

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on February 25, 2004 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor  
FRANKLIN J. CHU  
ROBERT S. CYPHER  
MATTHEW FAHEY  
DUNCAN HENNES  
ROSAMOND LARR  
HOWARD G. SEITZ  
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 announced that two Rye Garnet teams had reached the sectional playoffs. The boy's Rye hockey team will play this weekend in Pelham, and the girl's basketball team will play at the County Center on Saturday, February 28. He offered congratulations to both teams on their successes to date.

Mayor Otis wished Happy 100<sup>th</sup> Birthday on February 27, 2004 to Edith Read, a long-time resident of Rye who has contributed so much over the years as a City Councilwoman, Chair of the Conservation Commission, and contributor to many other Rye organizations.

The following Agenda Item was heard at this time.

13. Acceptance of donation from Rotary Club of Rye in the amount of Five Thousand (\$5,000.00) Dollars for purchase and installation of scoreboard at new Disbrow Park baseball field

Arthur Stampleman, Rye Rotarian, explained that the Rotary was an International Humanitarian Service Organization with worldwide interests (such as eradicating polio and sponsoring student exchange programs), founded 100 years ago. He said the Rotary Club of Rye, founded 42 years ago, has been asked to make a donation to a community project in honor of Rotary International's centennial. He said they would like to donate a scoreboard to the new Disbrow Park Ball Field with the condition that the name of the Rotary Club of Rye, and mention that the gift is in honor of the Rotary centennial, be mentioned on the sign.

Councilman Seitz made a motion, seconded by Councilman Hennes, to adopt the following resolution:

**WHEREAS**, the Rotary Club of Rye has expressed their desire to donate \$5000 dollars to the City of Rye for the purchase and installation of a scoreboard at the new Disbrow Park baseball field; and

**WHEREAS**, the only condition of this gift is that the name of the Rotary Club of Rye and mention that the gift is in honor of the Rotary centennial be mentioned on the sign; and

**WHEREAS**, the 2004 budget did not anticipate the donation or use of the donated funds; now, therefore, be it

**RESOLVED** that the gift be accepted with the stated condition, and be it further

**RESOLVED**, that the City Comptroller is authorized to amend the fiscal 2004 Building and Vehicle Maintenance Fund budget for project number 6637119 Recreation fields as follows:

Increase Revenues – gifts and donations	\$5000
Increase Appropriations – parks Improvements	\$5000

**ROLL CALL:**

**AYES:** Mayor Otis, Councilwoman Chu, Cypher, Fahey, Hennes,  
Larr, and Seitz

**NAYS:** None

**ABSENT:** None

Mr. Edward Herbster, Treasurer of the Rotary Club of Rye, presented the City Clerk with a check for \$5000 from the Rye Rotary Foundation, Inc.

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

Eugene McGuire, President of the Rye Historical Society, gave an update to the Council on the plans for Rye's Centennial as a Village (1904-2004) and urged everyone to attend the opening lecture by Professor Kenneth Jackson at the Osborn on Sunday, March 7, followed by a reception. Other events include the opening of the Society's first Centennial Exhibit on March 9 entitled "Small Town, Big People," and the first of a series of panel discussions on April 25 entitled "Cultural Organizations in Rye."

Sis D'Angelo, Wappanocca Avenue, reported more garbage at the gas station at the corner of her street and Purchase Street and wanted the City to clean it up. She was informed that progress has still not been completed on assigning a court guardian and it continued to be illegal for the City to clean up the property and place a lien on it. Corporation Counsel Kevin Plunkett said private citizens trying to do the clean-up could be cited for trespassing.

(After some discussion it was agreed that agenda items 4 and 5 should be acted upon together following a discussion and presentation concerning the Damiano Center project.)

Damiano Center Project and Discussion

Mayor Otis reported the Council had met twice (on February 19 and 23) with the Recreation Commission to discuss the various needs of the center in an effort to bring new Council Members up to speed on the scope and history of the project.

*Doug French*, Chairman of the Rye Recreation Commission, said all members of the Commission were united in wanting to move this valuable project forward. His power point presentation made the following points. 1) "Damiano is a Community Center" and they envision a great facility that enhances the quality of life and delivers programs to all segments of the community. 2) "We have Outgrown Damiano" which was built 45 years ago and is unable to meet the current needs of Rye citizens, based on current trends. The fundamental core needs are: a 150 person multi-purpose room and a dedicated space for seniors, and alternatives such as using the McDonald Building or the Schools, are not feasible. 3) "People Want It and Approved It" after much analysis and a positive 68% to 32% vote at a June 2002 referendum. 4) "People Use It" with attendance at programs from over 20 groups up 21% from 2002 to 2003. 5) "This is a good deal providing quality space for the long-term at a good price." Over \$400K has already been expended on the project and it is estimated increased costs of over \$500K will result if the project is delayed. 6) Accepting the 2<sup>nd</sup> lowest bid for the HVAC system does not require additional funds; it just shifts 2% of the funds from other sources (\$10K from the bid forfeit; \$40K deducted from the project; and \$65 from the Recreation Department's gift catalog fund collected from donations over the years and earmarked for recreational use).

Other members of the Recreation Commission spoke in favor of the project. *Scott Florio* said the Center enhances the quality of life in Rye and is a significant asset to the community, one of the few places which prevents the polarization of residents by offering a community gathering place for those who don't have other places to gather (private homes, clubs, etc.) or even for those that do. *Tom Fendler* said the total cost of this project amounts to ten cents/day for each individual in Rye and he questioned how the Council could increase the contribution to

the Library budget by 25% and not approve this project. *Bobbi Billington* read a letter from *Jennifer McGrath Fall*, adult manager of Wildside, a Rye Youth Council organization for teens, which is in desperate need of additional space as it provides a gathering place and “something to do” for increasing numbers of Rye’s youth.

Many other members of the community also spoke in favor of the project. *Alex Pisionere*, liaison for the Youth Advisory Committee, spoke of the support of this whole group citing the benefits to Wildside and the needs of a gathering place for teens. *Nick Reed*, her co-chair, concurred. *George Cady*, President of the Rye Youth Council, said our schools have grown, but not any recreation space. *Lucy Rodriguez*, Milton Road, said how disturbing it was to see a vote being overturned and *Lisa Dempsey*, 2 Marlene Court concurred, saying there is a huge need for expansion of the center and not to let it go forward is unethical. *Ann McCarthy*, 24 Central Avenue, questioned why the Council would not feel bound by a 68% approval vote. *David Wells*, 33 Mead Place, concurred. Both former Council Members *Carolyn Cunningham* and *Doug McKean* said they stood by their votes to go ahead, convinced this was a needed and valuable project and the project needs to go ahead. *Arthur Stampleman*, another former Council Member, concurred, saying the Council was breaking an implied contract with those who voted for the bond issue and reminded everyone that using the schools for anything brings high custodial costs. *Tom Olson*, Newberry Place and Cub Scout leader, said using the schools was both difficult and much more expensive. *Esther Martensen*, President of the Rye Seniors Group, said the seniors were very upset, feeling that everyone always takes priority over their needs and they need the center. *Ralph Vallone*, 108 Midland Avenue, said it was frustrating for the seniors, that they have paid their dues and the Council should find a way to make this happen. *Joe Murphy*, 57 Franklin Avenue, said the number of seniors is growing; that recreation is a means of public safety because it keeps people occupied; that the citizens have spoken; and the Council should find the strength of Medal of Honor winners to vote in favor of the project.

Several members of the public commended the Council for questioning the project. *Sam Abernethy*, 3 Maple Drive, said Rye was a superb town with excellent administration, but can the City afford to build a “Cadillac” of buildings? *Norm McMaster* said the debate was good, but given the taxes we have now (and will have) it is good to have the courage to look at the issue. *Jono Peters*, a 20 year Rye citizen said “this group” (those in the audience) is what makes Rye special and if the City had infinite resources it would do everything, but the voters have most recently spoken in the last election saying they want fiscal restraint. He agrees the seniors need space, but other groups should look elsewhere and everyone should work together to find better solutions. *Sis D’Angelo* said other groups (like the Y and the Library) were able to expand with private funds and urged the Council to take a vote so everyone could go home.

Members of the City Council spoke to the issue. Speaking in favor of proceeding with the project, Mayor Otis said he felt this was for the whole community rather than just recreation; that it is a plan long in the making; the money is already appropriated; and the City cannot just go and sell the bonds back to the Bond Company. He spoke about Rye’s debt in general saying the City’s debt is not a big part of our budget; that some debt is good; that we have a Moody’s Aaa rating, but that property taxes are, as they are for all communities, a big problem. He said some tax relief is coming with the increase in sales tax and some school rebates, but that this project is not adding debt not already in place and the City needs dedicated senior space and a large room all in one building.

Councilman Chu said it was hard to distinguish what the majority interests of the City are, especially if you think that only 21% of the people voted in the referendum and he feels that circumstances are different from when the referendum was passed. He recognizes a clear need for dedicated space for seniors, but has reservations about the whole project because of escalating costs. He considers the project meritorious, but discretionary rather than essential. Councilman Seitz agreed about the dedicated space for seniors, but wondered if there is really a need for a 150 person room. He also suggested the Council go back and explore a more modular form of construction (such as a Butler building) which would cost significantly less per square foot. He did not feel the Council needed to approve this set of contracts, but rather should explore what can be done for less.

Councilman Hennes questioned why the City needs to spend \$2.9M when the schools are asking for \$22M and wants to explore how to better share resources (the speakers in favor of the project pointed out the schools are already full to capacity and the costs are greater for using their space, in addition to the fact that school facilities will be under construction and not available over the next few years). He said it is a great project but citizens have felt pain as taxes have gone way up and the Council needs to make sure it is really needed; that all needs are prioritized and absolutely necessary. He said since the referendum was passed people cast their votes in November indicating a desire for fiscal responsibility, so he feels more bound by that vote than the referendum vote and feels he was elected to look out for the City as a whole, to keep taxes low enough so people can stay in their houses. He said he was in favor of building dedicated space for seniors and suggests using a portion of the bond funds to plan and construct a smaller building for less money. He said the money left over, which cannot be used for the Locust Fire House project, could be used to buy Treasury bonds with which to pay the interest and this would increase the City's debt capacity for needs in future years. City Comptroller Michael Genito further explained that the funds authorized by the referendum must be used only to pay down recreation debt; that any unused funds can be placed in a reserve fund, but the City is not allowed to make money on it. He acknowledged if you did not use the funds it could result in lowering taxes 2%, but he is not familiar with any other community that has done this and it would be highly unusual.

Councilman Fahey acknowledged everyone had worked hard and had made a good case and were it the only issue to be addressed he would vote in favor of going ahead, but there are other needs and he has to look at the whole picture. Councilwoman Larr, in a prepared statement, spoke about the fiduciary responsibility of the Council to be sound stewards of City finances and their obligation to address all legitimate needs and interests of the community in the most cost effective manner. She said, standing alone, this was a great project, but in the long-term interest of Rye, she will not vote to proceed with this project, but will support looking at a cost effective Senior Center as well as other priority recreational needs.

Councilman Cypher, strongly in favor of going ahead with this project, said he was elected to preserve the quality of life in addition to addressing financial concerns and asked what the Council was going to do for the quality of life of the many people, in addition to seniors, who use the Damiano Center. He said no money would be saved in building a separate facility for seniors and that it is not only seniors who need the building. He said the voters made an informed choice and killing the project by not approving the contract for HVAC is a breach of

faith with the voters, the Recreation Commission, the seniors and the youth of our community. He said it was sad that the Council was only focusing on the needs of seniors and that no one was listening to the needs of our youth; that their numbers have doubled and the schools cannot provide a viable alternative. He believes everyone needs this project; that going forward it meets those needs; and that it is good financial sense for everyone. He concluded by saying the upcoming vote will either keep the faith with the people of Rye or do them a great disservice.

4. Resolution to rescind bid awarded to All-Temp Heating & Cooling, Inc. for Damiano Center Additions and Alterations, HVAC system

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

**RESOLVED**, that the bid awarded to All-Temp Heating and Cooling, Inc. for Damiano Center Additions and Alterations, HVAC system in the amount of \$220,000 be rescinded, the company having failed to provide adequate security bonding.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes,  
Larr and Seitz  
NAYS: None  
ABSENT: None

5. Resolution to award bid for Damiano Center Additions and Alterations, HVAC system to Frank & Lindy Plumbing & Heating, Inc

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

**RESOLVED**, that the City Manager is hereby authorized to accept the bid from Frank & Lindy Plumbing and Heating, Inc. in the amount of \$334,700, being the second lowest bid meeting specifications for Damiano Center Additions and Alterations, HVAC system.

ROLL CALL:

AYES: Mayor Otis and Councilman Cypher  
NAYS: Councilmen Chu, Fahey, Hennes, Larr and Seitz  
ABSENT: None

The resolution failed to pass by a vote of 5 to 2.

6. Appeal of FOIL request denial made by Rye Police Department

City Manager Paul Shew asked the Council to consider the appeal of a Freedom of Information Law (F.O.I.L.) request for reports and documents submitted to the Police Department by an independent investigator. He said the denial was made by the Police Commissioner in a letter dated Feb. 11, 2004, based on attorney/client privilege and the fact that a Court upheld the City's decision to deny access to the document in 1999.

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

**RESOLVED**, that the Council of the City of Rye upholds the decision by the City of Rye to deny a Freedom of Information Law request for reports and documents submitted to the Police Department by an independent investigator on the basis of attorney/client privilege.

7. Consideration of resolution requiring that any Board, Commission or Committee wishing to make a presentation to the Council submit a written report or outline of proposal 10 days prior to the City Council Meeting

Councilman Seitz asked the Council to consider a resolution requiring Boards, Commissions or Committees wishing to make a presentation to the Council to submit a written report or outline 10 days before the Council Meeting so the Council can have the information in advance and be able to respond in an informed manner. He said his suggestion applies to formal presentations rather than to ad hoc comments and its intent was to improve discussion. Former Councilmember Arthur Stampleman suggested a further definition of "presentation" and the Mayor said the wording, as presented, might appear to make the suggestion more hard and fast than intended. It was decided that Mr. Seitz fine-tune his resolution in terms of flexibility and timing and that it be circulated to all Boards, Commissions and Committees as well as non-profits normally making presentations to make sure they had no difficulty with the concept.

8. Presentation of Phase II Notice of Intent regarding stormwater regulations.

City Manager Paul Shew described the federal mandate from the Environmental Protection Agency requiring under Phase II that the City develop a 5-year Stormwater Management Plan. This plan has been developed by the City's Engineering Department to increase the understanding of proper stormwater management techniques. There are six major categories: Public Education and Outreach, Public Involvement, Illicit Discharge Detection and Elimination, Construction Site Stormwater Runoff Control, Post Construction Stormwater Management, and Pollution Prevention. Each category is broken down by year. City Engineer George Mottarella reported this is the City's plan to meet Phase II, that we will be monitored and held liable for polluting the Sound. This mandate is aimed at keeping stormwater clean and although there is some Federal funding, the cost of capital construction will eventually be very large (it will include new sewers, more street sweeping, etc) and the cost to residents will be like another utility tax. LISWIC (Long Island Sound Watershed Intermunicipal Council), which has

proposed creating stormwater districts, is awaiting news of a grant to further study the idea. Joe Murphy, Chairman of the Conservation Commission/Advisory Committee, warned that Rye is a wetland and the City should be careful not to overdevelop.

9. Consideration of request of the planning committee for the 2004 Festival 'Round the Green for use of the Village Green and surrounding area for the 2004 event.

Councilwoman Larr made a motion, seconded by Mayor Otis and unanimously carried, to grant the request of the planning committee for the 2004 Festival 'Round the Green for use of the Village Green and surrounding area (including access to City Hall restrooms and use of the hallway and, in the event of rain, use of Council Chambers and the hall for table set up) for this year's event to be held on Saturday, September 18, 2004.

10. Resolution to transfer funds from Contingency to City Council – Celebrations

City Manager Shew said there were many celebrations for the centennial of the founding of the Village of Rye being planned and while most are being supported by private funds it would be appropriate for the City to make a contribution toward the cost of some of the initiatives. He said while specific needs have not yet been fully identified, it would make sense for the Council to adopt a budget now so that separate requests for each idea do not have to be adopted individually.

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

**WHEREAS**, the year 2004 marks the City of Rye centennial of Rye being incorporated as a Village in 1904, and

**WHEREAS**, General Municipal Law provides that funds may be appropriated for the purpose of honoring the centennial, and

**WHEREAS**, the 2004 budget as adopted did not provide an appropriation for honoring the centennial; now, therefore, be it

**RESOLVED**, that the City Comptroller is authorized to amend the fiscal 2004 General Fund budget by transferring \$20,000 from Contingency to City Council – Celebrations.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes,  
Larr and Seitz

NAYS: None

ABSENT: None



11. Consideration of request of Rye Merchants Association for permission to hang banners on Purchase Street and Purdy Avenue in connection with Rye's Centennial

Sally Wright, President of the Rye Merchants Association, and Kristina Bicher, Director of the Rye Historical Society, presented the idea of having centennial banners on Purchase Street and Purdy Avenue up between March and October, 2004. They presented a design for the banner that will be double-sided and asked if the City liked the idea and would like to be a partner with the Rye Merchants Association and the Historical Society in purchasing and hanging the banners. The total cost of the project will be about \$4500; the Merchant's Association will contribute \$2000 plus the cost of the graphic artist.

Councilman Hennes made a motion, seconded by Mayor Otis and unanimously carried, to approve the idea of the centennial banners and to share in the cost of producing and hanging them.

12. Consideration of Rye Merchants Association proposal for a Farmers Market for the City of Rye

Sally Wright, President of the Rye Merchants Association asked the Council to consider having a Farmers Market on Sundays in the shopping district. She said she had always wanted to do such a thing; that it would be fun and festive; that the Merchant's Association would sponsor it, but the outside vendor, Community Markets, would manage it and provide Rye with a stipend. She does not anticipate the need for any police at this time. June and Ho, which sells produce, is closed on Sundays, and The Country Store, which does minor produce business, will be consulted. City Manager Shew said a similar market took place in Ossining, with great success.

Mayor Otis made a motion, seconded by Councilman Hennes and unanimously carried, to approve the concept and authorized Ms. Wright to proceed with the plan.

13. Acceptance of donation from Rotary Club of Rye in the amount of Five Thousand (\$5,000.00) Dollars for purchase and installation of scoreboard at new Disbrow Park baseball field

This agenda item was moved to the top of the agenda (see page 2).

14. Authorization for the City Manager to enter into a Stop-DWI Patrol Project Reimbursement Contract with the County of Westchester for 2004

Mayor Otis asked the Council to authorize the City Manager to renew an annual contract required for Rye's Police Department to participate in the 2004 STOP-DWI Patrol/Datamaster Project and be eligible for reimbursement.

Councilman Fahey made a motion, seconded by Councilman Hennes, to adopt the following resolution:

**RESOLVED**, that the City Manager be authorized to enter into a 2004 Stop-DWI Patrol/Datamaster Project Reimbursement Contract with the County of Westchester for the 2004 calendar year.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes,  
Larr and Seitz

NAYS: None

ABSENT: None

15. Resolution ratifying the appointment of one member to the Emergency Medical Services Committee for a term ending June 30, 2007

Councilwoman Larr made a motion, seconded by Mayor Otis and unanimously carried, to approve the appointment of David Byrnes, the Village of Port Chester Community Representative, to the Emergency Medical Services Committee for a three-year term ending June 30, 2007.

16. One appointment to the Traffic & Transportation Committee to fill a term expiring January 1, 2006.

Mayor Otis made a motion, seconded by Councilman Hennes and unanimously carried, to approve the appointment of Matthew Carmody to the Traffic & Transportation Committee to fill a term expiring January 1, 2006.

17. Resolution considering environmental action required for drainage system located within Highland Road and Onondaga Street

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

**WHEREAS**, the City Council has determined that the enhancement of the existing drainage system located within Highland Road and Onondaga Street is an Unlisted Action pursuant to the New York State Environmental Quality Review Acts (SEQRA), now, therefore be it

**RESOLVED**, that the City Council finds, based on its review of the Environmental Assessment Form (EAF), the criteria listed in Section 617.7 (c) of SEQRA and the complete record, that the proposed action will not have a significant adverse environmental impact due to the nature and extent of the proposed improvements and the modest nature of reasonably expected impacts.

18. Resolution authorizing bonding for 2004 Capital Improvement Projects

City Manager Shew said the Council had before them two resolutions, prepared by the City's bond counsel authorizing bonding for two capital improvement projects authorized in the 2004 budget to be funded by the Environmental Facilities Corporation.

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

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$150,000 SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF PUBLIC WORKS VEHICLES FOR USE IN AND FOR SAID CITY FOR ENVIRONMENTAL MAINTENANCE PURPOSES.**

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

**WHEREAS**, it is now desired to authorize the financing of said capital project; now, therefore, be it

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

**Section 1.** For the class of objects or purposes of paying the cost of the acquisition of public works vehicles, each of which vehicles costs in excess of \$30,000, for use in and for the City of Rye, Westchester County, New York for environmental maintenance purposes, including incidental expenses in connection therewith, at a maximum estimated cost of \$150,000, there are hereby authorized to be issued \$150,000 serial bonds of the City of Rye, Westchester County, New York, pursuant to the provisions of the Local Finance Law.

**Section 2.** It is hereby determined that the plan for the financing of the aforesaid class of objects or purposes shall consist of the issuance of the \$150,000 serial bonds of said City authorized to be issued pursuant to this bond resolution.

**Section 3.** It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

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

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

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

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

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

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

**Section 9.** The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local

Finance Law is hereby delegated to the City Comptroller. Such notes shall be of such terms, form and contents as may be prescribed by said City Comptroller consistent with the provisions of the Local Finance Law.

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

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

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

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

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

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

**Section 15.** It is hereby determined that the obligations authorized pursuant to this resolution are to be sold to the New York State Environmental Facilities Corporation and that, pursuant to Paragraph D of Section C21-9 of the City Charter, this resolution is effective immediately.

ROLL CALL:

AYES: Mayor Otis, Councilwoman Chu, Cypher, Fahey, Hennes,  
Larr, and Seitz

NAYS: None

ABSENT: None

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

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$200,000 SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS SURFACE DRAINAGE IMPROVEMENTS THROUGHOUT THE CITY TO CONTROL RUNOFF AND PREVENT FLOODING IN AND FOR SAID CITY.**

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

**WHEREAS**, it is now desired to authorize the financing of said capital project; now therefore be it

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

**Section 1.** For the class of objects or purposes of paying the cost of various surface drainage improvements throughout the City to control runoff and prevent flooding, in and for the City of Rye, Westchester County, New York, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$200,000, there are hereby authorized to be issued \$200,000 serial bonds of the City of Rye, Westchester County, New York, pursuant to the provisions of the Local Finance Law.

**Section 2.** It is hereby determined that the plan for the financing of the aforesaid class of objects or purposes shall consist of the issuance of the \$200,000 serial bonds of said City authorized to be issued pursuant to this bond resolution.

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

**Section 4.** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Any such sale shall be to the New York State Environmental Facilities Corporation. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

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

property in said City a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

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

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

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

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

**Section 10.** The City Comptroller is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the

effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

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

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

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

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

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

**Section 15.** It is hereby determined that the obligations authorized pursuant to this resolution are to be sold to the New York State Environmental Facilities Corporation and that, pursuant to Paragraph D of Section C21-9 of the City Charter, this resolution is effective immediately.

AYES: Mayor Otis, Councilwoman Chu, Cypher, Fahey, Hennes,  
Larr and Seitz

NAYS: None

ABSENT: None

19. Resolution to authorize additional expenditure of police donation funds for police footwear

Councilman Fahey made a motion, seconded by Councilman Hennes, to adopt the following resolution:

**WHEREAS**, on December 17, 2003 the City Council authorized the City Comptroller to reimburse City of Rye police officers for the purchase of Army surplus Oakley boots a maximum of seventy-seven (\$77) dollars per officer for all



but two officers who were eligible for reimbursement of one hundred fifty (\$150) dollars; and

**WHEREAS**, subsequent to the December 17, 2003 authorization, it was learned that the pricing of the boots had increased; and

**WHEREAS**, the Rye Police Association (“RPA”) has requested an increase in the reimbursement amount as follows: a maximum of ninety (\$90) dollars for thirty-six (36) pairs of boots; one pair of shoes at seventy (\$70) dollars; as well as a forty (\$40) shipping charge and up to one hundred fifty (\$150) dollars for the two officers whose sizes could not be accommodated by the vendor, all reimbursements subject to the presentation of receipts, and

**WHEREAS**, sufficient funds exist in the police donations account to comply with the aforementioned request of the RPA; now therefore, be it

**RESOLVED**, that the City Comptroller is authorized to reimburse City of Rye police officers for the purchase of Army surplus Oakley boots in accordance with the terms and conditions of the aforementioned RPA request.

AYES: Mayor Otis, Councilwoman Chu, Cypher, Fahey, Hennes,  
Larr and Seitz

NAYS: None

ABSENT: None

20. Bid for Automotive Parts and Machine Shop Services

The bid tab is as follows:

**Automotive Parts & Machine Shop Services  
Bid # 1-04**

NAME OF BIDDER	Mendel’s Truck & Auto Parts	Tri-City Auto Parts
<b>Category 1 Passenger Cars and Light Truck Parts</b>		
	<b>Items</b>	<b>Percentage</b>
C1	Brake Shoes & Linings	45
C1	Brake Parts	45
C1	Bearings	50
C1	Brass Fittings	42
C1	Carburetors	No Bid
C1	All Clutch Assemblies	50
C1	Exhaust Parts	50
C1	Electric Switches & Wiring	48
C1	New Fuel Pumps	45

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C1	Gaskets & Gasket Sets	45	40
C1	Headlights	45	50
C1	Hose Clamps	30	50
C1	Hoses & Belts	45	50
C1	Ignition Equipment	45	50
C1	Mirrors & Lamps	50	40
C1	Shock Absorbers	45	50
C1	Seals	50	45
C1	Water Pumps	45	50
C1	Filters	45	55
C1	Windshield Wiper Products	45	50
C1	Chassis Front End Parts	50	45
C1	Batteries	35	40
C1	Starters and Alternators	45	50
C1	Bolts, Nuts, Washers, Etc.	40	30

**Category 2 Heavy Duty Truck Parts - 21,000 to 45,000 GVU**

C2	Brake Parts	40	30
C2	Starters & Alternators	40	30
C2	Exhaust Parts	40	30
C2	PTO Clutch Assemblies	40	30

**Category 3 Machine Shop Services**

	<b>Items</b>	<b>Amount</b>	<b>Amount</b>
C3	Flywheels Cut to 12"	25.00	30.00
C3	Flywheels Cut to 12" or Over	34.00	45.00
C3	Driveshafts Rebuilt	20.00 per end	25.00
C3	King Pins Fitted	35.00 per pair	75.00
C3	King Pins w/I Beams	70.00	150.00
C3	Brake Bands Relined	20.00/hour	Time & Material
C3	Brake Shoes Relined	8.00 each	110.00
C3	V-8 Heads Rebuilt	90.00	110.00
C3	6 Cylinder Heads Rebuilt	80.00	90.00
C3	4 Cylinder Heads Rebuilt	70.00	75.00
C3	4 OHC Heads Rebuilt	100.00	150.00
C3	Pistons Changed Over and Cleaned	8.00	10.00
C3	Axles Bearings and Related	15.00	20.00
C3	Press Work (per bearing)	15.00	20.00
C3	Heavy Duty Brake Drums 16" & Up (price cut per inch)	5.00 per inch	6.00
C3	Passenger Car & Light Duty Truck up to 14" Drums	12.00	15.00
C3	Rotors	12.00	13.50
C3	Unltd. Shop Work (per hour)	35.00/hour	50.00

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

**RESOLVED**, that Bid #1-04 for Automotive Parts and Machine Shop Services is hereby awarded to Tri-City Automotive Parts and Mendel's Truck & Auto Parts as follows:

Tri-City Automotive Parts

Category 1

Group 1	Brake Shoes & Linings
Group 1A	Brake Parts
Group 2	Bearings (same as Mendel's Truck)
Group 4	Carburetors
Group 7	Electric Switches & Wiring
Group 10	Headlights
Group 11	Hose Clamps
Group 12	Hoses & Belts
Group 13	Ignition Equipment
Group 15	Shock Absorbers
Group 17	Water Pumps
Group 18	Filters
Group 19	Windshield Wiper Products
Group 20	Chassis Front End Parts
Group 21	Batteries
Group 22	Starter & Alternators

Mendel's Truck & Auto Parts

Category 1

Group 2	Bearings
Group 3	Brass Fittings
Group 5	All Clutch Assemblies
Group 6	Exhaust Parts
Group 8	New Fuel Pumps
Group 9	Gaskets & Gasket Sets
Group 14	Mirrors & Lamps
Group 16	Seals
Group 20	Chassis Front End Parts
Group 23	Bolts,Nuts,Washers, Etc.

Category 2

Group 1	Brake Parts
Group 2	Starter & Alternators
Group 3	Exhaust Parts
Group 4	PTO Clutch Assemblies

Category 3

Flywheel Cut to 12"  
Flywheel Cut to 12" and Over  
Driveshafts Rebuilt  
King Pins Fitted  
Kind Pins w/I Beam  
Brake Bands Relined

Brake Shoes Relined  
V-8 Heads Rebuilt  
6 Cylinder Heads Rebuilt  
4-Cyl. Heads Rebuilt  
4 OHC Head Rebuilt  
Pistons Changed Over & Cleaned  
Axles Bearing and Related  
Press Work (per bearing)  
Heavy Duty Break Drums 16" & Up  
(price cut per inch)  
Passenger Car & Light Duty Truck up  
to 14" Drums  
Rotors  
Unltd. Shop Work (per hour)

AYES: Mayor Otis, Councilwoman Chu, Cypher, Fahey, Hennes,  
Larr and Seitz  
NAYS: None  
ABSENT: None

21. Consideration of Resolution to set date for Referendum on Locust Avenue Firehouse Renovations for April 27, 2004

City Manager Shew said that the Fire Department was looking for the passage of a series of resolutions which would set an election date for a referendum to approve enough bonds to reconstruct the Locust Avenue firehouse according to the original plan (Plan A). He said the most recent Calgi Construction report breaks down the latest costs of construction, estimating that the construction will take place in 2005. Plan A, estimated to cost \$4.65M in 2002 will now cost \$5.65M, necessitating an additional \$3.65M to be added to the \$2M remaining from the 1999 bond referendum. Plan B, estimated to cost \$3.6M in 2002 will now cost \$4.24M, or \$2.24M in additional revenue. The Mayor asked John McDwyer, Chair of the Building Committee, to explain the differences between Plans A and B and why A is preferable.

Mr. McDwyer explained that Plan B looks only to the next 10 years, rather than the 40-50 years for which the Milton Firehouse was reconstructed. It merely upgrades what we now have with the bare essentials and no room for growth of extra dorm space and barely meeting ADA and OSHA requirements. Plan A has the ability to expand and increase the facilities should there be more career men; bathrooms can be moved and meet ADA requirements and deferring the complete plan will cost more ten years from now when they have to return to the Council for additional improvements. He said the project had already been put off for two years and it is time to get started as further delays will only cost more in the long run. He said they would have to wait for the referendum before getting started, even though the schematics and design phase is 80% done, but approval tonight would allow an early 2005 start which would allow them to take advantage of next January's favorable bid schedule. He reiterated that just fixing the roof won't be enough, that everything is connected; everything needs ADA compliance and just using the remaining \$2M from the 1999 bond is not a good solution. He suggested that if the referendum

was enough to fully cover Plan B, it might be possible to get some of Plan A's improvements included. He promised to work with the construction companies to see if they can get the costs down further.

Councilmen Chu, Seitz and Larr all expressed concern over the escalation of costs and wanted to know if there was a fall-back plan if the referendum fails (not really, it won't work as there is severe deferred maintenance and putting it off further will increase costs even more); Councilman Cypher said he thought the firemen had presented a good plan in good faith. The Mayor said it is hard when you have things that have to get done; that Plan B was going to be easier to sell to the voters; that doing less than B would be more costly in the long run. He said all the bonds did not have to be floated at once, but he hoped the process could get started as we would not want to miss the time to get a good price. Councilman Hennes thanked the firemen for helping the new Council Members to understand the problem and said he understood why Plan C (moving headquarters to Milton) or Plan D (one firehouse) would be unacceptable, particularly because of the ISO rating. He agreed the condition of Locust is appalling. His preference was to do what one could with the \$2M and spend what more was absolutely necessary, but he was unsure about how much that would be. Peter Donohue, member of the board of Fire Wardens, said the firemen know what has to be done and urged the Council to make the tough decision to authorize at least Plan B; to balance the fine line between due diligence and micromanagement.

After further discussion, the Council agreed that authorization of a bond referendum for Plan B made sense. Councilman Hennes said he would like to be invited to all the Building Committee meetings and Mr. McDwyer agreed that two Councilmen and a limited number of Commission Members would be more than welcome to attend meetings and be a part of the planning process and use all chances to cut costs. Councilman Chu reiterated his stated position that should the referendum fail, there be no second one at least until the General Election in November.

Mayor Otis made a motion, seconded by Councilwoman Larr and unanimously carried, to reaffirm a SEQRA resolution stated below as passed by the Council in July 21, 1999 stating the Locust Avenue Fire Department Headquarters are not subject to SEQRA.

**WHEREAS**, the Rye City Council proposes to fund reconstruction of the Locust Avenue Fire Department Headquarters and the Milton Point Fire House with serial bonds, and

**WHEREAS**, the Rye City Council has compared the proposed actions to the requirements of the New York State Environmental Quality Review Act and 6 NYCRR Part 617 the Rules and Regulations, and

**WHEREAS**, the Rye City Council finds that the proposed actions are Type II Actions, actions not subject to review, pursuant to 6 NYCRR Part 617, now, therefore, be it

**RESOLVED**, that the Rye City Council finds that the proposed actions are not subject to review under the New York State Environmental Quality Review Act and, therefore, no further action is required.

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

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,240,000  
SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY,  
NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OR  
RECONSTRUCTION OF VARIOUS CITY-OWNED BUILDINGS.**

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

**WHEREAS**, it is now desired to authorize the financing of such capital projects; now therefore be it

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

**Section 1.** For the class of objects or purposed of paying the cost of the construction or reconstruction of various City-owned buildings in and for said City, such buildings being class "A" buildings within the meaning of subdivision 11 of said paragraph, including incidental improvements and expenses, as a maximum estimated cost of \$2,240,000, there are hereby authorized to be issued \$2,240,000 serial bonds of the City of Rye, Westchester County, New York, pursuant to the provisions of the Local Finance Law.

**Section 2.** It is hereby determined that the plan for the financing of the aforesaid class of objects or purposed shall consist of the \$2,240,000 serial bonds of said City authorized to be issued pursuant to this bond resolution

**Section 3.** It is hereby determined that the period of probably usefulness of the aforesaid class of objects or purposed is twenty-five years, pursuant to subdivision 93 of paragraph a of Section 11.00 of the Local Finance Law, as each item of the aforesaid class of objects or purposes shall have a period of probably usefulness of at least twenty-five years under subdivisions 11 or 12 of said paragraph a.

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

**Section 5.** The faith and credit of said City of Rye, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and

interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

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

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

**Section 9.** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 10.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

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

**Section 11.** This resolution authorizes the issuance of bonds in an amount in excess of \$2,683,837, which is ten percent of the average of the gross annual budget of the City for the preceding three years. Accordingly, this resolution is subject to the approval of a majority of the qualified voters voting at a general or special election, pursuant to paragraph A of Section C21-9 of the City Charter. If approved by a majority of such voters, this resolution shall be published in full in *The Journal News*, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**ROLL CALL:**

**AYES:** Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes, Larr  
and Seitz

**NAYS:** None

**ABSENT:** None

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

**A RESOLUTION CALLING A SPECIAL ELECTION OF THE  
QUALIFIED VOTERS OF THE CITY OF RYE, WESTCHESTER  
COUNTY, NEW YORK, IN ACCORDANCE WITH SECTION C21-9 OF  
THE CHARTER OF SAID CITY, AND PROVIDING FOR OTHER  
MATTERS IN CONNECTION THEREWITH.**

**WHEREAS**, the City Council of the City of Rye, Westchester County, New York, on February 25, 2004 adopted a resolution authorizing the issuance of \$2,240,000 serial bonds of said City to pay the cost of the construction or reconstruction of various City-owned buildings, subject to a referendum in accordance with the provisions of Paragraph A of Section C21-9 of the Charter of said City; and

**WHEREAS**, it is now desired to call a special election of the qualified voters of said City for the purpose of submitting a proposition for the approval or disapproval of said bond resolution; now, therefore, be it

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

**Section 1.** A special election of the qualified voters of the City of Rye, Westchester County, New York, shall be held on the 27th day of April, 2004, a date at least sixty (60) days from the date hereof in accordance with Section C5-3 of the Charter of the City, for the purpose of voting upon the proposition



hereinafter set forth. Qualified voters for said special election shall be those who are qualified to vote for the election of officers of said City.

**Section 2.** The polls at said special election shall be kept open between the hours of 6:00 A.M. and 9:00 P.M., Prevailing Time, which hours are hereby designated as the hours of voting. Voting at said special election shall be by voting machine. The single polling place for said special election is hereby designated to be City Hall, 1051 Boston Post Road, in Rye, New York for all 14 Election Districts.

**Section 3.** The City Clerk is hereby authorized and directed to cause notice of such special election to be given by publication once a week for two (2) weeks preceding the date of the referendum in *The Journal News*, the official newspaper of said City. Such notice, and the form of the proposition to be submitted at said special election, shall be in substantially the following form, to-wit:

### **NOTICE OF SPECIAL ELECTION**

**NOTICE IS HEREBY GIVEN** that, pursuant to Section C21-9 of the Charter of the City of Rye, Westchester County, New York, a special election of the qualified voters of said City shall be held at the polling place hereinafter set forth, on the 27th day of April, 2004, for the purpose of voting by voting machine on the adoption or rejection of the following resolution.

#### **A RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,240,000 SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OR RECONSTRUCTION OF VARIOUS CITY-OWNED BUILDINGS.**

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

**WHEREAS**, it is now desired to authorize the financing of such capital projects; now therefore be it

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

**Section 1.** For the class of objects or purposed of paying the cost of the construction or reconstruction of various City-owned buildings in and for said City, such buildings being class "A" buildings within the meaning of subdivision 11 of said paragraph, including incidental improvements and expenses, as a maximum estimated cost of \$2,240,000, there are hereby authorized to be issued \$2,240,000 serial bonds of the City of Rye, Westchester County, New York, pursuant to the provisions of the Local Finance Law.

**Section 2.** It is hereby determined that the plan for the financing of the aforesaid class of objects or purposed shall consist of the \$2,240,000 serial bonds of said City authorized to be issued pursuant to this bond resolution

**Section 3.** It is hereby determined that the period of probably usefulness of the aforesaid class of objects or purposes is twenty-five years, pursuant to subdivision 93 of paragraph a of Section 11.00 of the Local Finance Law, as each item of the aforesaid class of objects or purposes shall have a period of probably usefulness of at least twenty-five years under subdivisions 11 or 12 of said paragraph a.

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

**Section 5.** The faith and credit of said City of Rye, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

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

**Section 8.** All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with

other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

**Section 9.** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 10.** The validity of such bonds and bond anticipation notes may be contested only if:

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

**Section 11.** This resolution authorizes the issuance of bonds in an amount in excess of \$2,683,837, which is ten percent of the average of the gross annual budget of the City for the preceding three years. Accordingly, this resolution is subject to the approval of a majority of the qualified voters voting at a general or special election, pursuant to paragraph A of Section C21-9 of the City Charter. If approved by a majority of such voters, this resolution shall be published in full in *The Journal News*, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The single polling place for said special election shall be the City Hall, 1051 Boston Post Road, in Rye, New York for all 14 Election Districts.

Qualified voters at said special election shall be those who are qualified to vote for the election of officers of said City. Application forms for absentee ballots will be available at the Office of the City Clerk until the day before such special election or may be requested by mail not earlier than the thirteenth day nor later than the seventh day before the special election and as provided by Section 8-400 of the Election Law.

The completed application form for an absentee ballot must be either mailed to the City Clerk not later than seven days before the date of such special election or delivered to the City Clerk not later than the day before such special election. Absentee ballots must be either received by the City Clerk before the close of the polls on April 27, 2004 or postmarked or endorsed not later than April 26, 2004 and received by the City Clerk not later than May 5, 2004 as provided in Section 8-412 of the Election Law.

The polls will be kept open for said election during the aforesaid hours and the proposition will be in substantially the following form, to wit:

**PROPOSITION**

Shall the bond resolution adopted by the City Council of the City of Rye, Westchester County, New York on February 25, 2004, authorizing the issuance of \$2,240,000 serial bonds of said City, to pay the cost of the construction or reconstruction of various City-owned building in and for said City, such buildings being class "A" buildings within the meaning of subdivision 11 of said paragraph, including incidental improvements and expenses, at a maximum estimated cost of \$2,240,000, delegating the power to issue serial bonds and bond anticipation notes to the Comptroller, pledging the faith and credit of said City for the payment of such bonds and notes, determining that the period of probably usefulness of such project is twenty-five years, and containing an estoppel provision, be approved?

Such projects have been determined to constitute a Type I Action in accordance with the provisions of the State Environmental Quality Review Act which will not have a significant adverse impact on the environment and for which a negative declaration has been adopted by the City Council, as lead agency.

**Section 4.** Said special election shall be conducted in the manner prescribed by the Election Law to the extent not inconsistent with the Charter of the City of Rye, Westchester County, New York, and the provisions of this resolution.

**Section 5.** This resolution shall take effect immediately.

**ROLL CALL:**

**AYES:** Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes, Larr  
and Seitz

**NAYS:** None

**ABSENT:** None

Agenda Items 22-25 (Miscellaneous Items to be discussed, Old Business, New Business and Approval of Minutes) were postponed to the next meeting.

26. Adjournment

As there was no further business to discuss, Councilman Cypher made a motion, seconded by Councilman Hennes and unanimously carried, to adjourn the meeting at 1:35 A.M.

Respectfully submitted,

Susan A. Morison  
City Clerk