

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on May 19, 2004 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
FRANKLIN J. CHU
ROBERT S. CYPHER
MATTHEW FAHEY
DUNCAN HENNES
ROSAMOND LARR
H. GERRY 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 Assistant City Manager/Comptroller Michael Genito would be sitting in for City Manager Paul Shew and that Lino Sciarretta would be representing Corporation Counsel Kevin Plunkett.

Mayor Otis reported with pleasure that the Court of Appeals had upheld by a vote of 6-0 a ruling in favor of the City of Rye and individual City Council Members in the long-standing case involving Home Depot. With the ruling, the \$50 million lawsuit, begun in the 1990s, is hopefully finally over, vindicating Rye's position that individual Council members should not be able to be sued. He thanked all those involved, including former Corporation Counsel Richard Gardella, present Corporation Counsel Kevin Plunkett, former City Manager, Frank Culross, all the different City Councils united in protecting the City's interests, Bob Herman who argued our case, and Bill Harrington, who represented former Mayor Ted Dunn. He said the City is vindicated and it is a good day, not only for Rye taxpayers, but for all communities.

Presentation by the Rye Youth Advisory Committee

Courtney Burke, Grandview Avenue, and Shane Donovan, Central Avenue, representing the Rye Youth Advisory Committee, reported on their Committee's progress. They said they were thrilled to be a part of the Committee and to be able to help the community. The Committee has set by-laws, elected officials and addressed various needs and issues which include 1) places to go (sponsoring a speaker to talk about where they can or cannot "hang"); 2) diverse activities (maybe a fun "Miss Rye Beach" pageant); and 3) drugs and alcohol (starting an awareness program in the Middle School). They reported two of their members have enjoyed being part of the Damiano Building Committee and the Beautification Committee and announced a Clean-up Day on Saturday, May 22nd.

Councilman Cypher said how much he had enjoyed working with them and the Mayor thanked the Committee for all its good work.

3. Presentation of Preservation Award by Landmarks Advisory Committee to Diane Moran for her contributions in preserving historic buildings in Rye.

Sid Burke, Chairman of the Landmarks Advisory Committee, said it was traditional during National Preservation Week for their Committee to recognize a contribution to Rye Landmarks and this year he is honored to present the award to Diane Moran, former Chairman of their Committee who had made a tremendous contribution to the preservation of Rye. He welcomed Ms. Moran to the podium.

Diane Moran said she was overwhelmed to receive the award, saying it has been exciting to live in a city with three centuries of architectural treasures (ranging from the 17th century Knapp House, to the Square House, to the grand mansions of the Historic Boston Post Road District, to the charming chapel and schoolhouse in old Mill Town, to the 20th century treasures of Kirby Lane North, to the incomparable Frank Lloyd Wright house). She said it had been wonderful to work collaboratively with the Council over the years; to work with Karen Kennedy to help get the Landmarks Law enacted (making it possible to save the Jay Property from development); to work so closely with the Board of Architectural Review to renovate Whitby Castle; and to have an opportunity to make such close friends. She said the Landmarks Advisory committee is an invaluable resource for our community and it has been a pleasure to work with them to conserve Rye's signature buildings.

Councilwoman Larr said it had been her pleasure to serve as liaison to Landmarks for all those years when Ms. Moran was Chair and to be able to learn from her. Mayor Otis thanked Ms. Moran for her extraordinary 20-year record of service and said Rye wouldn't look the way it does if it had not been for all her good work.

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

WHEREAS, Diane Moran was a member of the Rye Landmarks Committee for over 20 years, serving as its Chairman for many of those years; and

WHEREAS, during her tenure, Diane helped to save several of the most significant buildings in Rye, including the Jay Mansion, the Parsons Estate, Whitby Castle and the Knapp House; and

WHEREAS, she has positively influenced the renewal and revival of Purchase Street by granting awards for thoughtful rehabilitation, renovation and new construction appropriate in style and scale to the main street of a small town; and

WHEREAS, Diane brought dedication, thoughtful reflections and purposeful action in preserving the historical character of Rye; and

WHEREAS, the week of May 17, 2004 has been designated as National Preservation Week; and

WHEREAS, the Rye Landmarks Committee periodically presents an award to a person who embodies the spirit of historical preservation in our community;

NOW, THEREFORE, BE IT RESOLVED, that the City Council pauses in its deliberations to present Diane Moran with the 2004 Historic Preservation Award for the City of Rye; and be it further

RESOLVED, that the City Council expresses its appreciation to Diane Moran for the many contributions she has made to Rye to preserve the character and nature of the City of Rye and congratulates her on receiving this prestigious award.

Signed and sealed this 19th day of May 2004.

Steven Otis, Mayor

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

Patricia Larkin addressed the Council on the state of Purchase Street asking what the use of parking meters would be if there was nothing on the street but banks and restaurants. She said there are no little stores where you can buy anything useful. She understands the right of owners to rent to whom they want, but Purchase Street is like "Death Valley Days" and it is time to make a stand, because soon there will be nothing on the street to bring anyone there.

Aurthur Stampleman, Milton Road, thanked the Council for its support of Rye's Centennial and presented each with a brochure outlining the Centennial events of the year and with a Centennial flag (available at the Square House along with mugs, and t-shirts). He invited everyone to attend this month's panel on the "History of Rye's Religious Institutions" at the Library on Sunday, May 23rd at 4 P.M.

Sis D'Angelo, Wappanocca Avenue, made her regular appeal for progress at the gas station on the corner of Wappanocca and Purchase. Councilwoman Larr reported a relative of the owner had been located in Toronto and would be brought down to help sort out the legal matters. The Mayor assured Mrs. D'Angelo the Council would like to see progress as much as she would.

Mrs. Katherine Bayha, Natoma St., noted \$37,500 was being set aside for a skate park which is nice for Rye's youth, but wanted to know when the Senior Citizens will hear about Damiano Center plans. She was assured she would have been welcome at the Recreation Commission presentation on May 12; and that the plans would be presented soon.

Councilman Seitz said he was sad to see Moraio's Florist leave Purchase Street and thought the Council should honor them in some way at the next meeting.

5. Public Hearing on a proposed Local Law Amending Chapter 128, Local Improvement Assessments, of the Code of the City of Rye by renumbering § 128-2 Resolution to initiate local improvements as § 128-2(A) and creating a new § 128-2(B)

The Mayor opened the public hearing to consider a proposed local law amending Chapter 128 of the Code of the City of Rye to require that petitions filed with the City requesting the City undertake a local improvement be signed by a super majority of those property owners who would benefit from the improvement. He said such an approach was fairly common and the proposed law was not created just for a current situation on Kirby Lane North, but sets a policy to be applied city-wide. Therefore, he asked what percentage should constitute a super majority. Is 75% (the percentage used in the draft law) too high, or should it be dropped to a two-thirds majority? The Council agreed that they retain the right to override the vote of a community in the interests of health and safety.

Several residents of Kirby Lane North, the community first to be affected by this new procedure, spoke about the need for establishing a sewer district and advocating a lower percentage be considered a super-majority. *Tony Spaeth* read a letter from *Isobel Perry* suggesting that 75% might be too high in their case and urging the Council to exercise their right to override, should it be necessary. He concurred that the percentage should be lower. *Darcy Gibson* concurred, as did *Christine and Bob Sacks*, 330 Grace Church Street. *Debby Nye* and *Nicholas Ovsinnikoff* asked why bother with a petition for Kirby Lane North as the problem has been going on for years. *Rex Gedney* confirmed that installing private lines was possible but could lead to future problems; that lots of private agreements are less advisable than doing things as a whole and would be an environmental nightmare. *Mike Roth*, Kirby Lane, pointed out this provision was only the first step in a residents-generated project. City Engineer, *George Mottarella* confirmed it is Step 1 that would need to be followed up by a firmer commitment. He

reiterated the discussion should concentrate on setting a policy for the City that he could use as a guideline in future situations.

Councilman Chu asked if it was possible for naysayers to be excluded, and said it is important to have a high threshold of acceptance before setting up a special district. Councilman Hennes said it is important that a small number of people in a community not be able to impose their desires on a much larger number so it is a good idea to have some kind of a majority desire before setting up a special district. Further discussion ensued about the value, or not, of having a lower percentage considered a "super majority" and whether or not the proposed law was even necessary. Mayor Otis made a motion, seconded by Councilman Hennes and unanimously carried, to close the public hearing.

Mayor Otis made a motion, seconded by Councilwoman Larr that the proposed law be adopted with the percentage set at two-thirds of the total property owners, or 66^{2/3}% .

**PROPOSED LOCAL LAW
CITY OF RYE
LOCAL LAW NO. 1 2004**

**A Local Law amending Chapter 128, Local
Improvement Assessment, by renumbering Section 128-2
to Section 128-2 (A) and adding Section 128-2 (B)**

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

Section 1. Current Section 128-2 of the Code of the City of Rye is hereby amended and renumbered as follows:

§ 128-2

A. Resolution to initiate local improvement.

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

Section 2. A new section 128-2 of Chapter 128 of the Code of the City of Rye is hereby created to read as follows:

B. Petition to initiate local improvements.

Upon a petition filed with the City Clerk requesting that the City undertake a local improvement, duly signed and authenticated by the property owners who own more than sixty-six and two-thirds (66^{2/3}%)

percent of the lots and parcels which would benefit by the requested local improvement, the Council may by resolution provide for the undertaking of such local improvement as provided for in this Chapter.

Section 3. This local law shall take effect immediately on filing in the office of the Secretary of State.

ROLL CALL

AYES: Mayor Otis, Councilmen Cypher, Hennes and Larr

NAYS: Councilmen Chu, Fahey and Seitz

ABSENT: None

6. Public Hearing on a proposed Local Law Amending Article 22, Tax Administration, of the Charter of the City of Rye by amending Section C22-8B as to lien date

The Mayor opened the public hearing to consider the proposed local law revising the due date for the first installment of Rye Neck Union Free School District taxes from September 1 to July 1 so the County lien list can be submitted in a more timely fashion. In response to a question from Councilman Chu, the change of date will have no effect on those living in the school district. As there were no further comments from members of the Council or from the public, Mayor Otis made a motion, seconded by Councilman Cypher and unanimously carried, to close the public hearing.

Councilman Seitz made a motion, seconded by Councilman Fahey, to adopt the following local law:

**PROPOSED LOCAL LAW
CITY OF RYE
LOCAL LAW NO. 2 2004**

**A Local Law amending Article 22,
Tax Administration, of the
Charter of the City of Rye
by amending Section C22-8 B
as to tax lien date for the
Rye Neck Union Free School District**

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

Section 1. Section C22-8 B of the Charter of the City of Rye is hereby amended to read as follows:

- B. Union Free School District taxes on real property shall become a lien on such real estate on [September 1] July 1 of each fiscal year. Such taxes may be paid in two equal installments during the months of September and

November, or during such other months as the Council by resolution may designate, without any additional charge.

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

ROLL CALL

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

NAYS: None

ABSENT: None

7. Approval of settlement of tax certiorari case involving property at 411 Theodore Fremd Avenue (Sheet 146.13, Block 1, Lot 9.1)

The City Assessor has reached a tax certiorari settlement with 411 Theodore Fremd Associates. The precipitous drop in the City's equalization rate over the past several years, the result of the rapid appreciation in residential housing market, has increased the City's exposure in commercial tax certiorari proceedings and the City Assessor recommends the settlement be approved.

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

RESOLVED, that the settlement of tax certiorari case involving property at 411 Theodore Fremd Avenue (146.13-1-9.1) (calling for no reduction in assessed value for 2000, an assessment of \$550K for 2001, and \$485K for 2002 and fixing the assessment at \$450K for 2004-6) be approved.

ROLL CALL

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

NAYS: None

ABSENT: None

8. Review, discussion and disclosure of Quarterly Financial Report

At the suggestion of Councilman Fahey, the Council reviewed the Quarterly Financial Report submitted for the first quarter of the current fiscal year by the City's Finance Department. He suggested that it be put on the City's web site if appropriate. Michael Genito, City Comptroller, reminded the Council that it is an internal, un-audited document, and most

communities don't put them on the internet, but we could if so desired. He said there were no major issues during the first three months that would affect the budget or would give reason to have budgeted differently. Most items not on target at this point are as a result of timing (for example, alarms permits are now billed monthly rather than all at the beginning of the year). Councilman Fahey commended Mr. Genito for being, as usual, a leader in municipal financial reporting.

9. Authorization for Police Department to acquire title to a 1999 Cadillac DeVille, which was seized in the course of an arrest

Acting City Manager, Michael Genito asked the Council to consider the acquisition of the 1999 Cadillac Deville in conjunction with the declaration in Agenda item 10 to sell the 1990 Isuzu Rodeo (which died during the recent Little League Parade) as surplus. With this "trade-in" the Cadillac will replace the Isuzu, also acquired as forfeiture of crime proceeds, as the City's D.A.R.E. vehicle.

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

WHEREAS, the City of Rye has been offered a 1999 Cadillac DeVille, Vehicle Identification Number #1G6KF5493XU795211, as forfeiture of crime proceeds; and

WHEREAS, the City of Rye Police Commissioner recommends that the City accept the vehicle as forfeiture of crime proceeds; now, therefore, be it

RESOLVED, that the City of Rye hereby accepts a 1999 Cadillac DeVille, Vehicle Identification Number #1G6KF5493XU795211, as forfeiture of crime proceeds for the use of the City of Rye Police Department.

ROLL CALL

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

NAYS: None

ABSENT: None

10. Resolution declaring 1990 Isuzu Rodeo currently used as the DARE vehicle as surplus

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

WHEREAS, the 1990 Isuzu Rodeo used as the Police Department DARE vehicle is in poor condition; and

WHEREAS, the Police Commissioner has recommended that the vehicle be declared and disposed of as surplus; now, therefore, be it

RESOLVED, that said 1990 Isuzu Rodeo is declared as surplus; and be it further

RESOLVED, that authorization is given to the City Comptroller to sell or dispose of such vehicle in a manner that will serve in the best interests of the City.

ROLL CALL:

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

11. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, Adoption of General Order #120.8 "City of Rye Police Department Drug Testing Policy"

Acting City Manager Genito explained the proposed revision of the Rules and Regulations of the City of Rye Police Department manual was made to insure safety, but in no way indicated any problem concerning use of drugs by the department. He said the Rye Police Association agrees and the provision is in the contract. In response to a question by Councilman Fahey, there is no minimum number who shall be subject to random drug testing during any calendar year. Councilman Cypher noted the chances of false positive results are minimized because there are two screenings.

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

RESOLVED, that General Order #120.8, "City of Rye Police Department Drug Testing Policy," to implement a procedure for random drug testing of sworn members of the Department be revised as proposed.

12. Consideration of the request of the Rye Youth Council to hold its Annual Block Party on Saturday, June 5, 2004, at the multi-purpose area of Recreation Park

Councilman Cypher made a motion, seconded by Councilman Fahey and unanimously carried, to grant the request of the Rye Youth Council to hold its Annual Block Party on Saturday, June 5, 2004 at the multi-purpose area of Recreation Park.

13. Authorization for City Clerk to loan an additional voting machine to the Rye City School District and for the District to keep five machines through June 23

Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to grant permission to the Rye City School District to borrow an additional voting machine and to extend the return date of all five machines through June 23, 2004.

14. Consideration of proposed legislation that would be submitted to the State Assembly for approval of establishing an occupancy tax in the City of Rye

Mayor Otis said the Council had directed staff to research the possibility of establishing an occupancy tax in the City of Rye. He reported the Finance Committee concurs with the Council's desire to establish such a tax and the first step is to ask the State Legislature to enact special legislation authorizing the City of Rye to levy the tax. He said this legislation must be received in Albany by June in order to be considered during this legislative session and once bills numbers have been assigned the Council would have to have a special meeting to vote a Home Rule measure.

The Council considered proposed wording for the legislation, similar to other legislation in other communities with occupancy taxes. Acting City Manager, Michael Genito said most other occupancy taxes equaled the County tax (for example, if the County tax is 3%, which is what Westchester has, the occupancy tax is 3%). The Council discussed making the tax higher than 3%, but was advised by the Mayor that such a request could slow down the progress of the bill, and that the Council could apply to the State to raise the tax at a later date. Councilman Seitz made some suggestions in the text designed to include a reference to occupancy at clubs, most specifically The Apawamis Club that has overnight rooms. There was a question as to whether changing the boilerplate wording would slow down the legislative process, but the Council agreed to submit the legislation with Councilman Seitz's wording.

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

RESOLVED, that the occupancy tax rate in the City of Rye be established at 3% and that the proposed legislation be submitted as follows.

[Bill Number}
IN [SENATE/ASSEMBLY]
[Date]

Introduced by _____ -- read once and referred to the Committee on _____.

AN ACT to amend the tax law, in relation to the imposition of an occupancy tax in the city of Rye.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The tax law is amended by adding a new section 1202-___ to read as follows:

S 1202-___. Occupancy tax in the City of Rye. (1) Notwithstanding any other provision of law to the contrary, the city of Rye, in the county of Westchester, is hereby authorized and empowered to adopt and amend local laws imposing in such city a tax, in addition to any other tax authorized and imposed pursuant to this article, such as the legislature has or would have the power and authority to impose upon persons occupying any room for hire in any tourist home, inn, club, hotel, motel or similar place of public accommodation in such city. The rates of such tax shall not exceed three percent of the per diem rental rate for each room provided, however, that such tax shall not be applicable to a permanent resident of such tourist home, inn, hotel or motel or to rooms in such lodging facilities having less than four rentable units.

(2) Such taxes may be collected and administered by the chief fiscal officer of the city of Rye by such means and in such manner as other taxes which are now collected and administered by such officer or as otherwise may be provided by such local law.

(3) Such local laws may provide that any taxes imposed shall be paid by the person liable therefor to the owner of the room for hire in the tourist home, inn, club, hotel, motel or other similar place of public accommodation occupied or to the person entitled to be paid the rent or charge for the room for hire in the tourist home, inn, club, hotel, motel or other similar place of public accommodation occupied for and on account of the city of Rye imposing the tax and that such owner or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax; and that such owner or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the person occupying the room for hire in the tourist home, inn, club, hotel, motel or other similar place of public accommodation, or in respect to nonpayment of the tax by the person occupying the room for hire in the tourist home, inn, club, hotel, motel or similar place of public accommodation, as if the taxes were a part of the rent or charge and payable at the same time as the rent or charge; provided, however, that the chief fiscal officer of the city, specified in such local laws, shall be joined as a party in any action or proceeding brought to collect the tax by the owner or by the person entitled to be paid the rent or charge.

(4) Such local laws may provide for the filing of returns and the payment of the taxes on a monthly basis or on the basis of any longer or shorter period of time.

(5) This section shall not authorize the imposition of such tax upon any of the following:

A. The state of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state of the dominion of Canada), improvement district or other political subdivision of the state;

B. The United States of America, insofar as it is immune from taxation;

C. Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

(6) Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefor is made to the supreme court within thirty days after the giving of notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless:

A. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local laws or regulations shall be first deposited and there shall be filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

B. At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the

proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(7) Where any taxes imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund therefor duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the taxes confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(8) Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

(9) All revenues resulting from the imposition of the tax under the local laws shall be paid into the treasury of the city of Rye and shall be credited to and deposited in the general fund of the city. Such revenues may be used for any lawful purpose.

(10) If any provision of this section or the application thereof to any person or circumstance shall be held invalid, the remainder of this section and the application of such provision to other persons or circumstances shall not be affected thereby.

S 2. This act shall take effect immediately.

ROLL CALL:

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

NAYS: None

ABSENT: None

15. Miscellaneous communications and reports

Councilman Chu announced Asian American Day, a County-wide event, will be held on May 29.

Councilwoman Larr announced that in addition to the Centennial Forum, a lecture will be held on the history of the gardens and mansion at the Jay Mansion at 4 P.M. on Sunday, May 23rd.

Councilman Fahey commented on an article on teen alcoholism in the Nation's City newspaper entitled "You Booze-You Lose" and suggested it be referred to Commissioner Connors.

Joe Murphy, Franklin Avenue, reminded everyone Sunday, May 23rd is Strawberry Sunday at the Nature Center and the Veterans Day ceremony will be held on Monday, May 31 at 10:00 A.M. on the Village Green.

16. Old Business

Councilman Seitz inquired about the status of the gaming law and suggested asking Corporation Counsel.

17. New Business.

Councilman Seitz requested a report on City-owned property that might be suitable for cell towers so that the City could reap the monetary benefits rather than owners of private property. The Mayor reminded the Council that a proposal to install cells in Disbrow Park was not greeted favorably and that to install telecommunications equipment in parks requires Parkland Alienation legislation.

Joe Murphy said the seniors really want and need capacity for 150 people in whatever room is built at Damiano and will not be willing to accept a plan calling for only 135. Both Councilwoman Larr and Councilman Hennes said the committee was considering a plan calling for space for 150 people.

18. Draft unapproved minutes of the regular meeting of the City Council held May 5, 2004

Mayor Otis made a motion, seconded by Councilman Hennes to approve the minutes of the regular meeting of the City Council held May 5, 2004 as amended by the City Clerk based on suggestions by Councilman Seitz and Councilman Fahey.

19. Adjournment

There being no further business to discuss, Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to adjourn the meeting at 10:35 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk