

**APPROVED MINUTES** of the Regular Meeting of the City Council of the City of Rye held in City Hall on January 5, 2005 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

The Council convened at 7:00 P.M. The full Council was present. Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to adjourn to executive session at 7:01 P.M. to discuss pending litigation. Councilman Hennes made a motion, seconded by Councilwoman Larr and unanimously carried, to close the executive session at 8:18 P.M. No decisions were made. The regular meeting reconvened at 8:20 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.

3. Mayor's Annual Message

Mayor Otis read his annual message to the citizens of Rye into the record as follows:

“As is our tradition, it is my privilege to present the Mayor’s Annual Message, to take note of some of the accomplishments of the last year and to discuss important challenges going forward.

“I must start off with some notes of congratulation. In 2004 we celebrated the centennial of our incorporation as a village. Our community did not choose to mark the year with a single event but with dozens of celebrations, commemorations, and history lessons. In 2004 nearly every school, not-for profit, and governmental entity found a way to honor our history, our form of government, and our way of life in Rye.

“In 2004 we congratulated all the people and events that have made Rye special. Today in 2005 I congratulate every group and individual who sponsored events and volunteered to make our centennial a truly year-long celebration. Special recognition goes to the Rye Historical Society for their leadership role in the year of events. President Eugene McGuire and Executive Director Kristina Bicher provided a framework for all of the community activities. City Historian Dan Kelly provided a vision for the year. Doug Carey participated in almost every centennial event, often in 1904 attire and character. City Manager Paul Shew and all the City Departments worked with great dedication to make every event a success.

“If anyone needed a reminder of the strength of our community fabric, they would only have to look at all the extra effort that went into our centennial. What makes Rye exceptional is our network of community groups, individual volunteerism, and civic commitment. We celebrate this community spirit every year through hard work and civic accomplishments. In 2004 we celebrated with extra flourish. Congratulations to all the organizations that made this anniversary come alive.

“I also want to recognize the generosity of Rye residents and businesses for their charitable giving to make our not-for-profits vital and successful. Rye residents contribute millions of dollars a year to local programs. Our community educational and civic organizations can only succeed with generous financial support. The City also receives tax deductible donations earmarked for City projects throughout the year. We appreciate every gift.

“This year a special volunteer effort was made to replace the field surface at Nugent Stadium with artificial turf. Through the leadership of a committee established by Steve and Sue Joyce, Bob and Kate Niehaus, and Rob and Pam Kindler over \$700,000 was raised to install the new field during the summer and in time for the fall sports season. Local residents and businesses contributed time, services, and funding to make this project a centennial gift to Rye.

“The Rye Town Park Duck Pond Project was another success story of 2004. With the assistance of state funding from Governor Pataki and the Department of Environmental Conservation and the contributions from the Friends of Rye Town the project addresses a major water quality problem at the park and restores an important environmental resource. This was accomplished with limited local taxpayer contribution. In addition, the Friends of the Rye Nature Center added classroom space with the assistance of a state grant and private donations.

“Last year also saw the opening of new athletic fields at Disbrow Park and Rye Nursery, the result of countless volunteer hours, thoughtful planning, and the support of the taxpayers of Rye. Also completed was the pavilion restoration project at Rye Town Park funded without cost to the taxpayer with private dollars through our lease extension with Seaside Johnnies.

“These are recent examples of the energy the people of Rye put into the projects of the community. Each year charitable contributions, private funding, outside grants, local tax support, and volunteer time all play a role to move our community forward. For all those who donate time, funding, and energy to make the good work of this community possible, congratulations and thank you. We depend upon you.

“Last year brought a successful conclusion to the Home Depot litigation with New York’s highest court, the Court of Appeals, rejecting Home Depot’s claims against Rye and ending years of litigation. This decision was important because it vindicated the proper actions of our predecessors on the City Council in defending Rye’s interests. It was also important for all municipalities in New York State because Home Depot sought to intimidate Rye officials by suing in federal court, and not just suing Rye as a governmental entity, but suing our officials for their personal assets as well. We did not give in and our successful defense protected Rye taxpayers against the \$50 million claim in the lawsuit and protected local officials everywhere who are doing their jobs.

“The future brings challenges and opportunities. Foremost is our continued commitment to the children of Rye. Our schools, our Department of Recreation, our athletic organizations, our not-for-profits all offer countless opportunities to involve and enrich children. But the reality is that it is not easy to be a parent or a growing child in today’s world. Our Youth Advisory Committee is an excellent place to hear what is on the minds of today’s teenagers. Rye continues to lack a dedicated teen activity area. The result is that “there is no place to go”, and the problem the kids have is that when they go someplace no one wants them there. We need to work with the Rye Youth Council, the Recreation Department, and the schools to address this problem.

“With expanding numbers in our Rye Little League, Rye Youth Soccer, and other programs our need for athletic field space has not been satisfied. Last year we discussed possible uses for the state-owned land on the Boston Post Road across from Rye Country Day School. The Council agreed that future uses incompatible with past City policies for the area would be opposed by Rye. One option that had been pursued over the years was the possibility of using the property for athletic practice fields. Since our public discussion regarding use of the site last fall, we have heard from both the Rye City School District and Rye Country Day School regarding their interest in re establishing a partnership to make athletic field use a reality.

“I propose today that we ask two of our City commissions to review aspects of this issue and provide the Council with information before discussions begin with staff or representatives of either institution. From the Recreation Commission we can learn what footprint they would recommend for field use of that space. The site was reviewed as part of the Recreation Master Plan Process. I recommend that we ask the Traffic and Transportation Committee to evaluate and provide options, if feasible, for safe, low volume access to this site. We must determine whether or not the traffic safety problems associated with the site can be addressed before we pursue this option further.

“Another challenge will be to find a solution for the Damiano Community Center project which was cancelled last February. The voters approved the project and it was

ready to proceed. The year's delay now poses key questions we must address. Are Rye residents getting value for their tax dollar given the increased costs of delaying and redesigning the project? How closely does the project resemble that plan voters approved by a wide margin? How does any revised plan address the needs of Rye senior citizens and other users of Damiano? We must proceed with a project that makes sense. This issue is on our agenda this evening.

“Flooding continues to be a problem for Rye. The past year brought more flood related complaints than we have had in years and a major flood event in September that caused significant damage. There is much we have done to address flooding risks and more work is needed. Our participation in FEMA's emergency preparedness program, Project Impact, gave us tools we have used in emergency situations and provided us with important research we have used as a basis for a number of community projects. At Rye Nursery we are combining a flood control property acquisition, water quality wetland restoration, and recreation parkland use on one site.

“At Beaver Swamp Brook our joint project with the Town of Harrison is now in the construction phase that will include flood control, environmental clean up, and wetland restoration. Outside funding through Congresswoman Lowey and the Federal government and Governor Pataki and the State government has surpassed \$6 million for this complex inter-municipal project. A blighted flood prone area will be enhanced to benefit both municipalities.

“Blind Brook was the focus of significant flood events this year. City Manager Paul Shew quickly instituted a post-event review process after the September storm. The participation of residents in that process will assist the City in future events. City departments regularly review all emergency response procedures and that due diligence will continue.

“For a coastal community with two major brook systems flowing through it, Rye will never be immune to flooding. There are actions we should implement. With significant steps undertaken at Beaver Swamp Brook we need to replicate those efforts at Blind Brook. Downstream the Rye Nursery wetland restoration will be funded by a \$1.6 million state grant.

“There are steps we need to take upstream at Blind Brook to provide some additional protection against the kind of storm we saw in September. One possibility is to raise the water level of the pond known as the “keyhole” in Rye Brook to increase water retention. Another possibility is to provide some ability to pre-release water before a large storm arrives. We should also continue to encourage the Village of Rye Brook to find a non-development solution for the property abutting that pond in order to better protect both communities from flooding.

“Another challenge is to maintain our infrastructure on an ongoing basis in a fiscally responsible fashion. We have lived through these cycles before. When we neglect our buildings, roads, and City owned facilities we pay more in the end. We have seen this with Whitby Castle, our Firehouses, and our roads. In the last year I have received more

complaints regarding road conditions than any other year as Mayor. The Council needs to make roads like Theall Road a priority. Each year we postpone this project, the cost to complete it escalates.

“The last year brought challenge and acts of valor in public safety. The Police and the Fire Department work very hard protecting our town. We are well served by their dedication. Both Departments have planning and capital projects that will require our continued support and involvement.

“Our Central Business District continues to change and evolve with challenges ahead. Last year we debated extensively regarding parking. Tonight I want to talk about the Central Business District Beyond Parking. Our CBD is small with a limited number of stores and therefore a limited draw on the shoppers who have many choices of where to spend their dollars.

“We must take steps to protect the diversity and mix of stores that are needed to sustain a healthy small town shopping area. A small town does not have one big anchor store. It has a number of small anchors that attract shoppers who then are drawn to our other stores. We should work with the Rye Merchant’s Association to see if there are ways we can attract or recruit the types of retail businesses that are missing. For one, we no longer have a casual men’s clothing store which would seem to be an important store to offer.

“In addition, I request that our Planning Commission examine the issue of the increase in the number of banking institutions in town to determine if we should make changes in our laws to attract businesses selling retail goods. We should examine rules that are in place in other communities to see what tools are available to encourage retail diversity. We also need to review our policies on litter in the Central Business District.

“In the area of finances, we must maintain our priority to control tax increases while providing the level and quality of services Rye residents expect and newcomers move here to enjoy. The City of Rye continues to maintain our position as one of the top ranked communities in the state for financial strength. We are one of a select number of local governments to have the highest bond rating given, a rating we have maintained since 1990. Our undesignated fund balance has remained above 10%, always at least double our guideline, for over a decade.

“We have been well served by our Finance Department and City Comptroller. They provide us with more detailed reporting and description of municipal financial information than most other communities, and they have numerous awards for their work to prove it. Making prudent decisions on financial matters requires this kind of quality information.

“However the City of Rye’s longstanding prudence is always vulnerable to external economic forces. Where we have had spikes in our tax rates they have occurred in years where the economy has cut revenues or increased outside costs. The biggest cost increase for Rye between 2003 and 2004 was a \$1 million increase in charges to the state

retirement system. There was no increase in these charges in 2005, the first year that charges did not increase since rates began climbing in 2001.

“We must continue our efforts to protect Rye taxpayers with continued prudence over our budget. We must continue our efforts to secure outside funding for important community projects and to find ways to reduce City of Rye reliance on taxpayer dollars. In the last seven years the City of Rye taxpayers have benefited as we have secured private sector funding, outside grants, and loans totaling over \$13.5 million. We have had two comprehensive reviews and readjustments of our schedule of municipal fees, and we raise other fees annually where appropriate. We have requested authority from Albany to institute a hotel occupancy tax that will provide some additional non-property tax revenue. We have continued our hiring freeze and job reduction review policy. Our City Manager and Department Heads are always looking for ways to reduce costs through reorganization while maintaining quality services.

“The City of Rye has among the lowest levels of taxation for municipal governments in Westchester. Nevertheless, there is no doubt that in New York State we pay higher property taxes than most other states in the country. Your City of Rye tax represents 17% of your property tax bill. County and school taxes account for the other 83%. The City of Rye has followed a prudent “do more with less” philosophy for over 20 years.

“Big changes in property taxes need to come from state government where it is determined what percentage of education or health care is paid for by school or county property taxes. Property taxes are placing undue pressure on homeowners and businesses throughout New York. We need state government to restore the property tax burden to a reasonable balance. Until that change comes we will do our part in the City of Rye to protect taxpayers.

“These are some of the highlights for the year just passed and the days ahead. There are countless other activities, good works, and services that enrich our town. The City of Rye government benefits from having exceptional staff, Department heads, and professional leadership at City Hall. The level of dedication and commitment in each department is high. We are also served by hundreds of volunteers on City boards and commissions and throughout the community organizations in Rye. Together we are the fabric of a community that is always striving to be better.

“A final thought beyond Rye. In the world in which we live, too often there are those events that put our daily lives in perspective. Last week’s devastation across the globe was such an event. We work hard to build a framework for our lives based upon family and community. To have all that you hold secure wiped away at once is a challenge beyond comprehension. Our hopes and prayers go out to all those affected by this natural disaster. We give so much to our community. Difficult days like these make us want to reach out to others. We can by giving to an organization of your choice providing relief to the victims of the Tsunami. Thank you and good night.”

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

There were no residents who wished to be heard.

5. Consideration of setting a public hearing on an application (TC011) of AT&T Wireless for a special permit to locate a wireless telecommunications facility at 150 Purchase Street, Rye, New York

Christopher B. Fisher, representing Cuddy & Feder LLP, legal counsel for AT&T Wireless PSC, LLC and Cellular Telephone, d/b/a AT&T Wireless, now merged with Cellular Phone, presented an application for a special permit to locate a wireless telecommunications facility at 150 Purchase Street, Rye, New York. He said the application had been reviewed by the City Planner during late summer and redesigned with smaller antennae (8' above the roofline, contained in an 10' x 20' screened wall). He said this new facility (on the Hansa Building rather than Highland Hall because it is not residential) fills in the reception area not covered by their other facilities (on United Hospital, Theodore Fremd and at 66 Milton Road). He said there is a lot of demand, even though it is a small area, and it is deemed more acceptable to have more small antennae rather than one large tower. The Mayor urged the Council to view the site, especially from High Street.

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

**WHEREAS**, a special use permit application (TC011) for permission to locate a wireless telecommunications facility at 150 Purchase Street has heretofore 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 February 16, 2005 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:

**Notice of Public Hearing on a special use permit application by AT&T  
Wireless to co-locate a wireless telecommunications facility  
at 150 Purchase Street**

PLEASE TAKE NOTICE that, pursuant to Chapter 196 of the Code of the City of Rye (Wireless Telecommunications), the Rye City Council has scheduled a public hearing for Wednesday evening 8:00 P.M., February 16, 2005 in the Council Room of the Rye City Hall on the following matter:

AT&T Wireless PCS, Inc. and Cellular Telephone Company d/b/a/ AT&T Wireless has applied for special permit approval for the purpose of installing a wireless telecommunications facility on a property located at 150 Purchase Street. The property is known on the Rye City Tax Map as Sheet 139, Block 3, Lot 069, and is located in the RA-3 Apartments District. All information pertaining to this matter is available at the City Clerk's Office in Rye City Hall. Contact Christian K. Miller, (967-7167) if you require assistance in reviewing this matter. Any person interested or affected will be given an opportunity to be heard.

January 26, 2005

Rye City Planner

6. Authorization for City Manager to proceed with detailed engineering plans and specifications and issue an RFP for renovation of Damiano Center

City Manager Paul Shew asked the Council to consider a resolution which would bring to culmination many development plans for the Damiano Center by authorizing the staff to move forward, returning to the Council only when bids are ready to be awarded. He thanked the recreation staff and *Doug French, Chair of the Recreation Commission*, for all their hard work.

*Mr. French* summarized the evolution of the project over the past nine months saying the committee had tried to address the primary needs of recreation in Rye within cost constraints. He said plans had been turned down over the years (by the public, and then by both staff and this Council because of financial constraints) despite the fact that a bond for \$2.9 million had been approved by the voters. He said they thought they had a viable alternative in Plan C (which added 5700 sq. ft., 4 activity rooms, 1 multi-space area and a senior lounge) but this plan, too, is estimated to cost way over the desired price of \$1.3 million. As a result, the committee returned to the drawing board with a current conceptual plan for 3500+/- sq. ft., 3 activity rooms and the multi-space area and senior lounge which might have to double as a teen center. The estimated cost for this scaled-down version is \$1.3 million. He said there is diversity of opinion among the commission members; no one prefers it to Plan C; but to do nothing is not an alternative.

Councilman Hennes, joined by Councilmen Chu, Fahey, Larr and Seitz, recapped that the original plan had been too expensive and applauded the Commission for coming up with a plan which will save the Rye tax payers money while still meeting the needs of the Seniors. They thanked everyone for their patience, focus and discipline; said they welcomed additional full discussion, but urged approving the resolution so the project could move forward.



Mayor Otis said he still likes Plan C that would give teens their own room. He said there is still “money in the bank” from the bond referendum and even with Plan C there would be savings of over \$700,000. He said the proposal for the new plan, which does not meet everyone’s needs, has not been given enough notice or opportunity for public comment.

Other Recreation Commission members commented to the Council. *Scott Florio, 336 Oakland Beach Avenue*, said the Commission had been put in an impossible position and asked for the go ahead to build something so they can built it. *Frank Adimari, 12 Hammond Road*, confirmed the building would be obsolete immediately and urged building extra space now. *Doug Carey, 131 Purchase Street*, said it will be a challenge to make the new plan work, but they would have to take the time to try and find a solution to help all their constituencies. *Joe Murphy, 57 Franklin Avenue*, speaking on behalf of the Seniors, urged something get built soon, but suggested building without a good vision, even if you were saving money, was not worth it.

Councilman Cypher was concerned that options for future expansion be included in the plan as the current one does not meet even present needs, much less future ones. He said knowing there were provisions for future expansion would make him, and many others who will be unhappy not to see at least Plan C, happier. He said each month costs escalate and Damiano is becoming the “incredible shrinking building” failing to meet, among other things, the needs for a designated teen center. *George Cady, President of the Rye Youth Council (RYC)*, said the needs of Rye’s youth could be met with 900 sq. ft of space that would be finished off by the RYC. He said, if necessary, they could share with the Seniors as their time needs are after 3 PM and on weekend nights, but there would be differences in desired décor, noise level and general ambiance which would have to be worked out. *Alex Piscionere*, spokesperson for the *Rye Youth Advisory Committee* urged the Council to listen to the RYC saying teens need a place to go and asking that their needs not be forgotten. Councilman Cypher said he was not happy but wanted to get something built so he suggested a compromise by adding \$400,000 to the cap on the funds to be spent, as an additional cushion which might allow for a teen center and make the plan better.

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

**RESOLVED**, that the City Manager be authorized to expend up to 1.7 million dollars, rather than \$1.3 million, on the Damiano Center project.

**ROLL CALL:**

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

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

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

**RESOLVED**, that the City Manager is hereby authorized to proceed with plans, specifications and bids on the Damiano Center for a 3,500 (plus or minus) square foot facility seating not less than 150 individuals, said authorization up to an amount not to exceed the amount of \$1.3 Million Dollars.

ROLL CALL:

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

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City Manager Shew wished everyone a happy 2005 and introduced the new Assistant Manager, Scott Pickup who has a Masters Degree in Public Administration, has worked in Scarsdale and is currently Town Manager in Germantown, Ohio. Scott said he was looking forward to working with everyone beginning in March.

Before moving to the appointments, Mayor Otis reminded all Boards, Committees and Commissions that their annual reports are due by the end of January.

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7. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint Councilman Franklin Chu to the Police Pension Fund for a one-year term expiring January 1, 2006.

8. Two appointments to the Board of Appeals for three-year terms, by the Mayor with Council approval

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint Alan Wiener to the Board of Appeals for a three-year term expiring January 1, 2008. The second appointment was deferred to a later meeting.

9. Two appointments to the Board of Architectural Review for a three-year term, by the Mayor with Council approval

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint Eugene McGuire and Richard Mecca to the Board of Architectural Review for three-year terms expiring January 1, 2008.

10. Designation of the Chairman of the Board of Architectural Review, by the Mayor

Mayor Otis re-designated Eugene McGuire as Chairman of the Board of Architectural Review.

11. One appointment to the Board of Ethics for a three-year term, by the Mayor with Council approval

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint Elizabeth Griffin Matthews to the Board of Ethics for a three-year term expiring January 1, 2008.

12. Three appointments to the Commission on Human Rights for three-year terms, by the Mayor

Mayor Otis made a motion to re-appoint Laurence Forsberg and Fred Penichet to the Commission on Human Rights for three-year terms expiring January 1, 2008. The third appointment was deferred to a later meeting.

13. Designation of the Chairman of the Commission on Human Rights, by the Mayor

Mayor Otis re-designated Patrick McGunagle as Chairman of the Commission on Human Rights.

14. Three appointments to the Conservation Commission/Advisory Council for three-year terms, by the Mayor with Council approval

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint Richard Horsman, Paul Knudsvig and Jim Nash to the Conservation Commission/Advisory Council for three-year terms expiring January 1, 2008.

15. Two appointments to the Finance Committee for three-year terms, by the City Council

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint George Pratt and Norm McMaster to the Finance Committee for three-year terms expiring January 1, 2008.

16. Three appointments to the Landmarks Advisory Committee for three-year terms, by the Mayor with Council approval

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint T. Patrick (Sid) Burke, Richard Hourahan and Daniel Kelly to the Landmarks Advisory for three-year terms expiring January 1, 2008.

17. Two appointments to the Planning Commission for three-year terms, by the Mayor with Council approval

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint Hugh Greechan and Peter Larr to the Planning Commission for three-year terms expiring January 1, 2008.

18. Designation of the Chairman of the Planning Commission, by the Mayor

Mayor Otis re-designated Barbara Cummings as Chairman of the Planning Commission.

19. Two appointments to the Recreation Commission for three-year terms and one to fill the term expiring January 1, 2006, by the Mayor with Council approval

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint Douglas Carey and Scott Florio to the Recreation Commission for three-year terms expiring January 1, 2008 and to appoint Esther Martensen to the Recreation Commission to fill a one-year term expiring January 1, 2006.

20. Four appointments to the Rye Beautification Advisory Commission for three-year terms, by the Mayor with Council approval

This agenda item was deferred to February, following an open forum to be held on February 8<sup>th</sup> at the Rye Free Reading Room at 7:30 P.M. when the existing committee will seek new members and gather relevant ideas for the committee from community leaders. Councilman Hennes, the committee's liaison, urged all to attend.

21. Two appointments to the Rye Cable Television Committee for three-year terms, by the City Council

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint Doris Blank and Marvin Goldstein to the Rye Cable Television Committee for three-year terms expiring January 1, 2008.

22. Designation of Chairman of Rye Cable Television Committee by the Mayor

Mayor Otis re-designated Doris Blank as Chairman of the Rye Cable Television Committee.

23. Three appointments to the Rye Playland Advisory Committee for three-year terms, by the Mayor with Council approval

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint William Walsh and Ellen Slater to the Rye Playland Advisory Committee for three-year terms expiring January 1, 2008. The third appointment was deferred to a later meeting.

24. Designation of Chairman of Rye Playland Advisory Committee by the Mayor.

Mayor Otis re-designated William Walsh as Chairman of the Rye Playland Advisory Committee.

25. Three appointments to the Traffic and Transportation Committee for three-year terms and one to fill the term expiring on January 1, 2006, by the Mayor with Council approval

Mayor Otis made a motion, unanimously approved by the Council, to re-appoint Edith Burpee to the Traffic and Transportation Committee for a three-year term expiring January 1, 2008. The other two appointments were deferred to a later meeting.

26. Designation of the City Council's Audit Committee by the Mayor

The Mayor re-designated Mayor Otis, Councilman Chu and Councilman Hennes to the City Council's Audit Committee.

27. Designation of the following City Council Liaisons by the Mayor:

Mayor Otis announced that the City council Liaisons would continue for another year as follows:

- Ambulance Corps – Councilwoman Larr
- Board of Appeals – Councilman Seitz
- Board of Architectural Review – Councilwoman Larr
- Boat Basin Commission – Councilman Hennes
- Commission on Human Rights – Councilwoman Larr
- Conservation Commission/Advisory Council – Mayor Otis
- Finance Committee – Councilman Chu
- Landmarks Advisory Committee – Councilwoman Larr
- Recreation Commission – Councilman Cypher
- Rye Beautification Advisory Commission – Councilman Hennes

Rye Cable Television Committee – Councilman Chu  
Rye City School Board – Mayor Otis, Councilman Cypher  
Rye Free Reading Room – Councilman Chu  
Rye Golf Club Commission – Councilman Fahey  
Rye Merchants Association – Mayor Otis  
Rye Playland Advisory Committee – Mayor Otis, Councilman Cypher  
Traffic and Transportation Committee – Councilman Fahey  
Youth Advisory Committee – Councilman Cypher  
Rye Senior Advocacy Committee – Mayor Otis

28. Designation of the days and time of regular meetings of the City Council

The Mayor asked the Council to consider the schedule of meetings for 2005. It has been adjusted to accommodate holidays and school vacation periods.

Mayor Otis made a motion, seconded by Councilman Hennes and unanimously carried, to designate the days and times of regular meetings of the City Council during 2004 as follows:

January 5	May 4	September 7
January 19	May 18	
February 2	June 15	October 5
February 16		October 19
March 9	July 20	November 9
March 30		November 30
April 13	August 15 (Cap. Budget)	December 7
April 27	August 17	December 14

29. Designation of official City newspaper

After some discussion about the importance of having the official City newspaper be a daily paper, Mayor Otis made a motion, seconded by Councilwoman Larr and unanimously carried to designate *The Journal News* as the official City newspaper.

30. Designation of the amounts of faithful performance bonds:

Mayor Otis recommended the following amounts of faithful performance bonds, as recommended by the auditors. The Council concurred.

A.	City Comptroller	\$ 1,000,000
B.	City Clerk	\$ 500,000
C.	City Marshal	\$ 100,000

ROLL CALL:

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

and Seitz  
NAYS: None  
ABSENT: None

31. Miscellaneous communications and reports

Councilman Chu inquired about the installation of the “no-left turn” sign at the new Commerce Bank on the Mamaroneck border. The City Manager said the matter had been referred to Mamaroneck’s Traffic and Transportation Committee and he had not heard the outcome.

The City Manager reported on the status of the 13 refrigerator-like boxes installed by Verizon throughout the community in preparation for Verizon’s entrance into the Cable business. He said the boxes block some sidewalks; create a vision problem for traffic; are an impediment to plowing; and invite vandalism. He said there would be no street permits issued until the matter is resolved. At the very least they cannot be in the City’s right-of-way so they need to be moved up the poles. The Mayor said there may be a franchising opportunity for the City and, as Verizon will not be the last to get into the cable business, it is important to set standards for the City now.

Councilman Hennes asked about the status of the Anti-Loitering Statute presented to the Council some months ago. Councilman Cypher said that while some of the statute was fine, the Youth Council and others are concerned about the “no-go” areas that appear to be directed strictly to Rye youths. He said the City needs to address the issue of where these teens can go first before passing the statute.

32. Old Business

Councilwoman Larr requested input on the status of the land behind the gas station on Theodore Fremd, long considered as a site for low income housing, as the Commission on Human Rights has done a survey and is interested in knowing. City Manager Shew said the County no longer has plans to sell the property and is looking again at how to clean it up.

Councilwoman Larr inquired about whether the Kirby Lane North project would include providing a better water supply for fire-fighting purposes. City Manager Shew said the City’s project was only for the sewer system and any improvement in the water pressure would have to be made by separate agreement with the water company.

Councilman Fahey asked if there were any additional financial reports for Rye Town Park. Mayor Otis said he had shared the latest reports and had reminded Mr. Morabito that the costs for the Duck Pond should be separated out from the general accounting report. He said he would share information about the 2005 budget as soon as it was available.

33. New Business

Councilman Seitz said the Council needs to address a whole series of “quality of life” issues being faced by the community and requiring resident input. Councilman Fahey concurred saying the issues include loitering, noise, deer, underage drinking and rock chipping.

34. Draft unapproved minutes of the regular meeting of the City Council held December 15, 2004

Councilman Hennes made a motion, seconded by Councilman Cypher and unanimously carried, to accept the minutes of the regular meeting of the City Council held December 15, 2004.

35. Adjournment

There is no further business to discuss, Councilman Hennes made a motion, seconded by Councilman Cypher and unanimously carried, to adjourn the meeting at 10:55 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk