youth Council to hold its Annual Block Party on Saturday, June 7, 2003, at the multi-purpose area of Recreation Park

Councilwoman Larr made a motion, seconded by Councilman McKean and unanimously carried, to approve the request of the Rye Youth Council to hold its Annual Block Party on Saturday, June 7, 2003, at the multi-purpose area of Recreation Park.

13. Approval of the election of the Fire Chief, 1st Assistant Fire Chief, 2nd Assistant Fire Chief

Mayor Otis made a motion, seconded by Councilman Cypher and unanimously carried, to approve the election of George Hogben as Fire Chief; Peter Cotter as 1st Assistant Chief; and John Wickham as 2nd Assistant Chief on April 3, 2003.

14. Approval of a supplemental appropriation of \$32,400 from the 2003 General Fund Contingent Account to Fire Department Consultants for the purpose of conducting a Strategic Plan, Service Delivery Plan and Management Study

Mayor Otis said it was necessary to authorize a supplemental appropriation from the Contingent Account before hiring Fire Department Consultants. The Interim City Manager reported there was \$158,000 remaining in the account so \$125,600 would be left for the rest of the year. In response to a question from Councilwoman Larr, Mayor Otis reported that the first payment to the Environmental Facilities Corporation (EFC) for the playing fields could be made from grant money received for the Friends Meeting House. He said this transaction had been approved by both the EFC and the City's Corporation Counsel and he had been assured the money would be received by November when the payment is due.

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

WHEREAS, The City Council authorized the City Manager to solicit proposals for a Strategic Plan, Service Delivery Plan and Management Study of the Rye Fire Department; and

WHEREAS, two proposals have been submitted to the City Manager to conduct said study; and

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

WHEREAS, sufficient funds exist in the Contingent Account for transfer to the Fire Department budget; now, therefore, be it

RESOLVED, that the fiscal 2003 General Fund budget be amended as follows to provide funding for said study:

Increase Fire Department Consultants \$32,400, and
Decrease Contingent Account \$32,400.

ROLL CALL:

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

NAYS: None

ABSENT: None

15. Authorization for the Interim City Manager to enter into an agreement with MMA Consulting Group, Inc. to prepare a Strategic Plan, Service Delivery and Management Study of the Rye Fire Department

Interim City Manager Frank Culross reported that the Selection Committee, consisting of himself, Fire Warden Peter Donahue, and Career Firefighter Kurt Tietjen, had met twice; had checked all references of both MMA Consulting Group (\$32,400) and Carroll Buracker and Associates (\$49,650); and were unanimous in their recommendation of MMA Consulting. They will begin in mid-May and have the report submitted in about 12 weeks.

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

RESOLVED, that the Interim City Manager be authorized to enter into an agreement with MMA Consulting Group, Inc., to prepare a Strategic Plan, Service Delivery and Management Study of the Rye Fire Department.

16. A resolution authorizing the issuance of \$579,500 serial bonds of the City of Rye, Westchester County, New York, to pay additional costs of the construction of sanitary sewers located throughout and in and for said city

Mayor Otis reported that a resolution authorizing the issuance of additional serial bonds was necessary because of the proposed expansion of the Kirby Lane and Kirby Lane North sewer project. In order to secure Environmental Finance Corporation (EFC) funds, the City needs to have financing in place even though these bonds will be repaid by special assessment to those participating in the project.

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

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$579,500 SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY, NEW YORK, TO PAY ADDITIONAL COSTS OF THE CONSTRUCTION OF SANITARY SEWERS LOCATED THROUGHOUT AND IN AND FOR SAID CITY.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, by bond resolution dated January 22, 2003, the City Council of the City of Rye, Westchester County, New York, authorized the issuance of \$1,220,500 serial bonds of said City to pay the cost of the construction of sanitary sewers located through out and in and for the City of Rye, Westchester County, New York, including the purchase and installation of original equipment, machinery and apparatus, and incidental improvements and expenses in connection therefor, in and for the City of Rye, Westchester County, New York, and

WHEREAS, it is now desired to authorize the issuance of \$579,500 serial bonds of said City to finance additional costs of said class of objects or purposes; now, therefore be it

RESOLVED, by the City Council of the City of Rye, Westchester County, New York, as follows:

Section 1. For the class of objects or purposes of paying additional costs of the construction of sanitary sewers located through out and in and for the City of Rye, Westchester County, New York, including the purchase and installation of original equipment, machinery and apparatus, and incidental improvements and expenses in connection therefor, in and for the City of Rye, Westchester County, New York, there are hereby authorized to be issued an additional \$579,500 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$1,800,000 and that the plan for the financing thereof is as follows:

(a) by the issuance of the \$1,220,500 serial bonds of said City authorized to be issued pursuant to bond resolution dated January 22, 2003; and

(b) by the issuance of the additional \$579,500 serial bonds of said City authorized to be issued pursuant to this bond resolution;

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty (40) years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as

may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Rye, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not available from other sources, there shall annually be levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Rye, Westchester County, New York, by the manual or facsimile signature the City Comptroller and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City; including but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Comptroller. Such notes shall be of such terms, form and contents as may be prescribed by said City Comptroller consistent with the provisions of the Local Finance Law.

Section 10. The City Comptroller is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the new York State Department of Environmental Conservation and/or the New York State environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a serial bond, and, or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this resolution is to give the City Comptroller sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this City Council.

Section 12. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution shall be published in full in *The Journal News*, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 15. This resolution shall take effect immediately in accordance with paragraph D of Section C21-9 of the City of Rye Charter.

ROLL CALL:

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

NAYS: None

ABSENT: None

17. Proposed resolution to reflect financial reporting requirements in compliance with GASB 34

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

WHEREAS, the Governmental Accounting Standards Board has issued Statement Number 34 (“GASB 34”); and

WHEREAS, in compliance with GASB 34 and in accordance with General Municipal Law, the accounting for the long-term portion of compensated absences formerly accounted for as a liability will now be accounted for as a reservation of fund balance; and

WHEREAS, in compliance with GASB 34 the accounting for certain liabilities will now be accounted for as a designation of fund balance; and

WHEREAS, in compliance with GASB 34 the accounting for long-term tax receivables will now be reclassified from a reserve of fund balance to a designation of fund balance; now, therefore, be it

RESOLVED, that the long-term portion of compensated absences will be accounted for in the governmental funds as a reservation of fund balance; and be it further

RESOLVED, that the City Comptroller is directed to analyze those accounts that were formerly accounted for as liabilities, and where appropriate reclassify them as a designation or designations of fund balance; and be it further

RESOLVED, that this resolution shall become effective beginning with the City’s fiscal 2002 annual financial statements.

18. Proposed resolution to amend fiscal 2003 General Fund budget for special recreation programs

Interim City Manager Culross explained that GASB 34 no longer allows use of funds from the Damiano Trust for collection and disbursement of special funds. He said while this is more flexible for the Recreation Department, all funds must now be part of General Fund accounting and go through the Recreation Department Budget.

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

WHEREAS, the Governmental Accounting Standards Board has issued Statement Number 34 (“GASB 34”), and,

WHEREAS, in compliance with GASB 34 the funds for special recreation programs formerly accounted for in expendable trust funds will now be accounted for in the General Fund; now, therefore, be it

RESOLVED, that the following estimated revenues and appropriations for special recreation programs in the fiscal 2003 General Fund budget be increased as follows:

Breakfast Program	\$ 1,000
Gift Catalogue	\$78,000
Haunted Park	\$20,000
Pops Concert	\$ 4,000
Recreation Run	\$20,000
Youth Basketball	\$ 8,000
Miscellaneous Programs	\$21,000
Leaders of Tomorrow	\$ 2,000

ROLL CALL:

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

NAYS: None

ABSENT: None

19. Proposed resolution to amend 2003 Boat Basin budget to include an appropriation of \$12,000 for marine patrol services

Interim City Manager Culross explained that \$12,000 had been included in the General fund, but inadvertently omitted from the Boat Basin budget.

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

WHEREAS, the fiscal 2003 adopted General Fund budget includes \$12,000 in interfund service revenues from the Boat Basin for marine patrol services, and,

WHEREAS, the fiscal 2003 adopted Boat Basin budget did not include a corresponding appropriation of \$12,000 for marine patrol services, and,

WHEREAS, sufficient funds exist in the retained earnings of the Boat Basin Fund; now, therefore, be it

RESOLVED, that the fiscal 2003 Boat Basin budget be amended by increasing Appropriations – Interfund Service Charges in the amount of \$12,000 as an appropriation of Boat Basin Fund retained earnings.

ROLL CALL:

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

20. Miscellaneous communications and reports

Councilwoman Cunningham commended Scott Yandrasevich, Golf Club Manager for mending the stonewalls in front of the Golf Club property.

Franklin Chu said he has asked Brian Dempsey to revisit the issue of response time from the Locust Avenue Firehouse; that he is so doing; and will be getting input from the Board of Fire Wardens and the City Manager.

Councilman Hutchings reported someone fell on the Whitby Castle front steps and suggested looking the matter.

21. Old Business

There was no old business to discuss.

22. New Business

There was no new business to discuss.

23. Draft unapproved minutes of the regular meeting of the City Council held April 9, 2003

Councilwoman Cunningham made a motion, seconded by Councilman Cypher and unanimously carried, to adopt the minutes of the regular meeting of the City Council Meeting of April 9, 2003 as amended.

24. Adjournment

There being no further business to discuss, Councilman Hutchings made a motion, seconded by Councilman McKean and unanimously carried, to adjourn the meeting at 11:00 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk