

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on December 3, 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.

Announcements

Mayor Otis congratulated the Rye Garnets Football Team for reaching the finals of the State Championship, amassing an excellent record of 12-1, losing to a good team in the finals.

The Mayor said he would be taking Agenda items #4 and #5 before hearing citizens wishing to speak.

4. Consideration of a revised draft resolution related to the City of Rye Youth Advisory Committee

Councilman Cypher reported there was overwhelming enthusiasm among all the youths who volunteered to serve on the Rye Youth Advisory Committee; that there was a consensus not to limit the size of the committee to the originally authorized number of 15, so the resolution needs to be amended to incorporate more members. He told the members of the committee who were present that their enthusiasm made the Council change its mind so they had already made a difference. The Mayor added that the first two meetings were most impressive with lots of great ideas and he looks forward to meeting with them during the year and is hoping to arrange a trip

to Albany so they can become familiar with State Government as well as Rye's City Government.

Councilman Cypher made a motion, seconded by Mayor Otis and unanimously carried, to adopt the following resolution increasing the number of members of the Rye Youth Advisory Committee from fifteen to "not more than twenty-five":

WHEREAS, many issues arise in City government and the community as a whole that may be of interest to youth or may affect youth in the community; and

WHEREAS, it is beneficial for the community and the youth to develop the citizenship skills of youth in the community by working with local government on such issues; and

WHEREAS, the City government can directly benefit from the advice and efforts of youth in the community on the issues that confront the City; now, therefore, be it

RESOLVED by the City Council of the City of Rye that:

1. There shall be a Youth Advisory Committee to make recommendations on City Council agenda items or other matters affecting youth in the community and to seek and recommend ways to interest and involve youth in local government.
2. The Youth Advisory Committee shall consist of no more than twenty-five members in grades seven through twelve at the time of appointment or re-appointment by the City Council. Members must be residents of the City of Rye but are not required to attend school in the City.
3. Each year, nominations will be accepted for students interested in serving on the Committee. A selection committee made up of one representative of the City designated by the City Manager, the Rye YMCA, and the Rye Youth Council will review the nominations and select students to recommend to the City Council students for appointment to the Committee. Efforts will be made to balance the committee regarding schools represented, grade, gender, ethnicity, etc. Members will be officially appointed to the Youth Advisory Committee by the City Council.
4. The term of office for each member shall be one school year, commencing on September 1 and ending on June 30. Members may be re-appointed but shall serve for no more than three consecutive years. The Youth Advisory Committee shall select its own chair and vice-chair.

5. Twenty-two appointments to the Rye Youth Advisory Committee for one-year terms ending June 30, 2004

Mayor Otis made a motion, seconded by Councilman Cypher and unanimously carried, to appoint: Matt Breitel, Courtney Burke, Russell Crawford, Garrett DeBease, Erica DiNardo, Shea Donovan, Kelly Eggers, Alexandra Escaladas, Rhea Finn, Amanda Hajjar, P. J. McGowan, Henry Parker, Taylor Piscionere, Alexandra Piscionere, Nick Reed, Jodi Rosenzweig, Daniel Schilling, Ryan Finkelstein, Ryo Takashi, Jesseca Turner, Adrian Uzanian, Keith VanKuller for one-year terms ending June 30, 2004.

Mayor Otis administered the oath of office to those members of the committee who were in attendance. Councilman Cypher again thanked Casey Liebst, Assistant to the City Manager for all her help and Susan Morison, City Clerk who, along with Casey, was instrumental in developing the idea of having such a committee.

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

Sis D'Angelo, Wappanocca Avenue, said she was concerned about the future of the gas station on the corner of Wappanocca Avenue and Purchase Street now that the owner, Mrs. Thomaschewsky and her only daughter are both deceased and wondered what might be permitted under the current zoning. She noted that it appears to be a large toxic dump and urged the City to clean it up. Corporation Counsel Kevin Plunkett said the lawsuit that has commenced is complicated by the two deaths, but he had spoken to the attorney for the estate concerning the City's concerns. Mrs. D'Angelo asked that the area residents be kept informed.

Amy Kashchy, 121 Locust Avenue, said she has learned that holding a raffle in the City of Rye is not legal so she urged the Council to change the law. Corporation Counsel Plunkett said the Council should look at the existing local law which would have to be done by referendum. Councilman Hutchings urged preparing any changes in time to hold the referendum during the 2004 General Election.

6. Presentation and request by the Landmarks Advisory Committee for the City Council to express written support of a nomination to list the Rye Meeting House on the State and National Registers of Historic Places and authorization that the appropriate City Official execute the application

Sid Burke, Chair of the Landmarks Advisory Committee, requested that the Council express written support of a nomination to list the Rye Meeting House on the State and National Registers of Historic Places and authorize the appropriate City Officer to execute the application. He said the building was significant because prominent citizens of Rye have always been involved; that the architecture is significant; and it represents a broad pattern of the City's history. He said the future of the building is now in the hands of the City Council. He also noted that an opinion rendered by Buckhurst, Fish & Jacquemart, Inc. confirms that substantially contiguous single family homes are not subject to Type I SEQR actions. He said he hoped the

Council would grant the request now so that the application could be submitted well in advance of a March meeting when applications are reviewed.

Lisa Easton, a specialist in historic preservation and a member of the Friends of Rye Meeting House, said landmark designation opened up many funding opportunities from various sources that can be used for all phases of the project (from feasibility studies to actual construction. She said real restrictions will not be placed on the project although there are guidelines concerning the use of materials when working with adaptive reuse projects.

Fred Cummings, also a member of the Friends of Rye Meeting House, said the organization has been founded to assist the City in the rehabilitation of the building and then to assist with the programming and that grant funding would clearly be helpful to the City. He said they have filed organization papers and applied for 501(c)(3) status and should be up and running by January 1. He reported Step #1 would be the building study (funded partly by grants and part by donations); Step #2 would be to develop a capital plan; Step #3 would be renovation of the building in late 2004; and Step #4 would be to assist in programming (several organizations already have expressed interest in using the facility). He said it made sense to use \$50,000 in grant funds so that \$25,000 could be eliminated from the budget and he hoped the Council would approve the listing and support the project.

Councilman Chu asked if the project had been discussed with the neighbors (*not yet, but they will*); Councilwoman Larr said The Landmarks Advisory Committee has done a lot of good work and she assumes the neighbors would be proud; Mayor Otis said he was very much in support of outside funding streams.

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

WHEREAS, the Landmarks Advisory Committee of the City of Rye has investigated the social and architectural history of the Rye Meeting House; and

WHEREAS, the Landmarks Advisory Committee of the City of Rye recommends the nomination of the Rye Meeting House to the State and National Registers of Historic Places; and

WHEREAS, the nomination is supported by the Rye Historical Society and the Friends of the Rye Meeting House, Inc.; now, therefore, be it

RESOLVED, that the Rye City Council concur and express its written support of the listing of the Rye Meeting House on the State and National Registers of Historic Places, and be it further

RESOLVED, that the appropriate City Official be authorized to execute the application.

ROLL CALL:

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

NAYS: None

ABSENT: None

7. Public hearing on proposed 2004 Budget

Before opening the public hearing the Mayor asked City Manager Paul Shew for comments. Mr. Shew said the discussions and policy directions provided to date had been good. He said based on a general desire that the fund balance should be higher; the tax rate lower and the Rye Free Reading Room (RFRR) should be granted more support he had revised the budget figures so that the Fund Balance could be at 10%; the tax rate at 9.5% and the RFRR support at \$986,000.

He turned the microphone over to City Comptroller Michael Genito who announced that the second half Mortgage Tax amount was \$300,000 more than expected, bringing the total amount of revenue in this category to \$1.7M versus the budgeted amount of \$1M. He then outlined the list of additions and deletions proposed by staff to reach the objectives. He said the Recreation Department had been asked to produce a savings of \$70,000; that the Theall Road and Central Business District projects have been deleted and other capital expenditures has been reduced. He said the debt limits this year are: \$539,058 by City Council vote and \$402,732 subject to premissive referendum. Councilman Cypher wanted more information about the Recreation reductions. Councilwoman Larr wondered about the status of the Grace Church Street/Forest Avenue traffic light (*it will need more study, even if it is to become a blinking light*). Councilman Hutchings asked how the RFRR figure was determined (*it is the amount needed to reinstate the hours*). The Mayor said he was pleased they had been able to find the funds for the RFRR. Councilwoman Cunningham was pleased their objectives have been reached (as was Councilman McKean), but doesn't want to defer the Theall Road project. Councilman Chu wondered if the extra \$300,000 from the Mortgage Tax could be used to lower the tax rate (*it will be returned to the Fund Balance so it would be using the fund balance to support operating costs*). Councilwoman Larr said maybe it could be used to contribute to the Theall Road costs, but Councilman Cypher said he thought unanticipated funds should be used to either lower the tax rate or increase the fund balance.

Mayor Otis opened the public hearing.

Theall Road: *Dr. Edward Pascuiti*, a recent resident of the Osborn said Theall Road is an atrocity; an eyesore; very un-Rye; dangerous; an accident waiting to happen; and getting worse. He suggested if the City gained funds from the Osborn expansion, those funds should be used to fix the road; that it was inappropriate to use private funds to fix a public road and the City should work out a solution as soon as possible, especially with winter coming. *John Sherwin*, also part of the Osborn and a 53-year resident of Rye, said when he moved to the Osborn he assumed the road would be redone and considers is discriminatory not to fund it; that all the taxes he (and the Osborn) has paid should fund it. He suggested speed limit signs be put up now as there is potential for the City to be sued. He concluded by thanking the Council,

especially those Council Members retiring. *Elizabeth Landauer*, the Osborn, can't understand why the Council doesn't listen. She said Rye Manor needs parking; the workers need sidewalks; conditions are awful; and the speeding is dangerous. She urged spending the money now. *Josephine Delmonte*, President of the Rye Manor Tenants Association, said all senior citizens pay taxes and have paid their dues and they feel they are forgotten; the road is dark and scary; and she is afraid to go out at night. *Joe Murphy* said he values both the toddler and the seniors; that the toddlers use the RFRR; the seniors use Theall Road so don't put the project off; it is endangering the City. Mayor Otis said the project is a priority for him; that they are looking at private groups for help and he knows they need a short timetable and need to get it done. Councilman McKean suggested using the \$300,000 from the Mortgage Tax and bonding the rest.

RFRR: *John Fullerton*, Chairman of the Board, said he was delighted, pleased and thankful and understands it is their responsibility to shepherd the funds wisely. He said while the increase is significant, the RFRR still needs \$27,000 more to support the building and it is still underfunded compared to other towns so they will be back next year as they are still far from where they need to be. *Bob Callaghy* says he is still a beggar and proud of what the Library does for everyone. Councilwoman Cunningham said she was happy they could raise the contribution, but people should remember Rye's library is the only independent one whereas other libraries are owned by the municipality. She said now the City's support is almost 80%, the RFRR is becoming more like a City department and more interaction with the City Manager will be necessary; that we should have a copy of the audited report each year; and perhaps a Council-RFRR committee should be established. Councilman Chu suggested the RFRR now has the burden to cut expenses and add revenue.

Recreation Dept: *Steve Meyers*, Chairman of the Recreation Commission, said other members (*Doug French, Bart DiNardo, Tom Fendler, Doug Carey and Bobbi Billington*) were all present. He said they had been asked to consider a combination of cost reductions and revenue increases totaling \$70,000. He reported there was no support for making adjustments which would lower the tax rate but if they had to produce the \$70,000 savings they would recommend a \$47,000 cut in the equipment line and a \$23,000 increase in the user fee revenue budget that would include an added \$15,000 increase in Day Camp Fees (over and above the increase already in the 2004 proposed budget), even though they are very reluctant to do so as it would make Rye's fees the highest of any municipal day camp in the County. Councilman Cypher said there were negative implications to a continual squeezing of day camp funds in that the City could see a drop in enrollment as we reach the level where children can no longer afford to enroll. *Doug French* said the scope of the Recreation programs is growing as demographics change; they are open longer, and more people sign up. *Bart DiNardo* read a letter from the Executive Board of Rye Youth Soccer supporting the Recreation Department, lauding the support the Department gives to the soccer program and asking the Council not to disrupt the financial stability of the Department; not to raise fees to the extent that some families can no longer participate. The Mayor said he doesn't like taking so much from the Recreation Department, especially in reference to raising the camp fees. *Bobbi Billington*, head of Rye Girls Sports, said there are over 250 participants now and they would not have their program if it weren't for the Recreation Department. Is the department delivering? They have a 47% recovery which is higher than most of our neighbors; they are efficient; participation and revenues are up; but prices continue to go up. *Doug Carey* gave an impassioned talk about the value of recreation to all of Rye's children. He said as an educator he values the RFRR's

contribution and wants to see it funded, but as a result it appears the Recreation Department is being asked to raise fees and make the many things they offer no longer affordable to many. He said the Recreation Department has a history of doing good things for Rye youth – if it were not for the camp there would be no Leaders of Tomorrow Program - and asked at what point do we price the camp out of range? He said he hoped the Council would find a way so everyone could benefit, making it a win/win situation rather than a win/lose one. *Tom Fendler* said everyone pays for a part of the activities of the recreation and a 47% recovery is excellent. He said the Council and City Staff have control over the Recreation Department and the Recreation Commission, but they have no control over the Library which asks for so much. He questioned taking away so much from an area over which they have control and asking recreation participants to pay more while the Library participants do not pay at all. *Bill Rodriguez*, Recreation Superintendent, reiterated that there was a real consensus on the Commission not to raise camp fees and *Steve Meyers* said they will just have to try and find a way to contribute the money some other way. The Mayor and Councilwoman *Cunningham* both indicated they were not in favor of raising camp fees.

(The Council took a 5 minute break at this point.)

Councilman *McKean* asked about a disturbing rumor he has heard that plans for *Damiano* might be cut despite the fact that voters had approved the plans in a referendum. Councilman *Chu* responded by saying it was a thought that because, so far, there was no acceptable bid for *Damiano* and because of the City's changing financial circumstances perhaps the Council might question if they wish to defease the bonds already issued. He also said he would like notice when bonds are issued and was wondering if what is not already spent might be defeased. Councilwoman *Cunningham* asked how a Council could consider canceling what the voters have approved. Councilman *McKean* said the voters had voted to enhance facilities for both young and old; to stop it would be to further dismantle the quality of life in Rye and would be like telling voters their vote doesn't count. *Steve Meyers*, Chair of the Recreation Commission, read the following excerpt from a Finance Committee letter (dated April 10, 2003 to the Council and signed by *Sal Samperi* and *Duncan Hennes*) recommending the proposal (as scaled back after the first referendum failed) go to the voters.

“We believe the Recreation Commission has done a good job in paring back the cost of the program in a responsible way and performed the proper due diligence to ensure that the bond issue is likely to be adequate to complete the core improvements of the Recreation Master Plan.

“Our review also concludes that it is appropriate to use debt to finance these long-term improvements. The impact of debt service and increased operating expenses has been properly computed and reflected in the memorandum presented to the Council by *Steve Meyers* last week. On a fully phased-in basis (all other factors being held constant), the proposal will increase the City portion of property taxes by 4.9%, phased-in over three years. This will increase a City resident's overall tax rate by approximately 0.8%, or \$89 on the median assessed house in the year 2005 when the project is fully completed. The increase in taxes in 2003 and 2004 will be minimal.

“The timing of this project is favorable because of the current low level of interest rates, with restrains the debt service costs of the project.

“We believe that the Council should address two questions in deciding whether to go ahead with the referendum: ‘can our residents afford the debt service and increased operating costs associated with the new facilities?’ and ‘are these new facilities a priority for the City?’

“It is the consensus of the Finance Committee that these facilities, if approved, would have a favorable impact on the recreational quality of life in Rye. Moreover, the debt service costs and increases in operating expenses are modest in the context of the overall budget, and will not imperil the financial health of the City. Therefore, it is our recommendation that the Council has adequate grounds to allow the voters of Rye the opportunity to vote on this issue.”

Mr. Meyers said he thought canceling the project would disenfranchise the voters. He added that 80% of Recreation department participants used Damiano Center. *Matt Fahey*, Finance Committee member and Councilman-elect, said the voters voted assuming the plan would be accomplished within budget so if the City can't build it within the budget, what will the City do with the money? *Mr. Meyers* said the Recreation Department will build what they can. *Sis D'Angelo* asked about the sod being laid on the new fields and asked if that was within budget. The Mayor said it was obtained for the same price as seed and will make an extra playing season possible.

Joe Murphy commented now that the RFRR has received an increase every organization will be coming back and he urged the Council to have a plan rather than just nipping at a vulnerable department so people don't get the feeling departments get reduced so that the RFRR can be more fully funded. *John Fullerton* said it was his job to try to make the case for the RFRR. Councilman *Cypher* congratulated him on his advocacy skills but noted he was listening skeptically; that the library is asking for too much; and his priorities are different.

The Fire Department, represented by *Chief George Hogben* and *Assistant Chief John Wickham*, said they had given back some funds last year and object to being asked to lay off a firefighter, saying he had already been given training and who knows if someone will be called up to active duty again. They said they don't want to lose the chance for a new truck, but would rather have the person. Re: the pumper truck, *Mr. Wickham* said it would take 12 months to build a new truck so there would be no payout until 2005. *Kurt Tietjen* urged the Council to continue talking about retaining the firefighter as laying him off would send a bad message.

With no further specific comments to be made, the Council considered a resolution proposing various changes to the preliminary budget and discussed amendments to the resolution.

Mayor *Otis* made a motion, seconded by Councilman *Cypher*, to amend the resolution as follows:

WHEREAS, the Council does not wish to reduce the budget of the Recreation Department to the degree proposed, therefore be it **RESOLVED** as follows:

That General Fund Camps Charges for Services not be increased by an additional \$15,000; and

That General Fund Recreation Administration Equipment appropriation not be decreased by \$39,000; and
That General Fund Recreation Center Equipment appropriations not be decreased by \$2,000; and
That General Fund Tennis Equipment appropriations not be decreased by \$6,000; and
That the General Fund Planning Department Consultants line be reduced by \$10,000.

ROLL CALL:

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

Mayor Otis made a motion, seconded by Councilman McKean, to adopt the following resolution to amend the 2004 Preliminary Budget as amended:

WHEREAS, on November 19, 2003 the Rye City Council (“Council”) adopted the 2004 City of Rye Tentative Budget as the 2004 City of Rye Preliminary Budget, and,

WHEREAS The Council has reviewed the 2004 Preliminary Budget, considering questions, comments, and suggestions of Council members, City staff, and the public, now therefore, be it

RESOLVED, that the 2004 Preliminary Budget be amended as follows:

Increase General Fund Rye Youth Council appropriations from \$29,450 to \$36,950, a total increase of \$7,500;

Increase General Fund Rye Free Reading Room appropriations from \$845,500 to \$986,000, a total increase of \$140,500;

Decrease General Fund City Manager Materials and Supplies appropriations for membership in the National League of Cities in the amount of \$1,200;

Decrease General Fund City Manager Equipment appropriations for challenge grants in the amount of \$40,000;

Decrease General Fund Planning appropriations for Consultants in the amount of \$10,000;

Increase General Fund Building Department Licenses and Permits estimated revenues from \$456,500 to \$623,000, a total increase of \$166,500;

Increase General Fund Recreation Programs Charges for Services estimated revenues from \$120,200 to \$128,200, a total increase of \$8,000;

Increase General Fund Parks and Playgrounds Charges for Services estimated revenues from \$34,000 to \$39,000, a total increase of \$5,000;

Defer the Capital Projects Fund Theall Road Reconstruction Project and related issuance of debt in the amount of \$850,000;

Defer the Capital Projects Fund Central Business District Project and related issuance of debt in the amount of \$140,000;

Decrease Capital Projects Fund Annual Sidewalks and Curbs Project and related transfers in from General Fund, from \$100,000 to \$50,000, a total decrease of \$50,000;

Defer the Capital Projects Fund Larger Morehead Footbridge Project and related transfers in from General Fund in the amount of \$50,000;

Cancel the Capital Projects Fund Smaller Morehead Footbridge Project budgeted in prior years, transferring the available balance of \$20,000 in project funds to the General Fund;

Decrease the Building and Vehicle Fund DPW Fuel Management System Project and related transfers in from the General Fund from \$80,000 to \$22,000, a total decrease of \$58,000;

Defer the Building and Vehicle Fund Police Addition Project and related issuance of debt in the amount of \$560,000;

Defer the Building and Vehicle Fund Fire Pumper Truck appropriations and related issuance of debt in the amount of \$395,000;

Defer the Building and Vehicle Fund DPW Loader appropriations and related issuance of debt in the amount of \$90,000;

Amend the Building and Vehicle Fund Friends Meeting House Project estimated revenues, decreasing transfers in from General Fund in the amount of \$25,000; decreasing gifts and donations in the amount of \$25,000; and increasing State Aid in the amount of \$50,000.

ROLL CALL:

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

NAYS: None

ABSENT: None

The Council debated whether or not to close the public hearing because of the outstanding issue of the extra firefighter.

Councilwoman Cunningham made a motion, seconded by Councilman McKean to keep the public hearing open:

ROLL CALL:

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

The public hearing remained open.

8. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department General Order #103.1, "General Regulations"

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

RESOLVED, that the proposed revision of the City of Rye Police Department Manual, General Order #103.1 "General Regulations," be revised as proposed to reinstate a smoking policy proposed.

9. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department General Order #103.6, "Use of Shotguns"

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

RESOLVED, that the proposed revision of the City of Rye Police Department Manual, General Order #103.6 "Use of Shotguns" be revised as proposed to be re-titled "Deployment of Special Weapons" reflecting guidelines for new equipment.

10. Authorization for City Manager to enter into an Intermunicipal Agreement with the County of Westchester for Enhanced 911 Service

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

RESOLVED, that the City Manager is hereby authorized to enter into an Intermunicipal Agreement with the County of Westchester for Enhanced 911 Service commencing July 11, 2003 through July 10, 2008.

11. Authorization for City Manager to enter into an Intermunicipal Agreement with the County of Westchester for the purpose of allowing distribution of specialized equipment for first responders to Weapons of Mass Destruction incidents

City Manager Shew said New York State had received a grant from the Federal Government for the purchase of specialized equipment and said the City must enter into an Intermunicipal Agreement with the County in order to receive the equipment.

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

RESOLVED, that the City Manager is hereby authorized to enter into an Intermunicipal Agreement with the County of Westchester for distribution of specialized equipment.

The following agenda items were deferred:

12. Miscellaneous communications and reports
13. Old Business
14. New Business
15. Draft unapproved minutes of the regular meeting of the City Council held November 19, 2003 and Special Meeting with the Board of Fire Wardens held on November 19, 2003
16. Adjournment

There is no further business to discuss, Councilman McKean made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn the meeting at 12:35 A.M.

Respectfully submitted,

Susan A. Morison
City Clerk