

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on July 16, 2003 at 8:00 P.M.

PRESENT:

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

ABSENT:

CAROLYN CUNNINGHAM

1. Pledge of Allegiance

Mayor Otis called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor Otis asked the City Clerk to call the roll; a quorum was present to conduct official city business.

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

Sally Wright, new President of the Rye Merchants Association, asked the Council's permission to incorporate the City seal into their proposed new logo which the Association would like to use for stationary, decals, etc. Mayor Otis suggested the matter be referred to the Corporation Counsel for an opinion on trademark and other issues, and for historical precedent.

Lynn Sunstrum, 6 Hook Road, asked the Council to consider the plight of building applicants who have been adversely affected by the moratorium imposed on building as a result of the consideration of the proposed zoning changes. She said her plans for a renovation were 90% approved and, should she not be granted an exception, she will have to basically start all over again. John Meikle, her project manager, asked that the Council waive further hearings for his client. Mayor Otis said the Council had tried to keep the time between setting the public hearing and the actual hearing to a minimum so as few as possible would be affected. He said, after staff had looked into the matter and found the decision to be a Council matter, they might be willing to have a special meeting to consider exceptional cases.

4. Presentation by Comptroller of 2004-2006 Financial Forecast

Michael Genito, City Comptroller, presented the 2004-2006 Financial Forecast for the Council's consideration. He emphasized his figures were simply forecasts, based on assumptions, and estimates and should not be taken as final figures or to be used in making investment decisions. He said forecasts are merely an indication of what is likely to occur, based on an analysis of available pertinent data, limited by uncertainty about the future, about unknown factors which could change, changes in policy, and the selection of criteria and assumptions. He said the forecast concentrates on the General Fund, relating to the other City funds only inasmuch as they impact the General Fund.

The forecast is based on the following assumptions: cost of living at 2.5%; the 2003 forecast based on the adopted budget as adjusted for major changes to date in actual revenues and expenditures; the state and needs of the City's infrastructure and other annual projects; the projected taxable assessed valuation; specific estimates for major revenues (mortgage taxes and State revenue sharing); projected salaries and wages based on contracts in effect through 2006 or a base salary increase of 3.5% if such contracts are expired; a 3-year average of equipment and supplies, projected employees benefits (FICA, retirement and medical) based on information from the State retirement system, Federal government, and insurance consultants; and transfers out of other funds based on operating , capital, and/or debt requirements of other funds.

Based on these assumptions, before any pencil sharpening or changes to the assumptions, it is estimated that the tax rate per \$1,000 would increase to \$140 in 2006; taxable assessed value will drop in 2004 and then remain steady; sales and use taxes will continue to increase as will charges for services; licenses, permits will increase, but less than the cost of living; State aid will drop and then remain fairly stable; salaries, and wages and benefits will increase substantially, due to contracted agreements and projected increases in medical and retirement benefits; contractual costs will increase as will transfers to other funds (due to the increase in debt service and capital improvements).

In summary, major increases will be due to retirement contributions, debt service (mostly voter-approved projects like the firehouse and new playing fields) and contracts for salaries; major increases in mortgage tax revenues in 2003 will return to more traditional amounts in 2004-2006. Mayor Otis thanked Mr. Genito for his good work and mentioned that the annual report on financial trends will be forthcoming in August.

5. Presentation from representatives of the newly formed Friends of the Rye Meeting House

Fred Cummings, member of the Landmarks Committee and spokesman for a newly-formed Rye Meeting House Committee, addressed the Council to describe the new committee and seek Council approval for their plans. He said the committee's core group (which has extensive experience in historic preservation) consists of himself, Lisa Easton, AIA, Rhoda Kornreich, Douglas Kreeger, and Paula Gamache, but that over 20 people have also become a part of the group which formed itself to help the City with a plan of action for restoring and preserving the City-owned Meeting House (a.k.a. Friends Meeting House) in old Milltown. He said the goal of the committee is to provide knowledgeable resources and services in assisting

the City in the planning, funding and organization of the restoration of the building and the site in keeping with the City's planned use for the property. He said the committee was formed to help save the City money by finding ways to fund preservation projects, much as the Friends of Rye Town Park have done. Building upon work already completed, the first objective of the committee will be to develop a conditions report which will lead to a restoration plan. He indicated that the committee, which is not to be one of the official City committees, might consider incorporating as a (501) (c) (3) so it could collect donations, but for now, he was asking for an expression of interest from the City Council and permission to work with staff to get, and keep, the ball rolling. The Mayor and Council authorized the committee to proceed and offered the City's thanks and appreciation.

6. Public Hearing on proposed local law amending Chapter 197, *Zoning*, of the Code of the City of Rye for the purpose of Regulating the Scale, Size and Height of Residences

Mayor Otis opened the public hearing and introduced Nick Everett and Judy Studebaker, co-chairs of the House Size sub-committee which developed the recommendations. Mr. Everett reviewed the process, saying the committee had worked for nine months focusing on specific issues; that there had been public comments and recommendations from local boards and commissions which had been incorporated into the proposals to be considered at this meeting which are to deal with "over-the-top" construction while protecting ordinary additions and changes to structures.

Tony Spaeth, Kirby Lane, a former member of the Board of Architectural Review, said the "megamansions" are, so far, few in number and scattered in impact; that they are a legitimate response of the times which says "big is good and the bigger the better"; and they do increase property values, at least for now. He said, however, this trend could hurt in the future, as bigger houses lead to more fences, producing a walled compound effect, and might ultimately change the nature of the suburbs, making them more like cities. He warned property values could, in the end, be reduced. Therefore he concluded the proposals were directionally correct, addressing the "size" issue and he was in favor of the changes. *Frank Kenny*, Park Avenue, said the ugliest house ever was now being built next door to him and wished the changes were more stringent. He said big is not better and "megamansions" are having a negative affect on small houses. *Debby Reisner*, Norman Drive, spoke in favor of the changes saying that many neighborhoods are affected. *Beth Matthews* also urged adoption.

Joe Lorono, Rye resident and a builder, said he was not in support, saying there was not enough support for the changes to warrant changes which impose too much control over what can be built. He said old houses are higher than what will be allowed now and that bigger houses increase the tax base. *Mark Mustacato*, an architect from Harrison, suggested a clearer definition about the height of the attic was necessary and said the 28' height restriction was too low and set an unfair limit on design possibilities. *Darcy Gibson*, architect and Kirby Lane resident, concurred that the restriction on height was arbitrary and also said he was opposed to counting void space, citing that architecture is about space.

John Scarlato, local architect, said he could live with the new rules but suggested the changes should be implemented in a fair way and urged the Council to consider a grandfathering

procedure so those in the middle of a design and permit process did not have to go back to the drawing board to accommodate the new changes. *Linda Whitehead*, lawyer for many Rye clients wishing to make changes to their homes, concurred, saying she had several clients caught in the middle and she felt there were many people in Rye who would be adversely affected.

Serge Nivelles, Lake Road, member of the Zoning Board of Appeals (ZBA) and member of the sub-committee, said the ZBA would be looking at the increased need for variances and said that any grandfathering provision should be careful to have it apply to those who have already received all approvals.

There was further discussion concerning the wording of some of the proposals, including how the attic space should be defined and how to close a potential loophole which might allow changes to attics and how to grandfather existing applications.

Councilman McKean made a motion, seconded by Councilman Hutchings and unanimously carried, that Section 197.43.2 (B) attics be amended to include the word "headroom" when referring to the height in the attic.

Councilman McKean made a motion to add a provision that would ensure that rooflines not be altered. After discussion the Council decided that, other than adding one word to the "attic" section, small changes should not be made now, but should be considered when the changes are reviewed in two year's time to see how they are affecting the City. Councilman McKean withdrew his motion.

There being no further comments from the audience or the City Council, Mayor Otis closed the public hearing.

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

RESOLVED, that the Negative Declaration declaring that proposed action to adopt Local Law No. 6-2003 "Amending Chapter 197, Zoning, of the Code of the City of Rye For the Purpose of Regulating the Scale, Size and Height of Residences," of the Code of the City of Rye will not have significant adverse environmental impact and should be accepted as presented.

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

RESOLVED, that the provisions of Local Law No 6-2003 "Amending Chapter 197, Zoning, of the Code of the City of Rye For the Purpose of Regulating the Scale, Size and Height of Residences," shall not apply if a building permit application or a Zoning Board of Appeals application has been received by the City of Rye before July 3, 2003.

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

RESOLVED, that the provisions of this Local Law No 6 “Amending Chapter 197, Zoning, of the Code of the City of Rye For the Purpose of Regulating the Scale, Size and Height of Residences,” shall be reviewed at the end of two years.

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

**PROPOSED LOCAL LAW
CITY OF RYE
LOCAL LAW No. 6-2003**

**A Local Law Amending Chapter 197, *Zoning*, of the Code of the City of Rye
For the Purpose of Regulating the Scale, Size and Height of Residences**

Be it enacted by the City Council of Rye as follows:

Section 1. Chapter 197, Zoning, Article I, *Definitions and Usage*, of the Code of the City of Rye is hereby amended to add the following definitions in alphabetical order:

BASEMENT – A portion of a building partially underground but having more than half of its clear height below the average elevation of the adjoining ground. Clear height shall be measured from the finished floor to the finished ceiling, or in the event of an unfinished basement, from the floor to the bottom of the joists supporting the floor immediately above. Floors partially underground that existed prior to July 3, 2003, shall be considered basements where they meet the definition of “STORY, FIRST, GROUND OR LOWEST” as defined in this section.

FLOOR AREA RATIO (FAR) – The gross floor area of all buildings on a lot, including accessory buildings, divided by the total lot area.

PRE-EXISTING GRADE – The topographic elevation of a property that exists at the date of the submission of an application for any City permit or any application to any board, commission or department whichever is earlier.

Section 2. Chapter 197, Zoning, Article I, Definitions and Usage, of the Code of the City of Rye is hereby amended to amend the following definitions:

ATTIC – ~~[A half story no part of the floor space of which is used, or designed or intended to be used, as a habitable room or bath or toilet room.]~~ The area between the top of the ceiling joists of any story and the roof rafters.

BUILDING HEIGHT – The vertical distance from the average ~~[established]~~ finished grade adjacent to the perimeter of all exterior walls of the building to the highest point of the roof, if the roof is flat or mansard, or to the average level between the eaves and the highest point of the roof, if the roof is of any other type ~~[in front of the lot, or from the average natural grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or to the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the midheight of such pitched, hipped or mansard roof.]~~

FLOOR AREA, GROSS – The sum of the gross horizontal areas of the several floors of the building, excluding basements and attics, except where regulated by §197-43.2 ~~[excluding basement and attic floors used only for accessory use].~~ All horizontal dimensions shall be taken from the exterior faces of walls ~~[or other outer limits of roofed areas].~~ See also §197-43.2 for the computing of gross floor area for single-family residences located in one-family districts (i.e. R-1 through R-6).

STORY, FIRST, GROUND OR LOWEST – The story whose floor is not more than three feet below the average ground level at the exterior walls of the building, such ground level to be measured at the top of any areaways, except that any lower story used for residence other than for a janitor or caretaker or his family shall be deemed a ground story. A basement shall not be considered a story.

Section 3. Chapter 197, Zoning, Article V, Lot, Floor Area, Height, Yard and Court Regulations, of the Code of the City of Rye is hereby amended to add the following sub-section:

§ 197-43.1. Floor Area Ratio for Oversized Properties.

The floor area ratio for single-family residences located in one-family districts (i.e. R-1 through R-6) as set forth in Article VIII, Tables of Regulations, Section 197-86 shall be reduced to one-half (½) of that portion of a property exceeding one-hundred and fifty (150) percent, but less than two-hundred and fifty (250) percent of the minimum lot area for the district in which the property is situated. The floor area ratio as set forth in Article VIII, Tables of Regulations, Section 197-86 shall be further reduced to one-quarter (¼) of that portion of a property exceeding two-hundred and fifty (250) percent of the minimum lot area

for the district in which the property is situated. For example, a 122,000 square foot property (approximately 2.8 acres) in the R-1 District would be permitted to build a total of 13,559 square feet of floor area. The R-1 District has a minimum lot area of 43,560 square feet (1 acre) and a maximum FAR of 0.15. To calculate the maximum permitted floor area the first 150% of the minimum lot area of the R-1 District ($43,560 \times 1.5 = 65,340$) would apply the FAR of 0.15 resulting in 9,801 square feet of floor area ($65,340 \times 0.15 = 9,801$). The next 100% of minimum lot area of the R-1 District (or 43,560 square feet) would apply an FAR reduced to one-half ($0.15 \times 0.50 = 0.075$) resulting in 3,267 square feet of floor area ($43,560 \times 0.075 = 3,267$). The remaining 13,100 square feet of lot area ($122,000 - 65,340 - 43,560 = 13,100$) would apply an FAR reduced to one-quarter ($0.15 \times 0.25 = 0.0375$) resulting in 491 square feet of floor area ($13,100 \times 0.0375 = 491$). Total floor permitted floor area would be 13,559 square feet ($9,801 + 3,267 + 491 = 13,559$).

Section 4. Chapter 197, Zoning, Article V, Lot, Floor Area, Height, Yard and Court Regulations, of the Code of the City of Rye is hereby amended to add the following sub-section:

§ 197-43.2. Calculation of Floor Area for Single-Family Residences.

The gross floor area for single-family residences located in one-family districts (i.e. R-1 through R-6) shall be the sum of the horizontal areas of all floors, roofed or covered areas of a residence measured from the exterior of the outside walls. Certain other space shall be counted in the computation of gross floor area for single-family residences as follows:

- A. VOIDS. Any interior floor area, excluding stairways, with a floor-to-ceiling height in excess of fourteen (14) feet shall be counted twice. In the case of a sloped ceiling, only that portion of the interior floor area shall be counted twice where a theoretical floor above such floor area could be provided and the headroom above such theoretical floor (excluding headroom associated with a sloped ceiling) exceeds seven (7) feet, six (6) inches and the width between existing or theoretical five-foot high knee walls exceeds seven (7) feet.
- B. ATTICS. Fifty (50) percent of the attic floor area shall be counted in the computation of gross floor area only where the headroom height exceeds seven (7) feet, six (6) inches and the distance between existing or theoretical five-foot high knee walls exceeds seven (7) feet.
- C. BASEMENTS. Twenty-five (25) percent of the basement floor area shall be included in the computation of gross floor area only where the pre-existing grade (as defined in § 197-1) abutting the exterior of the basement wall has been reduced by more than three (3) feet to create an exposed wall more than seven (7) feet in height and five (5) feet in width.

- D. Porches. Unenclosed porches at or below the first floor elevation shall not be included in the computation of gross floor area. For the purposes of this regulation, unenclosed porches shall mean any roofed area attached to a building where eighty (80) percent of the outer limits of the area under the porch ceiling, to a point three (3) feet, six (6) inches above the floor of the roofed area, is open to air and having no solid material. Walls, screens, glass, lattice or other similar materials, as well as, structural or architectural elements shall be considered a solid material. Any roofed structure associated with the storage of vehicles such as a carport or porte cochere shall not be considered an unenclosed porch and shall be included in the computation of gross floor area.

Section 5. Chapter 197, Zoning, Article V, Lot, Floor Area, Height, Yard and Court Regulations, of the Code of the City of Rye is hereby amended to add the following sub-section:

§ 197-46.1. First Floor Elevations for Single-Family Residences.

The first floor elevation (excluding basements) for single-family residences located in one-family districts (i.e. R-1 through R-6) shall not be more than three (3) feet above the average pre-existing grade (as defined in § 197-1) abutting the front building line of the residence. This provision shall not apply in the following cases:

- A. Area of Special Flood Hazard. Where a residence is situated in an area of special flood hazard, the first floor elevation shall be no less than the minimum floor elevation required to comply with Chapter 100, *Floodplain Management*, of the Rye City Code.
- B. Modifications to Existing Residences. The requirement that the first floor elevation shall not be more than three (3) feet above the average pre-existing grade (as defined in § 197-1) shall not apply where an expansion is proposed to an existing residence that increases the floor area of the first floor by less than fifty (50) percent.
- C. Corner Lots. In the case of a property having frontage on more than one street, the applicant shall have the option of choosing only one front yard in meeting the requirements of this section.

Section 6. Chapter 197, Zoning, Article VIII, Tables of Regulations, Section 197-86, Table of Regulations: Table A Residence Districts Area, Yard, Height and Miscellaneous Regulations of the Code of the City of Rye is hereby amended as follows:

- A. Column 14, Maximum Height (feet), for R-1 and R-2 Districts shall be 32.

- B. Column 14, Maximum Height (feet), for R-3, R-4, R-5 and R-6 Districts shall be 28.
- C. Column 14, Maximum Height (feet), for RT District shall be 28.
- D. Column 14, Maximum Height (feet), for “Single-family house” in the RS District shall be 28.
- E. Column 5, Maximum Ratio of Floor Area to Lot Area, shall include a new footnote “(j)” at the end of the column heading.

Section 7. Chapter 197, Zoning, Article VIII, Tables of Regulations, Section 197-86, Table of Regulations: Table A Residence Districts Area, Yard, Height and Miscellaneous Regulations of the Code of the City of Rye is hereby amended to add the following footnote:

- (j) See § 197-43.1 for floor area ratio reductions for single-family residences on oversized properties in one-family districts.

Section 8. Chapter 197, Zoning, Article VIII, Tables of Regulations, Section 197-86, Table of Regulations: Table C Coastal Districts Area, Yard, Height and Miscellaneous Regulations of the Code of the City of Rye is hereby amended as follows:

- A. Column 14, Maximum Height (feet), for “Single-family house” in the MC District shall be 32.

Section 9. The provisions of this Local Law shall not apply if a building permit application or a Zoning Board of Appeals application has been received by the City of Rye before July 3, 2003.

Section 10. This Local Law shall take effect immediately upon filing with the Secretary of State.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Cunningham*

The Mayor requested the minutes reflect that Councilwoman Cunningham would have voted in favor of the new law had she been able to attend the meeting.

7. Public Hearing on a proposed local law superseding Public Officers Law Section 3(1) by amending Article 8 to the City Charter of the City of Rye to establish and expand the residency requirements for the City Manager to include Westchester County

Mayor Otis opened the public hearing and said that the proposed Local Law to amend the City Charter to expand the residency requirements for the City Manager to include Westchester County was considered three years ago and rejected. He said now it appears to be a wiser choice so that applicants for the position of City Manager do not necessarily have to relocate to the City of Rye. Councilwoman Larr stated she thought the law should be gender-neutral and the Council agreed. Councilman Hutchings said he was not in favor of changing the City's Charter and thinks it is important that the City Manager live close by, but would vote for this change because he likes the choice of Mr. Shew as the new City Manager. Councilwoman Larr said she was under the impression that Mr. Shew would like to move to Rye when it is possible. Councilman McKean concurred that Charter changes should be made only when absolutely necessary, but feels that this change is best for the City financially.

There being no further comments from citizens in the audience or from the Council, the Mayor closed the public hearing.

Councilwoman Larr made a motion, seconded by Councilman Chu, to adopt the following local law.

**PROPOSED LOCAL LAW
CITY OF RYE
LOCAL LAW NO.3-2003**

**A local law superseding Public Officers Law §3(1)
by amending Article 8 to the City Charter of the City of Rye
to establish and expand the residency requirements for the City Manager
to include Westchester County.**

Be it enacted by the City Council of the City of Rye as follows:

Section 1. Article 8, §C8-1 of the Charter of the City of Rye is hereby amended to read as follows:

§ C8-1. Appointment; qualifications.

A. The Council shall appoint a City Manager for an indefinite term on the basis of his/her executive and administrative qualifications. He/she need not be a resident of the city at the time of his/her appointment, but shall be a resident ~~of the city~~ of the County of Westchester during his/her tenure of office.

B. Purpose. The City Council finds that due to the relatively small population of the City of Rye, it is not always possible to fill certain appointive offices in city government requiring municipal, administrative or financial expertise with city residents who are duly qualified to hold such positions. The Council further finds that pursuant to Section 10 of

the Municipal Home Rule Law it is authorized to appoint qualified residents of Westchester County outside of the city to hold the office of City Manager when a qualified person who is a city resident is unavailable.

Section 2. This local law shall take effect immediately upon filing with the Secretary of the State of New York and shall apply to all persons currently holding the position of City Manager as well as any person hereafter appointed to fill such office.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Cunningham

8. Public hearing on proposed local law creating Chapter 128, *Assessments for Local Improvements*, of the Rye City Code for the purpose of establishing special benefit districts

Mayor Otis opened the public hearing. Interim City Manager Culross reviewed the reasons for the new law, stating that it was important to establish guidelines for how assessment districts are set up, especially in light of the current size and scope of the proposed Kirby Lane sewer project.

There being no comments from members of the audience or from the Council, the Mayor closed the public hearing.

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

**PROPOSED LOCAL LAW
CITY OF RYE
LOCAL LAW NO. 4-2003**

**A local Law Creating Chapter 128,
Assessments for Local Improvements,
of the Rye City Code**

Be it enacted by the City of Rye as follows:

Section 1. Chapter 128 of the Code of the City of Rye is hereby established as follows:

Chapter 128, Assessments for Local Improvements

§ 128-1 Definition.

As used in this article, the following terms shall have the meanings indicated:

LOCAL IMPROVEMENT - Any improvement, work or benefit whether done by the City with its own employees or by contract, the cost of which, or part thereof, is to be borne by the property benefited, or its owner.

§ 128-2. Resolution to initiate local improvement.

The City Council may by resolution provide for the undertaking of a local improvement. The Council shall by resolution determine initially the property to be benefited by said local improvement, and shall order a public notice to be published once in the official newspaper of the City. The notice shall be published in the official newspaper of the City not less than 10 days and not more than 30 days prior to the public hearing.

§ 128-3. Contents of public notice.

The public notice shall generally describe the nature of the proposed local improvement, and shall also generally describe the area deemed to be benefited by said local improvement. The notice shall further specify the time, date and place of the public hearing to be held before the City Council.

§ 128-4. Public hearing.

Before the City shall undertake any project the cost of which, or part thereof, is to be borne by the property benefited or its owner, the City Council shall hold a public hearing after public notice as hereinabove provided. Upon such hearing, the City Council shall hear the objections of interested parties, and may adjourn from time to time to complete such hearing. After such hearing, the City Council may make such changes, additions or omissions as it deems proper in the proposed local improvement without the necessity of a further hearing, and may by resolution direct the commencement of said local improvement either by City forces or by contract.

§ 128-5. Amount to be borne by property benefited.

- A. The City Council shall, in its resolution authorizing and directing the undertaking of said local improvement, state the estimated cost of said improvement and establish the manner and method of determining the proportionate share of all or part of the cost to be borne by the property benefited, and the portion, if any, to be borne by the City as a whole.
- B. The Benefit of the Local Improvement may be determined on the basis of:
 - (1) the lineal front footage of the lots and parcels benefiting from the local improvement;
 - (2) the area of the lots and parcels benefiting from the local improvement;
 - (3) the assessed value of the lots and parcels benefiting from the local improvement;

(4) the "unit method"- equally divided among the number of lots and parcels benefiting from the local improvement; or

(5) a combination thereof.

§ 128-6. Preparation of Assessment Roll; hearing; confirmation.

- A. Upon the completion of any local improvement, the City Comptroller shall certify to the City Council the part of the total cost of such improvement, the amount to be assessed against the property benefited, with the exception of the property which may have already paid its proper share of such improvement, which such property shall be briefly described by name or number, in accordance with the resolution of the City Council authorizing and directing the undertaking of said local improvement. The City Comptroller shall also certify to the City Council the part of the total cost of such improvement, if any, chargeable to the City.
- B. Within 30 days after certification of the cost of the improvement, the City Assessor shall submit a special assessment roll to the City Council, which shall describe each lot and parcel benefiting from the local improvement and show the name or names of the reputed owners thereof and the aggregate amount of the assessment to be levied upon such lot or parcel of land.
- C. The City Council shall thereafter fix a time of hearing thereon and shall cause notice thereof to be published in the official newspaper of the City. The notice shall be published not less than 10 days and not more than 30 days prior to the public hearing. The City Council shall, so far as practicable, cause notice to be mailed to each person appearing on such assessment roll at the time of such publication.

§ 128-7. Hearing on Assessment Roll; confirmation.

- A. Upon the hearing of the assessment roll, the City Council shall hear the objections of the interested parties, and may adjourn from time to time to complete such hearing. The City Council may alter and amend said assessment roll in its discretion. When the City Council shall deem the assessment roll to be correct, it shall confirm the same.
- B. Upon the confirmation of the assessment roll, the amount assessed against each parcel of real property shall become and be a first lien upon such parcel or real property until paid. Every such assessment shall be collected by the City Comptroller in the same manner as taxes are collected, and as is hereinafter provided, and the amount thereof shall be expended only for the purpose of paying for such improvement or of repaying money borrowed on account of same.

§ 128-8. Financing of local improvements.

- A. Following the confirmation by the City Council of any assessment for local improvements, the City Council may provide that the assessments may be paid in equal annual installments, to be collected in the same manner as provided for the

collection of City taxes. When such assessments are paid in installments, the first installment and interest at 6% per annum, or at such rate as may be fixed by the City Council by resolution, on the full assessment from the date of confirmation of the assessment roll to the date of payment on the first installment, shall be paid on the first day of February following the confirmation of the roll, and the first day of February thereafter shall be the anniversary date of payment of the remaining installments, with accrued interest, in succeeding years. Interest at the rate of 6% per annum, or at such other rate fixed by the City Council by resolution, on all unpaid principal balances shall be paid annually on such anniversary dates.

- B. In the event that the owner of the assessed premises shall become delinquent in the payment of any installment the assessment, the amount in default shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties, in addition to the aforesaid accrued interest, and have the same lien effect upon the property, as the general City tax and as part thereof. After the confirmation of the assessment of a local improvement by the City Council, the City Clerk shall attach to the roll a warrant signed by the Mayor for the collection of the assessment or the first installment, if payment is permitted in installments, and deliver the same to the City Comptroller, who shall proceed in the same manner as relates to the collection of City taxes. The remaining installments, as due, shall be extended in a separate column on the tax roll and shall be payable and collected in each successive year thereafter under the same tax roll and included in the same warrant for the collection of City taxes.
- C. Any assessment may be paid in full at any time prior to maturity with accrued interest from the date of confirmation to the date of payment.

§ 128-9. Establishment of a special fund.

There is hereby established a special fund, which shall be under the supervision and control of the City Comptroller, into which the proceeds of any financing and the assessments collected for local improvements shall be paid for any improvement financed through such fund as hereinafter provided. The City Council may determine, by resolution, that the financing of the construction of any improvement heretofore or hereafter authorized, including the acquisition of any land or any right in the land therefore, which shall be paid completely by assessments upon the property benefited or partially by assessments upon the City, shall be through the aforesaid special fund. The City Council, upon the completion of any such improvement or at any time prior thereto, may determine to issue, pursuant to the Local Finance Law, the obligations of the City in such an amount as said Council may estimate to be sufficient to pay the entire cost of any such improvement.

Section 2. This local law shall take effect immediately on filing in the office of the Secretary of State.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Cunningham

(Agenda Items Nos. 16 and 17 were discussed at this time.)

16. Consideration of a request for a License Agreement between the City and Stephen W. Hasselmann and Margaret Jahn for the purpose of construction of a retaining wall within the right-of-way of Brown Avenue

The Council continued its consideration of a request for a License Agreement between the City and Stephen W. Hasselmann and Margaret Jahn for the purpose of construction of a retaining wall within the right-of-way of Brown Avenue. The Clerk read a memorandum from the Corporation Counsel stating that “discretionary license agreements” within rights-of-way should be granted only under exceptional circumstances, with the proper protection for the City, and after careful deliberation by the City Council. Linda Whitehead, McCullough, Goldberger, & Staudt, LLP, representing Mr. Hasselmann and Ms. Jahn, said the wall was small and only 7’ into the right-of-way, leaving 8’ to the curb and therefore posing no safety hazard or impediment to plowing. Councilman McKean expressed worry about damaging the roots on an old elm tree and suggested eliminating the wall and narrowing the driveway while maintaining the sightline. He said he felt this request did not meet the “exceptional circumstances” mentioned in the Corporation Counsel’s memo. Councilman Cypher said the proposed change would actually provide a safety benefit to the neighborhood because of all the small children in the area. An affidavit from all surrounding neighbors indicated support for the request.

Mayor Otis suggested that a set of guidelines for such requests be developed by staff to give the Council guidance. He said, while he favored this request, he was not generally in favor of granting approval for encroachments to the right-of-way. Councilman Hutchings suggested incorporating a clause in the agreements stating future liens by the City (such as building sidewalks). He also suggested such applications go before the Planning Commission prior to being submitted to the City Council.

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

RESOLVED, that the City Manager be and is hereby authorized to enter into a License Agreement between the City and Stephen W. Hasselmann and Margaret Jahn for the purpose of construction of a retaining wall within the right-of-way of Brown Avenue.

The resolution carried by a vote of 5 to 1. Councilman McKean voted against the resolution and Councilwoman Cunningham was absent.

17. Consideration of a request for a License Agreement between the City and William and Sally Morningstar for the purpose of replacing two existing stone posts and stone wall extensions

Sally Morningstar explained that they wanted to rebuild an existing wall so it would join up with existing pillars. The new wall would be 5' from the edge of the road. The Council felt because the Morningstars were replacing an existing wall rather than building new, that it was not causing a safety hazard, and they were willing to add a caveat to the agreement concerning future liens by the City that this request should be granted. An affidavit from surrounding neighbors indicated support for the request. Councilman McKean felt this request did not meet the "exceptional circumstances" criteria suggested by the Corporation Counsel.

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

RESOLVED, that the City Manager be and is hereby authorized to enter into a License Agreement between the City and William and Sally Morningstar for the purpose of replacing two existing stone posts and stone wall extensions on 2 Rye Road.

The resolution carried by a vote of 5 to 1. Councilman McKean voted against the resolution and Councilwoman Cunningham was absent.

9. Public hearing on proposed local law amending Sections 191-9, 191-9.1 and 191-21.1 of Chapter 191, *Vehicles and Traffic*, of the Rye City Code

Mayor Otis opened the public hearing. The City Manager reported that the proposed changes were the final steps the YMCA needs to take in order to qualify for the Certificate of Occupancy for their new addition. There being no comments from members of the audience or from the City Council, Mayor Otis closed the public hearing.

Councilman Hutchings made a motion, seconded by Councilman Cypher, to adopt the following local law:

**PROPOSED LOCAL LAW
CITY OF RYE
LOCAL LAW NO. 5-2003**

**A local law amending Chapter 191,
Vehicles and Traffic, of the Code of the City of Rye
by amending Subsections 191-9, Left turns,
191-9.1, Right turns and 191-21.1,
Handicapped Parking Zone.**

Be it enacted by the City Council of the City of Rye as follows:

Section 1. Section 191-9 of the Code of the City of Rye is amended to read as follows:

§ 191-9. Left turns.

A. Left-hand turns are prohibited as described below during the hours indicated:

Location	Hours
From Boston Post Road at the intersection southbound with Cross Street (rear of police booth)	
Boston Post Road northbound at Liberty Lane (rear of flagpole)	
At the intersection of Cedar Street and the ramp leading to the westbound side of Station Plaza	7:30 a.m. to 8:30 a.m.
From the Citibank exit onto Cross Street	
From the 2 driveways of the Cowperwood-Osborn office building (411 Theodore Fremd Avenue) parking lot into Garver Drive	7:30 a.m. to 7:30 p.m., Monday through Friday
From Cross Street at the driveway into Citibank	

Elm Place at Purchase
Street

From Grandview Avenue into
the Rye Country Day School
driveway closest to Cedar
Street

From Grandview Avenue into
the Rye Country Day School
driveway closest to Elizabeth
Street

From the Oakland Beach
Avenue driveway exit of
520 Milton Road

At the driveway of Osborn
School leading onto Boston
Post Road

When school is in session,
from 8:00 a.m. to 9:00
a.m. and 2:30 p.m. to
3:30 p.m.

From Palisade Road at
Milton Road

From Rye Country Day School's
driveways closest to Hillside
Avenue onto the Boston Post
Road

Smith Street at Purchase
Street

From northeastbound
Theall Road into the
northeasterly driveway of
the Cowperwood-Osborn
office building (411
Theodore Fremd Avenue)

7:30 a.m. to 7:30 p.m.,
Monday through Friday

From northeastbound
Theall Road onto Garver
Drive

7:30 a.m. to 7:30 p.m.,
Monday through Friday

From the YMCA parking
lot onto Mead Place

B. In addition, any vehicle with a maximum gross weight of 10,000 pounds (five tons) or more is prohibited at any time from making a left turn onto the following streets, except that such vehicle may enter upon such streets by left turns for the purpose of accepting or making deliveries of material at some point on said streets. This turn prohibition for vehicles of five tons or more does not apply to motor buses or school buses operating regular service under the supervision of the Westchester County Department of Transportation.

Location

Onto Peck Avenue from the Boston Post Road (U.S. Route 1) southbound

Onto Peck Avenue from the Railroad Station Plaza exit

Onto Cross Street from the Boston Post Road (U.S. Route 1) southbound

Section 2. Section 191-9.1 of the Code of the City of Rye is amended to read as follows:

§ 191-9.1. Right turns.

Right-hand turns are prohibited as described below during the hours and days indicated:

Location	Hours; Days
From the 2 driveways of the Cowperwood-Continental office building (511 Theodore Fremd Avenue) parking lot onto Garver Drive	7:30 a.m. to 7:30 p.m., Monday through Friday
From the northeasterly driveway of the Cowperwood-Osborn office building (411 Theodore Fremd Avenue) parking lot onto Theall Road	7:30 a.m. to 7:30 p.m., Monday through Friday
From southeastbound Garver Drive onto Theall Road	7:30 a.m. to 7:30 p.m., Monday through Friday
<u>From Mead Place onto YMCA parking lot</u>	
From Rye Country Day School's driveway on the easterly side of Grandview Avenue closest to Elizabeth Street	

Section 3. Section 191-21.1 of the Code of the City of Rye is amended to read as follows:

§ 191-21.1. Handicapped parking zones.

The following described areas are designated as handicapped parking zones:

Name of Street	Location
Orchard Avenue	32 Orchard Avenue
*51 Milton Road	1 space in the parking lot at 51 Milton Road
Haviland Lane	Closest space to Purchase Street
Mead Place	Adjacent to Rye YMCA
Theodore Fremd Avenue	North of Elm Place
Third Street	Easterly side

*Promulgated by City Manager with approval of City Council

Section 4. This local law will take effect immediately upon filing in the Office of the Secretary of State.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Cunningham

10. Consideration of setting a public hearing of proposed amendments to Chapter 196, Wireless Telecommunications Facilities, of the Code of the City of Rye

Councilman McKean expressed appreciation to everyone on the staff for helping to clarify the existing law and combine all suggestions into one document for consideration by the Council.

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

WHEREAS, the Council wishes to amend Chapter 196, *Wireless Telecommunications Facilities*, of the Code of the City of Rye, and

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

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on August 13, 2003 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

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

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on amending Chapter 196, *Wireless Telecommunications Facilities*, of the Code of the City of Rye

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Rye on the 13th day of August, 2003 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning amending, Chapter 196, *Wireless Telecommunications Facilities*, of the Code of the City of Rye.

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

Dated: August 4, 2003

Susan A. Morison
City Clerk

11. Resolution authorizing the Mayor to sign an employment agreement with O. Paul Shew to serve as Rye City Manager effective August 25, 2003

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the Mayor to sign an employment agreement with O. Paul Shew to serve as Rye City Manager, effective August 25, 2003.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Cunningham

12. Authorization to fill the Senior Office Assistant position in the Planning, Engineering and Building Departments

The Council was asked to lift the hiring freeze for this position. The Interim City Manager pointed out that the same position has been authorized 8 months ago, but the person hired has resigned. He said there are two office assistants for three departments and hiring a second person is essential.

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

RESOLVED, that the City Manager be and hereby is authorized to fill the Senior Office Assistant position in the Planning, Engineering and Building Departments.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Cunningham

13. Consideration of establishing a Youth Advisory Committee

This agenda item was deferred to the August meeting.

14. Consideration of draft proposal for implementation of Enhanced Environmental Protection Resolution

Councilman Chu thanked everyone who had helped develop a proposal for implementation of the Enhanced Environmental Protection Resolution adopted by the Council on December 2, 2002 to address issues of wetlands and watercourses protection and environmental education. He said the recommendations are not exclusive or exhaustive, but contain reasonable steps which can be done at minimal cost with existing staff. He summarized the recommendations as follows:

- 1) Implement a cost efficient program, administered by the City Naturalist, to expand education aimed at increasing voluntary Rye resident commitment to wetlands and watercourses protection.

- 2) Develop a recognition program to be created and administered by the Conservation Commission/Advisory Committee (CCAC) to recognize Rye residents' voluntary wetland initiatives.
- 3) Improve the City of Rye's system of wetlands permitting and enforcement.
- 4) Establish a Task Force of Wetlands.
- 5) Coordinate with other Agencies and Developing Partnerships.

Mayor Otis added his own recommendations outlined in a July 16, 2003 memorandum to the Council and summarized as follows:

- 1) The roles of the City Naturalist and the Building Inspector must be clearly defined for all aspect of the process.
- 2) The existing roles of the CC/AC and Planning Commission in the decision making process is vital and should be maintained. The City Planner has an important role in the Planning Commission approval process.
- 3) Improved training for staff will be helpful. Commission members should also be made aware of training opportunities.
- 4) A brochure about the wetlands process should be drafted and given to all those applying for approvals. It should also include information and guidance regarding our surface water control rules, proper nonpoint source pollution prevention information, and information specific to residents living near brooks.
- 5) The specific proposals included in the Corporation Counsel's January 23, 2003 memo should be researched further and given serious consideration, particularly the proposal that the application be changed to require that contractors be responsible for the quality of their work.
- 6) Continue all existing partnerships with the County/State/National conservation and wetlands preservation groups and take advantage of the existing written material and knowledge for the benefit of Rye.

Mayor Otis thanked everyone involved and recommended the staff begin the process of implementing the recommendations and reviewing the Code of the City of Rye. Councilman McKean applauded the effort, saying wetlands are of vital importance and the plan indicates the City is serious about preserving them.

15. Consideration of request by the Westchester Municipal Officials Association to send letter to the Governor, and Legislative leaders regarding distribution of federal aid to municipalities

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

RESOLVED, that the City Council approve the request by the Westchester Municipal Officials Association to send a letter to Governor Pataki regarding distribution of federal aid to municipalities.

18. Consideration of proposed revision of Rules and Regulations of the City of Rye Police Department General Order #120.5, "Firearm Discharge Report"

The Interim City Manager reported that revision of Rules and Regulations of the City of Rye Police Department is a result of a standard review process, that the Police Benevolent Association has had a chance to review the changes, and he recommends the Council adopt the changes to the Department General Orders requested in Agenda Items 18-20.

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

RESOLVED, that the Rules and Regulations of the City of Rye Police Department, General Order #120.5 "Firearm Discharge Report", be amended to implement a revised procedure for documenting discharges of firearms to dispatch animals.

19. Consideration of proposed revision of Rules and Regulations of the City of Rye Police Department General Order #110.1, "Searching/Handcuffing/ Transportation"

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

RESOLVED, that the Rules and Regulations of the City of Rye Police Department, General Order #110.1 "Searching/Handcuffing/Transportation", be amended to include provisions regarding the Prisoner Transport Van.

20. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department General Order #113.6 "Communications/Desk Operations"

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

RESOLVED, that the Rules and Regulations of the City of Rye Police Department, General Order #113.6 "Communications/Desk Operations", be amended to reflect minor changes in procedure, nomenclature, and equipment.

21. Acceptance of a donation to the Rye Police Department from the Birny Mason Jr. Foundation in the amount of Five Hundred (\$500.00) Dollars

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

WHEREAS, the Birny Mason Jr. Foundation desires to donate Five Hundred (\$500) to the Rye Police Department for the benefit of Patrol Officers; and

WHEREAS, the fiscal 2003 General Fund budget did not anticipate this donation; now, therefore, be it

RESOLVED, that the City Council of the City of Rye accepts the aforementioned donation.

ROLL CALL:

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

22. Bids for Additions and Alteration to the Damiano Community Center - General Construction rebid

Interim City Manager Culross reported that a second set of bids for the Damiano Community Center had been received for General Construction and for Heating/Ventilation/A/C work and the amounts were still higher than expected and unacceptable. He reported the City Engineer recommends the bids be rejected, not only for the cost of General Construction, but for all other parts of the bid (Electrical, Plumbing, Fire Protection, HVAC, and Elevator). He said

the Engineering and Recreation Departments feel it is important to take another look at the whole project and start again, Councilman McKean asked if there was any chance of holding some of the bidders with acceptable pricing to their bids, but Mr. Culross indicated that even though it is assumed prices almost always increase, there was a general need to re-think the whole project.

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

RESOLVED, that the re-bid for Contract 2003-02, General Construction for the expansion and renovation of the Damiano Community Center from Fourmen Construction Corporation in the amount of \$1,869,086, being the low bidder, be rejected.

ROLL CALL:

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

23. Bids for Additions and Alteration to the Damiano Community Center - Electrical
(See Agenda No. 22 for general comments.)

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

RESOLVED, that the bid for Contract 2003-03, Electrical for the expansion and renovation of the Damiano Community Center from Filingeri Electrical Contracting Corporation in the amount of \$269,000, being the low bidder, be rejected.

ROLL CALL:

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

24. Bids for Additions and Alteration to the Damiano Community Center - Plumbing
(See Agenda No. 22 for general comments.)

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

RESOLVED, that the bid for Contract 2003-04, Plumbing for the expansion and renovation of the Damiano Community Center from Frank & Lindy Plumbing and Heating Inc., in the amount of \$154,900, being the low bidder, be rejected.

ROLL CALL:

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

25. Bids for Additions and Alteration to the Damiano Community Center - Fire Protection
(See Agenda No. 22 for general comments.)

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

RESOLVED, that the bids for Contract 2003-05, Fire Protection for the expansion and renovation of the Damiano Community Center from D&S Fire Protection Corp., in the amount of \$48,300, being the low bidder, be rejected.

ROLL CALL:

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

26. Bids for Additions and Alteration to the Damiano Community Center - Heating, Ventilation and Air-Conditioning rebid
(See Agenda No. 22 for general comments.)

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

RESOLVED, that the re-bid for Contract 2003-06, Heating, Ventilation, A/C for the expansion and renovation of the Damiano Community Center from All-Temp Heating & Cooling Inc., in the amount of \$320,000, being the low bidder, be rejected.

ROLL CALL:

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

27. Bids for Additions and Alteration to the Damiano Community Center - Elevator
(See Agenda No. 22 for general comments.)

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

RESOLVED, that the re-bid for Contract 2003-07, Elevator for the expansion and renovation of the Damiano Community Center from Thyssenkrupp Elevator Company, in the amount of \$53,700, being the low bidder, be rejected.

ROLL CALL:

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

28. Auction of Obsolete Vehicles and/or Equipment

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

RESOLVED, that the Council declare the vehicles and/or equipment listed on the "Auction List-2003" obsolete and that they be sold at an inter-municipal public auction to be held August 2, 2003.

ROLL CALL:

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

29. Appointment to the Human Rights Commission to fill a vacancy of a term that expires in January, 2004, by the Mayor

Mayor Otis made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the appointment of Susan Cicelsky to the Commission on Human Rights for a term that expires in January, 2004.

30. Appointment to the Rye Beautification Advisory Committee of a representative of the Rye Merchants Association for a three-year term ending January, 2006, by the Mayor with Council approval

Mayor Otis made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the appointment of Sally Wright to represent the Rye Merchant's Association on the Rye Beautification Committee for a three-year term ending January, 2006.

31. Designation of City Council Liaison to the Rye Beautification Advisory Committee by the Mayor

Mayor Otis designated Councilman McKean to serve as Council liaison to the Rye Beautification Advisory Committee.

32. Draft unapproved minutes of the regular meeting and special joint meeting of the City Council held June 18, 2003, and the special meeting held on July 3, 2003

Councilman Cypher made a motion, seconded by Councilman McKean and unanimously carried, to adopt the minutes of the special meeting of the City Council held jointly with the Rye Free Reading Room on June 18, 2003.

Councilman Hutchings made a motion, seconded by Councilman McKean and unanimously carried, to adopt the minutes of the regular meeting of the City Council held on June 18, 2003.

Councilwoman Larr made a motion, seconded by Councilman Cypher and unanimously carried, to adopt the minutes of the special meeting of the City Council, held on July 3, 2003.

33. Miscellaneous communications and reports

Councilman McKean reported that the first meeting of the Rye Beautification Committee was very successful with lots of great ideas, different approaches and areas of concentration.

34. Old Business

Councilman Chu said there was unanimous support in the Greenhaven neighborhood to experiment with the 25 mph speed limit. He said despite the Traffic and Transportation Committee's report which did not endorse the idea, 30 mph is too fast for Greenhaven and he would suggest the plan be tried out there. The Mayor suggested Milton Point would also be a good area to experiment with the slower speed limit. Interim City Manager Culross cautioned the Council to remember that once you change the speed limit, signs have to be put up at every entrance. He was asked to consult with the Police Commissioner, perhaps work on how to better enforce the 30 mph limit on Milton Point rather than changing it; and to prepare a recommendation on how the limit could best be lowered in Greenhaven.

Councilman Hutchings inquired about progress removing the graffiti from the gas stations at the end of Purchase Street. Manager Culross said warrants had been issued to bring the owner to court and the matter can be referred to Supreme Court by the end of July so hopefully at that point, the City can legally go in and remove the graffiti. He said if the situation goes on long enough the City could go in and take over the property, but the court process protects homeowners and it is very difficult to deal with a property owner who chooses not to be a good citizen.

35. New Business

There was no new business to come before the Council.

36. Adjournment

There being no further business to discuss, Councilman McKean made a motion, seconded by Councilman Cypher and unanimously carried, to adjourn the meeting at 11:50 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk