

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on December 1, 2004 at 8:00 P.M.

PRESENT:

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

ABSENT: None

The Council convened at 7:30 P.M. The full Council was present. Councilman Seitz made a motion, seconded by Councilman Chu and unanimously carried, to adjourn to executive session at 7:31 P.M. to discuss a pending settlement with the IAFF, the pending Osborn litigation, and litigation strategy for a possible new litigation matter. Councilman Seitz made a motion, seconded by Councilman Fahey and unanimously carried, to close the executive session at 7:59 P.M. The regular meeting reconvened at 8:00 P.M.

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 Merchants Association Holiday Shopping event on Purchase Street, originally scheduled for the Sunday after Thanksgiving but cancelled due to inclement weather, had been rescheduled for Sunday, December 5, 2004 from 12:00-3:00 P.M.

He announced that there would be a special focus group conducted as part of the Westchester County Master Plan process for Playland held for Rye residents at the Rye Free Reading Room on Monday, December 6 from 7:30-8:30 P.M.

The Mayor congratulated the Rye High School Field Hockey and Football teams for their excellent seasons, reporting that both teams lost close contests in the State finals.

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

*Robert Byrne*, representing the *Rye Merchants Association*, strongly urged the Council to allocate a percentage of the revenues from parking meters to replenishing the "Fee-in-Lieu of Parking" fund because 1) the fund was established with a levy on taxes on the merchants so revenues should go back, and 2) because having money in the fund will help achieve the long-term goal of adding additional parking spaces. Councilman Hennes said the three reasons for installing meters were to increase turnover, increase Rye's revenue stream and reduce taxes, so he support's Mr. Byrne's position, as does Councilman Chu who suggested developing a specific plan when the meters are in place. The Mayor reiterated his position that the fund should be replenished with the first revenues, rather than allocating \$125,000 to the 2005 revenue budget.

*Anne Cochran*, *Co-President of the Rye, Rye Brook and Port Chester League of Women Voters (LWV)* reiterated her invitation to attend a forum on parking to be held at 7:30 P.M. on December 7<sup>th</sup> at the Damiano Center to educate the public on the parking meter proposals. She said the forum will be kicked off with a presentation of their goals and guidelines, followed by a brief factual presentation and perspective of the City Council and will then proceed with a moderated Q&A session. She said she was working with the City Planner to learn all she needs to know and that Clifford Nelson will be the moderator.

*James Ruddy*, *11 Highland Park Place*, opposed the creation of a new skateboard park as he considers it the most annoying attractive nuisance ever conceived and feels it is not in the best interest of the community to have this noisy sport at the Recreation Center.

4. Public hearing on the proposed 2005 Budget

City Manager Paul Shew said since the tentative budget had been presented on November 3<sup>rd</sup>, there has been a healthy, vigorous and positive discussion on the issues and he was pleased to yield to City Comptroller Michael Genito who said that the originally proposed tax increase of 9.4% with a fund balance as a percentage of revenues at 8.8% now stands at a 3.3% tax rate increase with a fund balance of 9.8% of estimated revenues. He assured everyone that deferring the issuance of the firehouse bonds in no way affects the project. He mentioned that the City has been advised that the second half-year 2004 mortgage tax payment would be \$871,000 more than forecast, also noting that this unexpected increase was due to the County working through a backlog of mortgage transactions. This would bring the estimated fund balance at December 31, 2005 up to 13.5% of estimated revenues, and staff is recommending that \$700,000 of this increase be used to purchase garbage trucks which were originally planned in the 2005 tentative budget to be funded by debt. Mr. Shew said the goal (often difficult to achieve) was to increase the budget no more than the increase in the Consumer Price Index (CPI) and he urged the Council to keep this goal in mind. Mr. Shew noted that the current CPI for our area had increased 3.7% over the past year.

Mayor Otis opened the public hearing on the proposed 2005 budget and invited comments from members of the public.

*Pat Amendola, Sr., Fairlawn Avenue*, remarked on the Rye Golf Club Budget saying the costs for his category had increased 65% in the past two years and it was difficult for many people to afford membership. He suggested establishing a financial means test so that all eligible members can enjoy the Club. He also questioned if it was fair for RGC members to bear the cost of \$250,000 per year to operate Whitby Castle.

*Doug McKean, Halsted Place*, urged parking revenue funds be put back into the parking fund rather than allocated to the operating budget.

*Steven Meyers, Roger Sherman Place*, reiterated his belief that interest rates will increase and delaying the issuance of the Locust Avenue Firehouse bonds will have a negative impact on Rye citizens. He asked if the Finance Committee had reviewed this idea yet and was informed by the Mayor that they had debated the issue at length (some for deferring; others not) and it has been referred back to the City Comptroller for further analysis. The Committee will meet again before the budget is adopted, but the Mayor reiterated his belief that the smallest increase in interest rates will eliminate any savings. Mr. Meyers wanted to make sure the costs for the bond anticipation notes were included in the budget.

Councilman Hennes said he wished to put the issue of deferring the bonds in perspective. He said the budget is both careful and conservative and there is nothing dangerous about any of the suggestions made to lower the interest rate. He said the goal is to reduce the burden on our taxpayers whose City taxes have gone up 45% in the past three years. (Mr. McKean said this included increases from the County and School, but Councilman Hennes confirmed City taxes alone have risen by 45%.) He said in the past we have robbed the fund balance and inflated revenues and he is convinced it is a good idea to include revenues from the parking meters. He said the use of the fund balance to pay for equipment is good practice, also done previously; he is in favor of purchasing the garbage trucks rather than borrowing more money; and he is convinced that it is the correct practice to borrow money only when you need it, rather than in anticipation of the expenses.

The Mayor said the number one priority is to lower taxes, but there are things in the budget which contain warning signs as members of the Council are now suggesting changes they would not have approved of in the past. For instance, the Locust Avenue Firehouse bonds - he believes if the rate goes up ¼% the taxpayers will lose and he is concerned the Council is micromanaging the Comptroller. Re: taking \$100,000 from the Building and Vehicle Fund - this reduces the buffer that would cover unexpected expenses. The Finance Committee has given it the OK, but only if it is paid back and is a one-time only event. Re: Parking Revenue - it is bad practice, especially as the timing is so uncertain and he thinks the parking fund should be the first to be repaid. Re: Equipment Purchases - he voted for it, but some of the items to be purchased are not so long-term and the financial policy, which was tightened in the past, is being loosened. Re: deferring capital items - there is a cost in future years and we are not keeping up. He agrees it is good to buy the garbage trucks, but what about the traffic lights in the Central Business District? What about Theall Road? In essence, by lowering the tax rate so much this year we are really postponing the bill. Councilman Chu said he couldn't imagine why the Mayor would not

want to support the budget, as it is a good one. Councilman Seitz pointed out that the Mayor has really only voted against \$228,000 of reduced spending. The Mayor pointed out he had voted for some changes, abstained from others; and opposed others. He said the only real cut is in personnel; he believes the tax payers need a break, but he is just warning against doing some of the things people opposed doing two years ago. At this point Mr. Amendola stood up again to suggest the Council was becoming too political and boring and urged them to get together.

*John Fullerton, Chair of the Rye Free Reading Room (RFRR)*, reiterated his list of successes the RFRR is enjoying in terms of usage; pointing out that the expansion of the facility had made this increase possible, and while the “partnership with the City” is better, it is still not enough as his donors will not pay the heating bill. He said he was happy the City had agreed to sit down and discuss future support. To highlight what the RFRR is doing with their funds, he introduced *Karen Bresolin, 33 Cayuga Street*, who described the efforts the RFRR is making to evaluate and improve their collections. Mr. Fullerton concluded by saying the operating costs have gone up 4.4% and they have only been given a 3% increase so they need an additional \$15,000 just to keep the gap between costs and City funding from growing.

*George Cady, President of the Rye Youth Council (RYC)*, requested an additional \$1,500 for the RYC so the City’s contribution can remain at 10% of their budget. He said they have expanded hours; increased other costs; and have held very successful fundraisers, but there is donor fatigue. He said the school’s donation had been increased by \$2,000. Councilman Cypher said he considers the Rye Youth Council a bargain for the City.

*Arthur Stampleman, 720 Milton Road*, asked if the proposed budget called for a bond referendum to purchase a new fire truck and was informed by the Comptroller that it might have, but that is no longer the case.

Further discussion on additional changes to the budget ensued. The City Manager cautioned not lowering the tax increase below the CPI increase and said he believed it wise to have external organizations develop self-sufficiency. Councilman Chu complimented both the City Manager and the Comptroller on looking at both short and long-term issues and liked the objective of keeping the tax rate within the CPI. Mr. Genito said the changes proposed did not affect the level of the contingency amount significantly; that interest income could conservatively be raised by \$12,000; that building permits could be raised by \$28,000 based current results and estimates; that vehicle and traffic fines can go up and down, but an increase of \$20,000 is not unreasonable. Councilman Seitz said he liked the fact that there was not a diminution of services, such as garbage collection twice a week (Mr. McKean urged the Council to review his memo concerning the purchase of larger trucks which would require less trips to the County disposal area). Councilman Fahey had additional questions about the value of the police impound facility and the traffic signal at Oakland Beach Avenue and Milton Road. He said he thought the signal was fine the way it is, but the Mayor mentioned it was used by lots of children, and it would look bad to take a year off from the State-mandated plan to replace all lights. Councilman Hennes said if it were to be redone he would like to see a green arrow turn signal onto Oakland Beach Avenue, and more clearly marked cross walks for the children. The Mayor suggested getting input from the Traffic and Transportation Committee. Further discussion of both the Police Impound facility and the installation of the traffic signal were postponed to the December 15<sup>th</sup> Council Meeting. The Mayor further cautioned that this year’s

budget could be within the increase in the CPI because there are no large increases in the pension requirements.

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

**RESOLVED**, that the Proposed 2005 Budget be amended as follows, reducing the tax rate to 2.88% and raising the undesignated fund balance to 10.1%

- 1) Use \$700,000 from the unanticipated mortgage tax income to fund the purchase of sanitation garbage trucks
- 2) Return the balance of the mortgage tax income (\$171,000) to the Undesignated Fund Balance.
- 3) Increase the following revenue categories for a total of \$60,000
  - a. Interest Income by \$12,000
  - b. Building Permits by \$28,000
  - c. Vehicle and Traffic fines by \$20,000

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** None

Councilman Hennes made a motion, seconded by Mayor Otis, to approve the following resolution:

**RESOLVED**, that the donation to the Rye Free Reading Room be increased by an additional \$15,000 for a total of \$1,030,580 and the donation to the Rye Youth Council be increased by an additional \$1,500 for a total of \$34,975 bringing the tax rate for the Proposed 2005 Budget to 2.99%.

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** None

The Mayor closed the public hearing.

5. Consideration of setting a public hearing to amend Chapter 191, Vehicle and Traffic, of the Code of the City of Rye for the purpose of designating the City's Car Parks as Parking Meter Zones and Modifying the Fees for Existing Parking Meters

City Manager Paul Shew said revision of the Code of the City of Rye as it pertains to parking meters is one of the steps necessary to take before implementing any changes to the existing system. The Mayor said he noticed there were some differences in the hours. City Planner Christian Miller said he has assumed the meters would be in service from 9 A.M.- 9 P.M.; that they would be \$.50/hour and the 12 hour meters would increase in cost to \$.25 per hour (rather than \$.25 per 90 minutes). He said on-street restrictions now end at 6 P.M. so this would have to be changed as well. Councilman Seitz, who has recommended 15 minute metered parking on Purchase Street, Elm Place and Purdy Avenue, said he believed it would be better to consider such an idea after the League of Women Voters forum on December 7<sup>th</sup>. The Mayor said the consultants had recommended a longer time and that it is a sensitive issue.

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

**WHEREAS**, a proposal to amend Chapter 191, Vehicle and Traffic, of the Code of the City of Rye for the purpose of designating the City's Car Parks as Parking Meter Zones and Modifying the Fees for Existing Parking Meters has been introduced at this meeting and placed before the Mayor and each Councilman; and

**WHEREAS**, it is now desired to call a public hearing on such proposed application; now, therefore, be it

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City, on December 15, 2004 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such application.

Section 2. Such notice of public hearing shall be in substantially the following form:

**CITY OF RYE**

**Notice of Public Hearing on a proposed Local Law amending Chapter 191,  
Vehicles and Traffic, of the Code of the City of Rye for the Purpose of  
Designating the City's Car Parks as Parking Meter Zones and Modifying the  
Fees for Existing City Parking Meters**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 15th day of December, 2004 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an

opportunity to be heard concerning the proposed local law amending Chapter 191, Vehicles and Traffic, of the Code of the City of Rye for the Purpose of Designating the City's Car parks as Parking Meter Zones and Modifying the Fees for Existing City Parking meters.

Copies of said local law may be obtained from the office of the City Clerk.

December 6, 2004

Rye City Planner

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** None

6. Consideration of setting a public hearing to amend the City Charter section on Bond Resolutions (C21-9) by amending subsection D and creating a new subsection E

City Manager Shew said the proposal to amend the City Charter section on Bond Resolutions (C21-9) had been discussed at a prior meeting at which time a suggestion to set an aggregate limit had been suggested. New legislation has been drafted to reflect that change.

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

**WHEREAS**, a proposal to amend subsection D and create a new subsection E of Section C21-9, Bond Resolutions, of the Charter of the City of Rye has been introduced at this meeting and placed before the Mayor and each Councilman; and

**WHEREAS**, it is now desired to call a public hearing on such proposed application; now, therefore, be it

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City, on December 15, 2004 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such application.

Section 2. Such notice of public hearing shall be in substantially the following form:

**CITY OF RYE**  
**Notice of Public Hearing on a Proposed Local Law amending Subsection D**  
**and creating a new Subsection E of Section C21-9, Bond Resolutions, of the**  
**Charter of the City of Rye**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 15th day of December, 2004 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law amending Subsection D and creating a new Subsection E of Section C21-9, Bond Resolutions, of the Charter of the City of Rye.

Copies of said local law may be obtained from the office of the City Clerk.

December 6, 2004

Susan A. Morison  
City Clerk

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** None

7. Authorization for City Manager to execute revised Inter-Municipal Agreement with the County of Westchester regarding Westchester County Mutual Aid/Rapid Response Plan

City Manager Shew said the Inter-Municipal Agreement with the County of Westchester for the Mutual Aid/Rapid Response Plan provides a greater level of response by incorporating countywide resources and setting forth procedures for activation of a mutual aid response. It is a good program that has the support of the Police Commissioner.

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

**RESOLVED**, that the City Manager is hereby authorized to execute the revised Inter-Municipal Agreement with the County of Westchester regarding Westchester County Mutual Aid/Rapid Response Plan.

8. Authorization to fill the position of Assistant City Engineer

City Manager Paul Shew said that Ryan Coyne, Assistant Engineer, would be leaving for another job in the middle of December and, because a hiring freeze continues to be in effect, he

would like permission to fill this important position. He said there is no one in-house who can fill the position and it will take up to 6 months to find a new person. The Council wished Ryan good luck and thanked him for all his contributions to the City.

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

**RESOLVED**, that the City Manager is hereby authorized to fill the position of Assistant Engineer.

9. Miscellaneous communications and reports

Councilman Fahey noted there has been an article about deer overpopulation in the Wall Street Journal and inquired about the City's ad hoc Deer Committee. Councilwoman Larr informed everyone the committee has been formed (5 pro-hunters; 5 anti) from all geographic areas and would be meeting Tuesday, December 7<sup>th</sup>.

Mayor Otis announced that the Rye Commission on Human Rights would be making their awards at a special ceremony at Rye High School in the Auditorium at 7:30 P.M. on Wednesday, December 7, 2004.

10. Old Business

There was no old business to discuss.

11. New Business

Councilman Fahey said he had reviewed the financial information received from Rye Town Park as has some questions about the statement, more specifically the \$189,000 in miscellaneous expenses and the \$389,000 in grants. The Mayor said he would put Councilman Fahey in touch with the person who created the report.

12. Draft unapproved minutes of the regular meeting of the City Council held November 17, 2004 and Budget Workshop held on November 15, 2004

Councilman Hennes made a motion, seconded by Mayor Otis and unanimously carried, to adopt the minutes of the regular meeting of the City Council held November 17, 2004 as submitted.

Councilman Hennes made a motion, seconded by Mayor Otis and unanimously carried, to adopt the minutes of the Budget Workshop held on November 15, 2004 as amended.

13. 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 10:42 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk