

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on April 21, 2004 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor  
FRANKLIN J. CHU  
MATTHEW FAHEY  
ROBERT S. CYPHER  
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.

Announcements

Mayor Otis reminded everyone about the annual Midland Fair Parade to be held Saturday, April 24, 2004.

Mayor Otis reminded everyone about the Special Election to vote on the Locust Avenue Bond Referendum to be held Tuesday, April 27, 2004 from 6:00 A.M. to 9:00 P.M. He said the referendum has the unanimous support of the City Council and voters should avail themselves of the chance to visit the Locust Avenue Fire House during an open house to be held Saturday, April 24, 2004 from 11:15 A.M.-2:00 P.M. to view the deteriorated condition of the facility for themselves.

Councilman Cypher said the annual Tom Palazzo Lacrosse Tournament, raising money for scholarships, would be held in Rye on Friday evening, April 23, 2004.

2. Roll Call

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

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

The Mayor announced that Joe Murphy, advocate for the Rye Seniors, and various members of the Rye Senior Citizens Group had indicated a wish to address the Council on the subject of the Damiano Center. Councilman Seitz made a motion, seconded by Councilman Fahey, to delay their comments until the end of the meeting when the matter could be discussed as "Old Business." Mayor Otis, joined by Councilman Cypher, said the Council's practice was to hear items not on the agenda at the beginning; that such a suggestion was not fair; sets a bad precedent, and would offer less chance for discussion. In addition it is a matter of courtesy and etiquette to let those attending speak in the normal established order. After some discussion, Councilman Hennes offered a compromise by suggesting that the Council report on Damiano plans now, rather than at the end of the meeting, so the seniors could make comments based on the latest plans.

Councilman Cypher, liaison to the Rye Recreation Commission and a member of the Damiano Building Subcommittee, reported that two plans were being discussed: 1) enlarging the existing big room, on two levels, for a total hard cost of about \$6-700,000 and 2) a somewhat scaled back plan from the original for about \$1.3 million. He said the first plan had been received negatively as it is seen as a mere band-aid; the second plan (which addresses the needs of teens and storage as well as dedicated Senior space) has elicited more positive reaction. He said the Rye Youth Council plan to rebuild the MacDonald Building is also on the table and would be a savings to the City. Councilman Chu, also part of the committee, said he had heard no consensus for either plan; that there were no decisions made to date, and that both estimated costs did not reflect additional soft costs. He said the next step would be to refine the costs and be able to present a firmer plan to the Council. Councilwoman Larr said all versions, including a possible third plan still being developed, provide for increased meeting space and dedicated Senior Space. She said everyone is trying to work hard to find the best plan without spending so much. Councilman Seitz said he thinks the message is clear the project should be in the \$600K range. Councilman Hennes made it clear that he considers this project a "Senior Center" rather than a "Community Center" and that the schools must be able to provide for teenagers and children. He said he would vote against any plan asking for more than \$1,000,000 and said he hoped the committee would get that message and that there would be more input from seniors and less from Recreation. Councilmen Fahey, Hennes and Seitz indicated they would like to see more speed in the planning progress and wanted a firm plan by the next Council meeting on May 5, 2004. Councilman Cypher said starting plans all over again takes longer than just a month or two.

Mayor Otis said he was looking for maximum value for each dollar spent and he will be looking for that value in the plans, hoping that the planners will remember the many needs as outlined in the Master Plan and the specific need to have multiple spaces for multiple activities. He said he understands that many seniors are unhappy with the current situation. He urged them to give the new plans a chance and, despite being angry, to recognize the needs of the Locust Avenue Fire House as a matter of public safety and vote in favor of the referendum. As a personal plea, he asked everyone to put their misgivings about Damiano aside and vote in support of Rye's firemen. Councilman Hennes supported this plea, saying he was totally in favor of two firehouses, pointing out that they are asking for the bare minimum in money to make the working conditions acceptable; that we owe this to Rye's firemen and, furthermore, it

would cost tax payers more if the City's ISO insurance rating went up because we failed to fix up Locust Ave.

Councilman Fahey made a motion, seconded by Councilman Seitz and unanimously carried, to open the floor at this time to the public.

*Joe Murphy*, 57 Franklin Avenue, representing the Rye Seniors, said they had heard of plans 1 and 2. He said plan 1 would be a waste of money and why bother with it at all. Plan 2 is more acceptable. He said seniors are active, not just lounging around in big chairs. Several members of the audience spoke in favor of proceeding as originally planned. *Millie Passerino*, 39A Peck Avenue, said she hopes to still be around when the building is built, if it is ever built; *Jessie Harper*, 19 Walnut Avenue, a life-long Rye resident, said the Seniors are not the only people who need improvements at Damiano; *Anna Farrell*, 60 Palisade Rd, a resident since 1925, was concerned about whether any vote in Rye would count after the Damiano vote was rescinded. All speakers, including *Marjorie Orzo*, 66 Milton Road, expressed misgivings about their decision to vote for the latest slate of Councilmen.

Councilman Seitz said they had heard only that people wanted their taxes lowered and that was what they were trying to do. Councilman Hennes concurred saying he was also fulfilling his promise to slow down the rate of tax increase and cut back on the debt. He said it was hard to cut and hard to say no, but that is what he has to do. The Mayor reiterated again that the City of Rye can afford to carry the debt it has and even add to it during this favorable borrowing time.

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

Mayor Otis made a motion, seconded by Councilman Hennes and unanimously carried, to approve the election of Peter Cotter as Fire Chief; John Wickham as 1<sup>st</sup> Assistant Chief; and Peter Donahue as 2<sup>nd</sup> Assistant Chief on April 8, 2004. The Mayor recognized Chiefs Wickham and Donahue who were in the audience.

5. Proclamation honoring outgoing Fire Chief George Hogben

Mayor Otis recognized outgoing Fire Chief George Hogben, saying he had done a terrific job and thanking him for all his good work. Mayor Otis made a motion, seconded by Councilman Hennes to adopt the following resolution honoring Chief Hogben:

***WHEREAS**, George Hogben has served the City of Rye as a volunteer firefighter and chief; and*

***WHEREAS**, George epitomizes the true essence of what a firefighter should be; and*

*WHEREAS, George has given generously of his time, talent, and professionalism and has provided the highest standard of service in all his endeavors; and*

*WHEREAS, George has been an enthusiastic, and hardworking firefighter who is committed to improving the quality of life for the community; and*

*WHEREAS, his service exemplified his commitment and concern for the safety and protection of the residents of the City of Rye; and*

*WHEREAS, George has exhibited special dedication to the highest standards of the Fire Department; and*

*WHEREAS, his record of service is deserving of commendation and our sincere appreciation; and*

*WHEREAS, George has won the respect and admiration of his fellow firefighters and all those fortunate enough to know and work with him;*

*NOW, THEREFORE, the City Council pauses in its deliberations to congratulate George Hogben for his distinguished service and wish him success and happiness in all his future endeavors.*

*Signed and sealed this 21st day of April 2004.*

*Steven Otis, Mayor*

6. Proclamation proclaiming April 30<sup>th</sup> as Arbor Day in the City of Rye

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

*WHEREAS, Arbor Day is now observed throughout the nation and the world; and*

*WHEREAS, trees can reduce soil erosion, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and*

*WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and*

*WHEREAS, trees are a source of joy and spiritual renewal; and*

***WHEREAS**, the City of Rye has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting ways;*

***NOW, THEREFORE, BE IT RESOLVED** that the City Council pauses in its deliberation to proclaim April 30, 2004 as ARBOR DAY in the City of Rye, and urges all citizens to support efforts to care for our trees and woodlands, and to support our City's community forestry program; and be it further*

***RESOLVED**, that the Council urges all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.*

*Signed and sealed this 21st day of April 2004.*

*Steven Otis, Mayor*

7. Resolutions to approve EFC financing of sewer pump stations, the Kirby Lane sewer, the Highland/Onondaga drain and a street sweeper

City Manager Shew explained that financing projects through the New York State Environmental Facilities Corporation (EFC) was favorable to the City and by approving resolutions expressing intent to borrow, the City keeps its place in the state pool. He said if the Kirby Lane project does not go through there is no obligation to borrow funds. Councilman Hennes said he would like to see a planned schedule of payments.

Councilman Hennes made a motion, seconded by Councilman Fahey, to adopt the following resolutions as provided by the approving financing by the EFC of sewer pump stations, the Kirby Lane sewer, the Highland/Onondaga drain and a street sweeper:

Resolution Authorizing Sewer Pump Stations

**WHEREAS**, the City of Rye, New York herein called the "Applicant", after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as *Sewer Pump Stations* and identified as *CWSRF Project Number C3-5299-02-00*, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

**WHEREAS**, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state may receive capitalization grants under the Water Quality Act; and

**WHEREAS**, the State of New York has, pursuant to the State Water Pollution Control Revolving Fund Act, Chapter 565 of the Laws of New York 1989, as amended (the “CWSRF Act”) established in the custody of the New York State Environmental Facilities Corporation (the “Corporation”) a water pollution control revolving fund (the “Fund”) to be used for purposes of the Water Quality Act; and

**WHEREAS**, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

**WHEREAS**, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

**WHEREAS**, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects; now, therefore be it

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

- 1) The filing of an application for CWSRR assistance in the form required by the Corporation in conformity with the CWSRA Act is hereby authorized, including all understandings and assurances contained in said application
- 2) The following person is directed and authorized as the official representative of the Applicant to execute and deliver an application for CWSRA assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Applicant as may be required: *Michael A. Genito, City Comptroller*
- 3) The official designated above is authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both
- 4) One certified copy of this Resolution shall be prepared and sent to the New York State Environmental Facilities Corporation, 653 Broadway, Albany, New York 12207-2997
- 5) The Resolution shall take effect immediately.

Resolution Authorizing Kirby Lane Sewer

**WHEREAS**, the City of Rye, New York herein called the “Applicant”, after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as *Kirby Lane Sewer* and identified as *CWSRF Project Number C3-5399-03-00*, herein called the “Project”, is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

**WHEREAS**, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the “Water Quality Act”), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state may receive capitalization grants under the Water Quality Act; and

**WHEREAS**, the State of New York has, pursuant to the State Water Pollution Control Revolving Fund Act, Chapter 565 of the Laws of New York 1989, as amended (the “CWSRF Act”) established in the custody of the New York State Environmental Facilities Corporation (the “Corporation”) a water pollution control revolving fund (the “Fund”) to be used for purposes of the Water Quality Act; and

**WHEREAS**, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

**WHEREAS**, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

**WHEREAS**, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects; now, therefore be it

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

- 1) The filing of an application for CWSRR assistance in the form required by the Corporation in conformity with the CWSRA Act is hereby authorized, including all understandings and assurances contained in said application
- 2) The following person is directed and authorized as the official representative of the Applicant to execute and deliver an application

for CWSRA assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Applicant as may be required: *Michael A. Genito, City Comptroller*

- 3) The official designated above is authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both
- 4) One certified copy of this Resolution shall be prepared and sent to the New York State Environmental Facilities Corporation, 653 Broadway, Albany, New York 12207-2997
- 5) The Resolution shall take effect immediately.

Resolution Authorizing Highland/Onondaga Drain

**WHEREAS**, the City of Rye, New York herein called the “Applicant”, after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as *Highland/Onondaga Drain* and identified as *CWSRF Project Number to be determined*, herein called the “Project”, is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

**WHEREAS**, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the “Water Quality Act”), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state may receive capitalization grants under the Water Quality Act; and

**WHEREAS**, the State of New York has, pursuant to the State Water Pollution Control Revolving Fund Act, Chapter 565 of the Laws of New York 1989, as amended (the “CWSRF Act”) established in the custody of the New York State Environmental Facilities Corporation (the “Corporation”) a water pollution control revolving fund (the “Fund”) to be used for purposes of the Water Quality Act; and

**WHEREAS**, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

**WHEREAS**, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

**WHEREAS**, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects; now, therefore be it

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

- 1) The filing of an application for CWSRR assistance in the form required by the Corporation in conformity with the CWSRA Act is hereby authorized, including all understandings and assurances contained in said application
- 2) The following person is directed and authorized as the official representative of the Applicant to execute and deliver an application for CWSRA assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Applicant as may be required: *Michael A. Genito, City Comptroller*
- 3) The official designated above is authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both
- 4) One certified copy of this Resolution shall be prepared and sent to the New York State Environmental Facilities Corporation, 653 Broadway, Albany, New York 12207-2997
- 5) The Resolution shall take effect immediately.

Resolution Authorizing 2004 Street Sweeper

**WHEREAS**, the City of Rye, New York herein called the "Applicant", after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as *2004 Street Sweeper* and identified as *CWSRF Project Number to be determined*, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

**WHEREAS**, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state may receive capitalization grants under the Water Quality Act; and

**WHEREAS**, the State of New York has, pursuant to the State Water Pollution Control Revolving Fund Act, Chapter 565 of the Laws of New York 1989, as amended (the “CWSRF Act”) established in the custody of the New York State Environmental Facilities Corporation (the “Corporation”) a water pollution control revolving fund (the “Fund”) to be used for purposes of the Water Quality Act; and

**WHEREAS**, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

**WHEREAS**, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

**WHEREAS**, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects; now, therefore be it

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

- 1) The filing of an application for CWSRR assistance in the form required by the Corporation in conformity with the CWSRA Act is hereby authorized, including all understandings and assurances contained in said application
- 2) The following person is directed and authorized as the official representative of the Applicant to execute and deliver an application for CWSRA assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Applicant as may be required: *Michael A. Genito, City Comptroller*
- 3) The official designated above is authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both
- 4) One certified copy of this Resolution shall be prepared and sent to the New York State Environmental Facilities Corporation, 653 Broadway, Albany, New York 12207-2997
- 5) The Resolution shall take effect immediately.

ROLL CALL:

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

8. Designation of the official polling places of the City of Rye for all elections and authorization for the City Clerk to request a waiver of accessibility requirements for Milton School Gymnasium which does not meet the accessibility standards for the disabled

City Clerk Morison recommended to the Council that the polling places remain the same for this election year because it is a Presidential year and a large turnout is expected so it will be less confusing than changing. She said when Milton School, which is non-ADA compliant, is closed for renovations it will be necessary to make changes for these voters and eventually the Milton Fire House will be used again. She said when polling places need to be adjusted because of various construction projects it might be time for the Council to consider other adjustments as well, such as consolidation of some polling places in Whitby Castle.

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

**RESOLVED**, that the Council of the City of Rye hereby designates the following locations as the official polling places for all the elections.

District No. 1	The Carriage House, Jay Heritage Center
District No. 2	The Osborn, in the Strathcona Building
District No. 3	City Hall, Council Chambers
District No. 4	City Hall, Council Chambers
District No. 5	Milton School Gymnasium, Hewlett Av.
District No. 6	Rye Middle School Gymnasium
District No. 7	Damiano Recreation Center, Midland Av.
District No. 8	Damiano Recreation Center, Midland Av.
District No. 9	Disbrow Park, Public Works Building, (Old Garage) Oakland Beach Avenue
District No.10	Rye Middle School Gymnasium
District No.11	City Hall, Council Chambers
District No.12	Osborn School Gymnasium, Osborn Road
District No.13	Milton School Gymnasium, Hewlett Av.
District No.14	The Osborn, in the Strathcona Building

**RESOLVED**, that the Council of the City of Rye hereby authorizes the City Clerk to request a waiver of the accessibility requirements for Milton School Gymnasium which does not meet the accessibility standards for the handicapped.

9. Authorization for City Manager to enter into contracts as recommended by Cable TV Committee

City Manager Shew reported that Rye Cable TV is in the renegotiation phase for the next contract and there are three agreements for proposed consultants, each to bring different skills to the process that need to be negotiated. He said the committee (John Carey, Marvin Goldstein and Doris Blank) have been working hard and this is the next step. Councilman Chu said the deliberations have been good and, even at this early stage, good progress has been made. The costs for these consultants come from the Cable TV Fund. The next steps are highly technical and need experts. Mayor Otis suggested evaluating the need for a consultant to set up focus groups, and, while the City Manager will take a hard look, it was the consensus of the Cable Committee that conducting focus groups of this kind takes a lot of expertise. *John Carey*, 860 Forest Avenue, said they were simply asking the City Manager to negotiate the best prices possible with the consultants.

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

**RESOLVED**, that the City Manager is hereby authorized to enter into contracts with consultants as recommended by the Cable TV Committee.

ROLL CALL:

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

10. Discussion of Long Island Sound Waterborne Transportation Plan

Mayor Otis discussed a plan to use the Playland pier as part of a Long Island Sound Waterborne Transportation proposal. He said the pier had historically been used only for pleasure and adding extra traffic during the summer would be a nightmare for Rye. He proposed setting up a meeting with the planning group to discuss the City's reservations. He said hopefully this would be enough to drop Rye from the list of terminals; if not, the City's reservations would be documented. The Council unanimously and emphatically supported the Mayor's proposal to strongly oppose this concept because of the detriment to the community in all ways including traffic, environmental deterioration, safety costs, security for parked cars. Councilman Cypher pointed out the perfect combination of a parking lot, pier, major highway connections and a County needy for revenue would make Playland an attractive location, much as Rye was an attractive location for a Long Island Sound Bridge in the days of Robert Moses. The Mayor said he would set up a meeting at a time when as many of the Council Members as possible could attend.

11. Discussion of Occupancy Tax Issue

Councilman Seitz, who had proposed imposing an occupancy tax in the City, reported the Council was in receipt of a memorandum from the Corporation Counsel, Kevin Plunkett, saying there is precedent for imposing such a tax, but it would require enabling legislation from the State. He said the Finance Committee was in favor of the idea and that the estimated revenue, at 5%, could be as high as \$250,000 per year to the City (based on assumptions about gross Marriott revenues). Councilman Cypher inquired whether other neighboring communities had instituted similar taxes and the Mayor said we need to find out to what extent the state legislature will entertain a raise in taxes. Saratoga County's cumulative (County plus City) is 6%. Are there higher rates in other parts of the State? The Mayor said passing the required legislation could take several months at least and, because of the time of the year, it is important to move the project ahead quickly in order to get the proposed legislation up to Albany in time to be considered during this legislative session. Councilman Hennes applauded this effort to raise revenue without burdening the property tax payers, and urged haste in obtaining necessary information.

12. Resolution to amend 2004 General Fund budget – Conservation Commission

Manager Shew said this was a “housekeeping” financial adjustment and said he would get back to Councilwoman Larr about why the Conservation Commission had their own budget.

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

**WHEREAS**, the City of Rye anticipates receiving at least \$4,000 in wetlands determination fees to the credit of the Conservation Commission cost center; and

**WHEREAS**, the wetlands determination fee was created to fund the services of a wetlands determination consultant; and

**WHEREAS**, the fiscal 2004 General Fund adopted budget did not provide for the receipt of the aforementioned revenues or the use of such funds for a wetlands determination consultant; now, therefore, be it

**RESOLVED**, that the City Comptroller is authorized to amend the fiscal 2004 General fund Conservation Commission budget as follows:

Increase Revenues – Wetlands Determination Fees	\$4,000
Increase Appropriations – Consultants	\$4,000

ROLL CALL:

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

NAYS: None

ABSENT: None

13. Authorization for City Manager to execute an Extension Agreement to Agreement between the City and the Port Chester-Rye-Rye Brook Volunteer Ambulance Corps, Inc. for a term of five years effective July 1, 2004 through June 30, 2009

City Manager Shew said the existing agreement between the City and the Port Chester-Rye Brook Volunteer Ambulance Corps, Inc. has worked successfully for many years and it is time to renew the agreement for another five years. Councilwoman Larr, liaison to the corps, agreed saying the service is cost effective (versus a private service) and high quality; that it is a tremendous resource for the community; and both the professionals and volunteers are truly admirable.

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

**RESOLVED**, that the City Manager is hereby authorized to execute an Extension Agreement to Agreement between the City and Port Chester-Rye-Rye Brook Volunteer Ambulance Corps, Inc. for a term of five years effective July 1, 2004 through June 30, 2009.

ROLL CALL:

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

NAYS: None

ABSENT: None

14. Acceptance of donation to the Rye Police Department from Barbara J. Santangelo in the amount of Two Hundred Fifty (\$250.00) Dollars

Councilman Fahey made a motion, seconded by Councilwoman Larr to adopt the following resolution with appreciation and with condolences to Mrs. Santangelo on the loss of her husband.

**WHEREAS**, Barbara J. Santangelo desires to donate Two Hundred Fifty (\$250) Dollars to the rye Police Department; and

**WHEREAS**, the fiscal 2004 General Fund budget did not anticipate these donations; now, therefore, be it

**RESOLVED**, that the City Council of the City of Rye accepts the aforementioned donations; and be it further

**RESOLVED**, that the City comptroller is authorized to amend the fiscal 2004 General Fund budget as follows:

Increase Deferred Revenues – Police Donations \$250.00

ROLL CALL:

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

NAYS: None

ABSENT: None

15. Consideration of request of “Festival ‘Round the Green” Committee to hang their banner on the front of City Hall during the Festival to be held on September 18, 2004

City Manager Shew said the City Engineer was exploring whether or not a banner could be hung on the outside of City Hall. The Council delegated the decision as to whether or not it could be to the City Manager. If not, it will be placed on the Village Green as in the past.

16. Bids for annual sidewalk program

City Manager Shew presented the recommendation from the City Engineer for the annual sidewalk program and recommended that it be accepted. The bid tabulation appears on the following page.

Name of Bidder	Barreto Construction	WJL Equities Corp.	Acocella Contracting	Carino Management
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#	Items	Quantity	Unit	Total	Unit	Total	Unit	Total	Unit	Total
C 105	Concrete Sidewalk	850 S.Y.	\$58.05	\$49,342.50	\$62.00	\$52,700.00	\$63.00	\$53,550.00	\$63.00	\$53,550.00
C 105 D	Conc. Driveway Aprons	130 S.Y.	\$60.75	\$7,897.50	\$75.00	\$9,750.00	\$77.00	\$10,010.00	\$72.00	\$9,360.00
C 105 SR	Conc. Sidewalk Ramp	5 Each	\$1,000.00	\$5,000.00	\$450.00	\$2,250.00	\$700.00	\$3,500.00	\$1,200.00	\$6,000.00

Contractor's Total	\$62,240.00	\$64,700.00	\$67,060.00	\$68,910.00
<b>Engineer's Total</b>	<b>\$62,240.00</b>	<b>\$64,700.00</b>	<b>\$67,060.00</b>	<b>\$68,910.00</b>
Position	1	2	3	4
% Above Low Bidder	0.00%	3.95%	7.74%	10.72%

Name of Bidder	Peter J. Landi, Inc.			
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#	Items	Quantity	Unit	Total						
C 105	Concrete Sidewalk	850 S.Y.	\$68.00	\$57,800.00						
C 105 D	Conc. Driveway Aprons	130 S.Y.	\$81.00	\$10,530.00						
C 105 SR	Conc. Sidewalk Ramp	5 Each	\$500.00	\$2,500.00						

Contractor's Total	\$70,830.00			
<b>Engineer's Total</b>	<b>\$70,830.00</b>			
Position	5			
% Above Low Bidder	13.80%			

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

**RESOLVED**, that Contract 2004-02 Annual Sidewalk Program be, and is hereby awarded to Barreto Construction, being the lowest bidder meeting specifications in the amount of \$62,240.

ROLL CALL:

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

17. Miscellaneous communications and reports

Councilman Chu reported on the Commerce Bank situation on the Post Road/Mamaroneck border saying the Mamaroneck Planning Commission will be meeting again and are expected to comment, but make no decisions. He said a large group in the area has successfully organized and have gained a lot of unexpected concessions (such as the number of lights, drive-through windows) from the applicant. He said the traffic study is still not being addressed satisfactorily. Mayor Otis commended Christian Miller, City Planner, and Brian Dempsey, Chair of the Traffic and Transportation Committee, and the committee for their efforts.

Councilman Chu exhibited a copy of the Rye Neck School Budget he found to be an informative and quality document. He said the budget calls for a 10% increase which, with Rye's equalization rate results in a 24% school tax increase for Rye residents in the school district and only 4% for Rye Town residents. He said hopefully this situation will be helped by our request for another segment rate review, but the disparity is still highly punitive.

The City Council was agreed that it would be beneficial to meet again with the Rye Neck Schools and asked the City Manager to set up such a meeting.

Councilwoman Larr reminded the Council that they have been invited to march in the always popular Midland School Fair and that this year, because of the Centennial celebrations, some of the children will be making a presentation of a gift to the City prior to the start of the parade.

Councilman Seitz reported on the Read Sanctuary road situation saying the County is now presenting two alternatives: one through the Manursing Island Club and the second through the sanctuary. He said a report was expected in May.

18. Old Business

Councilman Seitz reiterated the importance of addressing the deer population problem in Rye, citing six separate issues: Public Health (increase chance of Lyme Disease); traffic safety; loss of property values; landscaping damage; humane issues and over population to the detriment of the deer. The City Manager reported on some of the options saying the cost of removal ranges from \$110-\$800 per deer; fertility control is not an option; and hunting is most likely not an option. High fencing would require review of the existing fence ordinance. According to Councilwoman Larr, Princeton, N.J. apparently rounds up deer and shoots them. The Mayor said it is against existing City law to use firearms for hunting purposes and bow and arrow hunting, while an option, presents a separate set of difficulties. The Council asked the public to let the City know their views on how to handle this growing problem and Councilman Hennes suggested a subcommittee be established (including the Police Commissioner and the City Naturalist) to try and find a solution to both the deer and the geese.

19. New Business

There was no new business discussed, except for the need for Council members to show respect for one another.

20. Draft unapproved minutes of the regular meeting of the City Council held March 31, 2004 and Special Meeting on Parking held on April 7, 2004

Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to approve the minutes of the regular meeting of the City Council held March 31, 2004.

Councilwoman Larr made a motion, seconded by Councilman Chu, and unanimously carried, to approve the minutes of the special meeting of the City Council on parking held April 7, 2004.

21. Adjournment

There is no further business to discuss, Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to adjourn the meeting at 10:50 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk