

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on August 18, 2004 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor  
FRANKLIN J. CHU  
MATTHEW FAHEY  
DUNCAN HENNES  
ROSAMOND LARR  
HOWARD G. SEITZ  
Councilmen

ABSENT: ROBERT S. CYPHER

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 reported that the time in which Home Depot could appeal the ruling in the City of Rye's favor has passed so the case is, thankfully, really over. He thanked all responsible for helping to win the case and suggested the Council review an article in the Pace Law Journal that discusses the importance of this case in terms of government home rule.

The Mayor said that the State Budget currently includes an extra \$100,000 for the City of Rye which has not been included in the past. He said the Council will send a letter urging support that this figure be maintained.

The Mayor handed the podium to Corporation Counsel Kevin Plunkett who announced that Mrs. Thomachewsky, the owner of the gas station at Purchase St. and Wappanocca Avenue has passed away. She died without a will so George Lambert will be appointed the administrator of her estate within the next two weeks. After the appointment it appears the clean-up activities can commence. Sis D'Angelo, long-time advocate to clean-up, said this was great news but asked why wait until the Fall. She urged Mr. Plunkett to press Mr. Lambert to move fast.

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

Charles Woorden (aka Doug Carey, Chair of Leaders of Tomorrow) again addressed the Council and invited everyone to an old-fashioned field day ("Summerfest 1904) on September 4 at the Recreation Department from 1-7 PM. It will be co-sponsored by the Rye Recreation Department and Leaders of Tomorrow and will include all kinds of century-old fun including bare-handed baseball, croquet, horseshoes, living history demonstrations and exhibits, lots of contests, a clam bake, picnic BBQ and Square Dancing. He urged people to volunteer their help and, most of all, to attend. For more information, "Mr. Woorden" asked people to call Doug Carey for an assignment.

John Sherwin, Osborn Home, spoke in favor of keeping funds for the reconstruction of Theall Road in the 2005 budget. He reminded the three new councilmen they ran on such a platform and said the road was only getting worse, so please see that the reconstruction gets started.

John Carey, Forest Avenue, said he felt Rye should have an official observance of the 4<sup>th</sup> of July and told the Council he would be submitting a proposal for creating future observances.

Several residents addressed the Council on the problem of loud excavating which has been taking place on Davis Avenue all summer. First to speak about this noise issue was *Holly Lehman*, 25 Davis Avenue (the next-door neighbor to the construction site), who presented a recording of the noise which she said had been on-going since June 26, making any outdoor activity in the area difficult, if not impossible, and ruining everyone's summer. She said she had made numerous complaints to the Building Department, but has been ignored. She feels the noise level is in violation of Section 133-4 of the Code of the City of Rye (she has rented equipment to measure the noise levels and found them above normal) and has produced a loss of her property rights. She feels the structure being built is being super-imposed on a piece of land not geologically suited to it and construction should stop. She said the violation is punishable by a fine or jail and she asked for the Council's help. *Allen Clark*, 80 Forest Avenue, asked for a rebate from the City for his lost summer and said he saw this noise issue tied to the "big house" issue because this is a clear case of a speculation house being constructed for one man's gain. He requested the chipping be stopped immediately, but urged the new house size law be reviewed saying the legislation is woefully weak and the loss of "country" will change the nature of Rye forever. *Louise Bryant*, 42 Davis Avenue, asked how Rye residents are being protected; that since moving into Davis Avenue 20-30,000 square feet have been built and asked where it will stop? What is such a large house on this kind of property doing to the quality of life? *Peg Sweeney*, 50 Manursing Way, thanked the Council for listening, but agreed the noise is dreadful (between 7:30 AM and 5 PM) and enough to give one a headache after 20 minutes. *Rhona Woodthorpe* and *Michelle Baslin*, both on Davis Avenue, agreed with their neighbors and suggested going back to the drawing board to make the developer stop now and be satisfied with a half basement instead of a full one. *Peter Jovanovich*, Milton Road, suggested the Council meet on the site during chipping hours to see for themselves how bad the noise level is.

City Manager Paul Shew said the Building Inspector, who interprets the Code, feels the situation is not in violation as he sees it and he does have the final call, under the law. He said

staff has offered to meet with the Davis Avenue residents and will try to work within the boundaries of the law. He concurred that the process was, indeed a noisy one, but everyone will be happy to work with the neighbors to see what can be done. Councilman Fahey suggested that in the future perhaps the blasting issue should be considered before issuing a permit. Mayor Otis offered his personal sympathies and said they would look at the law; that they are working on the blasting law already, but staff will look carefully at the problem both from an immediate and long-term point of view. He assured everyone the City will try and help and thanked everyone for coming.

Greg MacKenzie, 14 Mead Place, noted that utility companies should be held responsible for the damage they do to Rye's roads. He referred to both Con Edison and Aquarion (the water company) which are not adequately replacing the cuts they make in the roads, sometimes replacing concrete with blacktop, leaving hanging wires, etc. He suggested that these companies must have standards bonds and the City might bill the bonds for the repairs it has had to make to clean up. City Manager Shew said the City Engineer has been denying permits, but in emergency situations there is no chance to do this. He said staff would take a look at the situation and see if more teeth could be put into the process. Councilman Chu suggested raising the street opening fees even higher.

4. Public hearing on a proposed local law amending Section 81-6, Inspections, of Chapter 81, Electrical Standards, of the Code of the City of Rye by replacing existing Subsection 81-6.A, creating a new Subsection 81-6.B and renumbering existing Subsections 81-6.B, 81-6.C and 81-6.D

Mayor Otis opened the public hearing on a proposed local law amending Section 81-6, Inspections, of Chapter 81, Electrical Standards, of the Code of the City of Rye saying that the proposed change in the law will broaden the list of qualified inspectors who may be used to provide electrical inspections. City Manager Paul Shew said the revised law will increase competition and raise the standard of inspections. Corporation Counsel Kevin Plunkett said this type of legislation is being adopted in many communities and he considers it to be good for the City of Rye. Richard Mecca, a Senior Electrical Inspector for the Board of Fire Underwriters, provided the Council with additional background on the creation of the board. The Mayor said he saw the revisions in the proposed local law as providing a greater choice of inspectors and quicker inspection service to Rye residents. He thanked the staff, Mr. Mecca and Mr. Greg McKenzie for their input. There being no further questions or discussion by the Council, Mayor Otis made a motion, seconded by Councilman Hennes 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. 3 2004**

**A Proposed Local Law Amending  
Section 81-6, Inspections, of  
Chapter 81, Electrical Standards, of the  
Code of the City of Rye by replacing existing  
Subsection 81-6.A, creating a new Subsection 81-6.B  
and renumbering existing Subsections 81-6.B,  
81-6.C and 81-6.D**

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

**Section 1. Current Section 81-6.A of Chapter 81 of the Code of the City of Rye is hereby replaced to read as follows:**

§ 81-6. Inspections.

A. The Building Inspector and any other approved agency or authorized person(s) are hereby authorized and deputized as agents of the City of Rye to make inspections and reinspections of all electrical installations hereafter described, and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and reinspections be a charge against the City of Rye.

**Section 2. Section 81-6 of Chapter 81 of the Code of the City of Rye is hereby amended by creating a new subsection B that reads as follows:**

B. Any person desiring to be an Inspector must register with the Building Department of the City of Rye to perform electrical inspections by providing the following information and documentation to the Building Inspector or his designee for review and determination as to its acceptability:

(1) A copy of a valid and substituting certificate from the International Association of Electrical Inspectors and/or National Fire Protection Association to perform inspections of one and two-family homes and/or commercial establishments. The original certificate must be displayed to the Building Inspector or his designee.

(2) Such person's address and telephone contact information and email address, if available.

(3) Proof of insurance, showing worker's compensation, general liability, and other coverage naming the City of Rye as an insured and agreement to indemnify the City of Rye in each case in such scope and amount as the City Council shall set by resolution.

(4) If such person is a firm, corporation or other entity, the subject certificate must be provided for each employee for whom authorization is sought to perform electrical inspections.

(5) A fee schedule for charges to be incurred by a property owner for the inspection.

**Section 3. Section 81-6 of Chapter 81 of the Code of the City of Rye is hereby amended by renumbering current subsections 81-6.B, C and D as follows:**

[B.] C. The Building Inspector shall, during the installation of electric wiring or equipment, make or cause to be made inspections to assure compliance with this chapter.

[C.] D. No work in connection with an electrical installation shall be covered or concealed until it has been inspected as prescribed herein and permission to do so has been given by the Building Inspector.

[D.] E. The Building Inspector shall, within a reasonable time after notice of the completion of any electrical installation which comes under the provisions of this chapter, make or cause to be made an inspection of such work and such tests as may be necessary to determine that it conforms to this chapter.

**Section 4. This local law shall take effect immediately on filing in the office of the Secretary of State.**

(Deleted language is [bracketed] and new language is underlined)

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Cypher

5. Public hearing to consider an amendment to the Rye City official map to de-map a portion of Ann Lane

Mayor Otis opened the public hearing to consider an amendment to the Rye City official map to de-map a portion of Ann Lane. City Manager Paul Shew said the amendment is necessary because of a change in the cul-de-sac made necessary when Ann Lane was extended. There being no further discussion, Mayor Otis made a motion, seconded by Councilman Seitz and unanimously carried, to close the public hearing.

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

**WHEREAS**, the Rye City Council received a survey entitled, *Map of a Portion of Ann Lane, Situate in the City of Rye, County of Westchester, NY*, prepared by Karen L. Schmid, L.S., N.Y.S. Lic. No. 50451 and dated July 7, 2004; and

**WHEREAS**, said survey shows the extension of the Ann Lane right-of-way and related cul-de-sac bulb consistent with the Planning commission's approval of a 4-lot subdivision in September 2003; and

**WHEREAS**, said survey also shows portions of the Ann Lane right-of-way associated with the former cul-de-sac bulb to be de-mapped; and

**WHEREAS**, total right-of-way land area to be de-mapped is 6,459 square feet and would be deeded to adjacent property owners as follows: Lot 31 (10 Ann Lane) – 502 square feet; Lot 30 (12 Ann Lane) – 4,848 square feet; and Lot 29 (11 Ann Lane) – 1,109 square feet; and

**WHEREAS**, pursuant to Section 29 of General City law of the State of New York, the proposed amendment was reviewed by the Rye City Planning Commission; and

**WHEREAS**, after due consideration, the Rye City Planning Commission at its July 20, 2004 meeting recommended that the City Council approve the Official Map amendment; and

**WHEREAS**, pursuant to Section 29 of General City Law of the State of New York, a public hearing on the proposed Official Map amendment was held and closed on August 18, 2004 at which time all interested persons were given the opportunity to be heard; now, therefore, be it

**RESOLVED**, that the Rye City Council has determined that the proposed action will not have a significant adverse impact on the environment and hereby makes a negative declaration of environmental significance pursuant to the requirements of the State Environmental Quality Review Act (SEQRA); and be it further

**RESOLVED**, that the Rye City Council amends the Official Map of the City of Rye to remove the designation of a portion of Ann Lane as a future right-of-way as shown on the survey map entitled, *Map of a Portion of Ann Lane, Situate in the City of Rye, County of Westchester, NY*, prepared by Karen L. Schmid, L.S., N.Y.S. Lic. No. 50451 and dated July 7, 2004.

ROLL CALL:

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

NAYS: None  
ABSENT: Councilman Cypher

6. Presentation and discussion of the 2003 Financial Trends Report

Mayor Otis asked City Comptroller Michael Genito to summarize the 2003 Financial Trends Report for the Council. Mr. Genito said the report covers key items from 1994-2003; that it identifies a series of indicators and trends, none of which should stand on their own as representative of a trend. The report separates the operations of general government from the operations of the Boat Basin and Golf Club Enterprise Funds.

Referring to the General Government operations, he reported that the City's liquidity ratio and the current ratio have remained above the target level since 1994 and each year our ability to pay current bills has improved. The unreserved and undesignated fund balance as a percentage of net operating revenues, required by policy to be at least 5%, has been at least at 10% (some years as high at 20%) and is presently at 15%. The spread between net operating revenues and expenditures remains sound, except for 2001 when there was a planned reversal of the trend. Uncollected property taxes as a percentage of the tax levy continue at a phenomenal 99.5%+ collections rate which is indicative of the City's Aaa bond rating. Elastic revenues have both positive and negative aspects. While they allow the City to reduce the amount it must raise through property taxes, they are the most susceptible to changes in the economy. We should, therefore, be cautious about relying on these revenues too much. Fringe benefits as a percentage of salaries hit a low in 1999 but have since been trending upward due to rising health insurance and retirement costs. Non-capital equipment expenditures to net operating expenditures remain relatively low throughout the trend period except for 1997 when we made a major investment in information technology, including our website. The City has had an operating surplus for all but 2001 and 2002 when a deficit was planned, indicating a frugal approach to expenditures.

Net direct bonded long-term debt is trending down slightly after rising for several years. It remains, however, at an excellent low level and has been used to fund necessary major capital assets such as firehouses, roads, and drainage systems. The trend in overlapping long-term bonded debt, which includes debt issued by the County and School Districts, is increasing. This should be of concern to all taxing jurisdictions, including the City, when planning future debt issues. The number of municipal employees per thousand of population has remained steady throughout the trend period at approximately 10 employees per thousand, an excellent indicator of productivity since City services have increased dramatically during that same trend period. City employees are doing more with the same number of people.

Mr. Genito said the Boat Basin Enterprise Fund has no debt, and the trends in net working capital, net fixed assets, and revenues versus expenses are all positive, but a drop in 2003 of net revenues is something to watch.

The liquidity ratio of The Golf Club Enterprise Fund, while acceptable, is not as positive as that of the Boat Basin and should be watched. So should a trend in net working capital, but most trends are positive. A spike in net working capital between 1997 and 1999 was due to the issuance of the 1998 Series A and B serial bonds that funded the renovation of Whitby Castle,

the golf administration building, and improvements to the golf course. Long-term debt rose during that time, but has since trended downwards. A 2003 drop in net revenues should also be watched.

Mr. Genito reported that in 2002 the City implemented Governmental Accounting Standards Board (GASB) Statement No. 34 *Basic Financial Statements – and Management’s Discussion and Analysis – for State and Local Governments* that has dramatically changed the format and content of our annual financial reports, making them in some ways similar to those of the private sector. In 2003 the City implemented GASB 44 *Economic Condition Reporting: The Statistical Section* that changed the content and format of the statistical sections of our comprehensive annual financial report. He concluded by saying the Financial Trends Report can and will change to reflect new governmental reporting standards and welcomed input from the Council about what kind of information they would like to see (what to add, change or delete; how many years to look at for trends; about what would be helpful in preparing the budget, etc.). He said the complete 2003 Financial Trends Report could be found on the City’s web page.

Councilman Fahey suggested looking at both a 5 and 10-year trend. He noted that the Golf Club Commission, working with Manager Scott Yandrasevich, works on setting fees and is aware of the downward trend in net revenues. Councilman Hennes suggested it was not reasonable to think the fund balance should be allowed to go as low as 5%; that perhaps the lowest level should be 8%. He suggested it might be helpful to look at non-property tax elastic revenue versus stable revenue and that a trend in user fees might also be useful. He said he would like to see long-term debt growth continue to slow. He suggested the City should look at debt in relation to expenditures and see what would be a reasonable policy statement. Councilman Seitz said it was important to look at all other chances for revenue so the trend could continue upwards.

Mayor Otis thanked Mr. Genito for all his good work and complimented him on a document that has also been positive and useful to outside funding agencies, saying most communities do not have the benefit of such a comprehensive financial report. He said he found data on the liquidity ratio particularly important, noting that at 4.7 it has risen almost back to the 10-year high of 4.8 in 2000. He agreed with Mr. Genito that elastic revenues can be a blessing and a vulnerability. He pointed out that in terms of raising revenues, the City has, over the past years, been aggressive in protecting its citizens by procuring about \$14M in grant money. He said governments have to balance the “pay as you go” method versus “spread-out the costs with long-term debt” method and, while debt as a percentage of revenue may be rising, it is still less than 5% which is positive. He also pointed out that while everyone is concerned about rising property taxes, Rye is still among the communities with the lowest rate. Councilwoman Larr pointed out that the last three years have been hard for everyone with the markets and interest rates down and fixed costs, such as benefits, way up.

7. Presentation and discussion of the Interim Financial Report

City Comptroller Michael Genito presented the Interim Quarterly Financial Report for the six months ended June 30, 2004. He said everything is on target including anticipated lower building permits and mortgage taxes. Expenditures are both as anticipated and on target. He said that given the information presented in the six-month report, he would not have done anything different last year in preparing the 2004 budget.

8. Consideration of request of Rye Cable TV Committee to transfer an additional \$12,000 from the Cable TV fund balance in order to retain The Buske Group for the community needs assessment portion of the cable franchise renewal process

City Manager Paul Shew reported that the initial recommendation of the Cable TV Committee to hire The Buske Group contained an error, but the members of the committee would like to proceed with the original recommendation despite the error and are requesting a transfer of additional funds from the Cable TV fund balance in order to do so.

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

**RESOLVED**, that the request of the Rye Cable TV Committee to transfer an additional \$12,000 from the Cable TV fund balance in order to retain The Buske Group for the community needs assessment portion of the cable franchise renewal process be approved.

ROLL CALL:

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

9. Resolution authorizing funding for a consultant for the implementation of multi-space parking meters in the Rye Central Business District

City Manager Paul Shew summarized the progress to date made about installing parking meters in the Central Business District as a good beginning, but recommended the need to hire a consultant who would insure that a specific parking proposal is prepared. In answer to a question from Councilman Chu about why a consultant is needed, Mr. Shew said the City had no staff with complete expertise or time to prepare the best proposal; that a consultant is better equipped to deal with the technicalities; and that this approach is the quickest way to get the project done. Councilman Chu expressed concern that the resolution should contain a direct tie between the hiring of the Consultant and the end-product proposal; Councilman Fahey was concerned about the timetable; Councilwoman Larr wanted to make sure the consultant would poll the merchants as well as all interested persons. Mayor Otis questioned if the Council had really made the decision to proceed with the meter idea saying that the workshop for the

merchants was sparsely attended and perhaps broader outreach is necessary first so that the questions raised by the merchants can be answered. He said he has concerns about doing the project at all, but he is in favor of looking into it and feels it is better to do it right rather than do it quickly. He also wants to look at ways to increase Merchant Permit revenue. Councilman Seitz said he was in favor of not changing existing parking policies, but was not convinced that multi-space meters is the solution and wanted "vehicle detection" meters considered again after the one year trial period.

Various members of the audience spoke out in favor of not approving the resolution as presented. *Robin Jovanovich*, Milton Point, said people want more spaces; that it is not just about revenue and more public input (which was promised for September) is needed. *Sally Wright*, head of the Rye Merchants Association, asked why the rush and presented the Council with a series of questions and concerns raised by many merchants.

Where are the funds coming from and where will the revenue be returned?

What is the cost for annual maintenance of the system once it is paid for?

What will be the cost to the shoppers? \$1 per hour is too high.

What has been done to address "meter feeding" which will not help turnover?

Merchant parking needs to be made easier and marketed better.

Has the proposal been submitted to other boards and commissions?

More discussion by the merchants is necessary before any decision is made.

*Joe Murphy*, 57 Franklin Avenue, urged the Council to give the matter more thought; listen to what the people have to say and to give everyone more of a chance to understand the issues. *Katherine Parker* said everyone should know more facts before developing a specific proposal and suggested a survey be sent out. She said parking meters are not going to help the shortage of spaces problem.

After additional discussion, Councilman Hennes proposed a simpler, less specific version of the resolution that authorized the hiring of a consultant to develop a specific plan which would enable the City to install multi-space meters for the off-street parking areas in the Rye Central Business District. The resolution assumes the majority of the Council is ready to go forth with the one-year trial period; that additional input will be gathered both prior to implementation and during the trial period; and that the Council will review the results of the test and consider other methodologies after one year.

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

**WHEREAS**, the Rye City Council is considering the installation on a one-year trial basis of parking meters for the off-street parking areas in the Rye Central Business District; and

**WHEREAS**, the City Council has considered the comments and recommendations of the public and will continue to consider public comments both prior to any implementation and during the trial period; and

**WHEREAS**, the City Staff considers multi-space parking meters the most appropriate metering solution for the City of Rye given existing staffing limitations, funding, parking conditions, customer needs and other considerations; and

**WHEREAS**, the City Council intends to review the results of the test, including consideration of alternate methodologies, including vehicle detection, no later than one year from implementation; now, therefore, be it

**RESOLVED**, that the City Council authorizes City Staff to use \$20,000 from the "Fee-in-Lieu-of-Parking" Fund for the purpose of retaining a consultant to prepare plans, and bid specifications (including a Request for Proposal [RFP] to be submitted as soon as possible), and provide other professional assistance towards the acquisition and implementation of a multi-space metering system for the off-street parking areas in the Central Business District; and be it further

**RESOLVED**, that prior to letting any bid for multi-space parking meter vendors, City Staff shall present to the City Council the specific implementation plan, which plan shall be subject to public review and comment.

ROLL CALL:

AYES: Councilmen Chu, Fahey, Hennes, Larr and Seitz

NAYS: Mayor Otis

ABSENT: Councilman Cypher

10. Resolution to amend 2004 budget to provide funds for retirement incentive costs

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

**WHEREAS**, in fiscal 2002 the City Council approved an early retirement incentive offered by the New York State and Local Employees Retirement System, electing to make the necessary payments over a five (5) year period at eight (8%) percent interest; and

**WHEREAS**, the rate of interest earned on City of Rye funds for the foreseeable future are anticipated to be far below eight (8%) percent; and

**WHEREAS**, the New York State and Local Employees Retirement System has advised the City of Rye that a full payment of the amounts due at September 1, 2004 for the 2002 retirement incentive program would be \$86,496; now, therefore, be it

**RESOLVED**, that the City Comptroller is authorized to pay in full on or before September 1, 2004 the entire amount due for the 2002 early retirement incentive program; and be it further

**RESOLVED**, that the 2004 budget be amended as follows:

Increase General Fund DPW Administration Retirement Appropriations by appropriating General Fund fund balance in the amount of \$49,303, and

Increase Golf Club Fund Golf Course Maintenance Retirement Appropriations by appropriating \$37, 193 of Golf Club Fund retained earnings.

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** Councilman Cypher

11. Adoption of the 2004/2005-tax levy and tax rate for the Rye Neck Union Free School District

Mayor Otis thanked City Assessor Noreen Whitty for working to reduce this levy from its original level and made a motion, seconded by Councilwoman Larr, to adopt the following resolution:

**WHEREAS**, the lawful authorities of the Rye Neck Union Free School District have fixed the amount of taxes to be raised for said district for the fiscal year beginning July 1, 2004 and ending June 30, 2005, in the amount of \$22,980,966.00 and have duly apportioned to the parts of said district lying within the City of Rye, the amount of \$7,417,408.00 and they have established a tax rate in the amount of \$528.05173 per \$1,000 of assessed value, for the levy of the aforesaid School District taxes for the parts of said district lying within the City of Rye.

**NOW, THEREFORE**, in pursuance with the relevant provisions of the City Charter, you are hereby commanded to collect the taxes in the amount of \$7,417,408.00 from the part of Rye Neck Union Free School District lying within said City, at the rate of \$528.05173 per \$1,000 of assessed value as fixed by the City Council.

**IN WITNESS WHEREOF**, the Council of the City of Rye has caused this warrant to be signed by its Mayor and the corporate seal of the City to be affixed hereto this 18<sup>th</sup> day of August, 2004.

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MAYOR, CITY OF RYE

**ROLL CALL:**

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

**NAYS:** None

ABSENT: Councilman Cypher

12. Consideration of request of the Recreation Department for permission to close Purchase Street for the 52<sup>nd</sup> annual celebration of the Halloween Window Painting Contest

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

**RESOLVED**, that the City Council hereby approves the request of the Recreation Department for permission to close a section of Purchase Street for the 52<sup>nd</sup> annual celebration of the Halloween Window Painting Contest on Sunday, October 17, 2004 (with a rain date of October 24) from 10 A.M. to 2:30 P.M.

13. Consideration of proposed addition to the Rules and Regulations of the City of Rye Police Department

This agenda item was postponed to a later meeting.

14. Acceptance of donation to Rye Police Department from Sheryl D. Fabricant in the amount of One Hundred (\$100.00) Dollars

Councilman Hennes made a motion, seconded by Councilwoman Larr (who commented on Mrs. Fabricant's nice letter), to adopt the following resolution:

**WHEREAS**, Cheryl D. Fabricant desires to donate One Hundred (\$100) 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 donation; 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 \$100.00

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Cypher

15. Acceptance of donation to the Rye Police Department from The Birny Mason, Jr. Foundation in the amount of Two Hundred Fifty (\$250.00) Dollars

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

**WHEREAS**, the Birny Mason Jr. Foundation desires to donate Two Hundred Fifty (\$250) Dollars to the Rye Police Department for the benefit of Patrol Officers; and

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

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

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Cypher

16. Authorization for the City Manager to enter into a License Agreement between the City of Rye and Kory Breitel for the purpose of sewer connection

City Manager Paul Shew informed the Council that the City has been working with Kory Breitel to review the plans for the installation of a sewer lateral and he recommends the Council now approve the license agreement document previously reviewed by the City's Corporation Counsel.

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

**RESOLVED**, that the City Manager is hereby authorized to enter into a license agreement between the City of Rye and Kory Breitel for installation of a sewer lateral extending approximately 225 feet from the front of property located at 15 Hook Road to the existing sanitary manhole in Hook Road.

- 6A. Approval of the election of a new member to the Rye Fire Department

Mayor Otis, with thanks to the Rye Fire Chiefs for their recruitment efforts, announced that Michael B. Holmes (“Rye’s greatest living hockey player”) has been elected as a new member to the Rye Fire Department.

Mayor Otis made a motion, seconded by Councilman Hennes and unanimously carried, to approve the election of Michael B. Holmes to the Poningoe Hook & Ladder Company, as approved by the Board of Fire Wardens at their August 9, 2004 meeting.

17. Miscellaneous communications and reports

There were no miscellaneous communications and reports.

18. Old Business

Councilman Chu mentioned that the application by Commerce Bank to build on the Boston Post Road on the Mamaroneck border is in its final stages of approval, pending the granting of a variance for the number of traffic lanes. He said this is part of Commerce Bank’s efforts to saturate the Long Island Sound area.

Councilman Fahey commented on the plans being made to create a skateboard park.

Councilman Hennes mentioned that the occupancy tax legislation has gone to the State Legislature, so the process is progressing.

19. New Business

City Manager Paul Shew mentioned that the City is working to tighten up its insurance requirements for organizations and individuals requesting use of City property. He said it was an effort to cut down on the number of lawsuits filed against the City.

20. Draft unapproved minutes of the regular meeting of the City Council held July 21, 2004

Councilwoman Larr made a motion, seconded by Councilman Hennes and unanimously carried, to approve the minutes of the regular meeting of the City Council held July 21, 2004 as submitted.

21. Adjournment

As there was no further business to discuss, Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to adjourn the meeting at 11:20 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk