

***APPROVED MINUTES*** of the Regular  
Meeting of the City Council of the City of Rye held in  
City Hall on November 9, 2005 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

1. Pledge of Allegiance

Mayor Otis called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

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

Announcements

Mayor Otis announced with deep regret the sudden passing of Marvin Goldstein, long-time member of the Rye Cable-TV Commission, gifted lawyer, and contributing citizen, calling him a nice, dedicated, decent man who will be missed. He offered condolences on behalf of the entire Council.

The Mayor congratulated Rye High School Fall sports teams on yet another excellent year, stating that the Football Team will be continuing their quest for a title the following Friday night and the Field Hockey team was eliminated during the regional finals in the very last second.

The Mayor congratulated all eleven candidates for running in the just-completed election. He said running for office is in itself a public service, a lot goes into any campaign, and much credit is due each and every candidate for offering their services to the City by being willing to run.

The Mayor announced that the annual commuter parking deadline is Thursday, November 10 at 5:00 P.M., reminding those needing to renew that it was essential to meet that deadline or the guillotine would fall.

3. Presentation of the FY 2006 Budget by the City Manager

The Mayor introduced City Manager Paul Shew who began the formal presentation of the 2006 Budget. Mr. Shew said this year's format, again designed to be both informative and concise, would again have three parts: an overview of the needs and philosophy reflected in the budget; a two-minute summary by each Senior Manager of their department; and lastly, an overview and explanation of the financial picture presented by the City Comptroller. He said after his closing statement there would be an opportunity for questions, but he assumes a more appropriate time would be after the consideration of the budget material and at the first workshop scheduled for November 16.

Mr. Shew said it was a pleasure to present his third annual budget to the Council, saying it was both responsible and strategic. It is responsible because it calls for only a 5.23% increase when inflation is 4.8%; provides for improving the infrastructure; maintains quality services in our main lines of business; advocates continued environmental efforts in the City's fleet and parks; and requires continued efforts by all parties for self-sufficiency. It is strategic because it calls for increased participation in overall future direction; use of statistically valid surveys; self-sufficiency from all parties; focuses attention on Long Island Sound (an asset unique to our community; and balances capital needs across all departments. It is a budget designed as a tool to shape discussions for the future, keeping costs within financial parameters set by the Council, articulating expressed needs and continuing environmental efforts.

In introducing the presentations by the Senior Managers, Mr. Shew said it is an honor to represent the men and women in the various municipal departments who serve this community so well. The reports of the Senior Managers are summarized as follows:

*Noreen Whitty, Assessor*, said the primary responsibility of her office is to create, maintain and defend assessments and property inventory for 4,868 parcels of real property having an estimated taxable market value of over 5.8 billion dollars. She said it had been a challenging year as the courts continue to restrict municipal authority in matters pertaining to real property assessment and the continued decline in the equalization rate threatens to erode the commercial and utility tax base. It directly impacts our liability in tax certiorari proceedings, the amount of County taxes Rye pays and our share of the Rye Neck school taxes. Because of her department's efforts the County tax rate dropped 7% and the Rye Neck taxes remained unchanged, rather than increased. She expects erratic and unpredictable apportionments in the future. Inspections and assessment of new construction continue to be a priority, as does the administration of a variety of tax exemption programs including veterans, senior, STAR and not for profits. The office, in conjunction with the Corporation Counsel, represents the City in small claims assessment review and tax certiorari proceedings, including the ongoing case vs. the Miriam Osborn Memorial Home (the largest tax certiorari case in the City's history). The goal

remains to preserve the integrity of the assessment roll and to insure equitable distribution of the tax levy.

*Susan Morison, City Clerk*, said the Clerk's Office is the official keeper of records and major provider of information to the public; the issuer and recorder of all State-mandated vital statistics; the issuer of over 2000 parking permits; 1400 fire and burglar alarms, and many other permits. They oversee bids and contracts, regulate the taxi industry and provide numerous other services as requested and required. The Clerk is also the secretary to the Board of Appeals, writer of the official minutes of the City Council, and keeper of the official list of Boards, Commissions and Committees. Records retention continues to be an important role for the Clerk's Office, as is running elections. During 2005 several polling places were reassigned to provide better handicapped accessibility and more efficiency in running smaller elections. The State has passed sweeping election reforms authorizing the County Board of Elections to assume most responsibilities for running elections, but the Clerk feels her office will continue to be heavily involved in making sure elections in Rye run smoothly. In 2006 the office will once again be fully staffed and they look forward to providing more efficiency and excellent customer service.

*William Connors, Police Commissioner*, spoke of the importance of maintaining relationships between the police and youth of our community and the importance of getting people to know of the diversity of the lives and responsibilities of Rye's police officers. He described chasing armed robbers to the New York City border; consoling the sick, injured and dying; mediating disputes of all kinds; saving lives; installing 500 child safety seats (again earning the AAA Gold Award); rescuing stranded boaters; and monitoring the Bowman Dam during possible flood conditions. He spoke of the remarkable collaboration in producing the Respect Manual that has been so successfully introduced into the schools and the emphasis on public safety in anticipation of terrorism. He reported on the number of situations handled over a given year (14,758 calls for service, 4,799 traffic violations, 1185 alarms, 863 medical emergency calls, 474 arrests on 847 charges). He said even more impressive than the numbers is the level of skill, dedication, and concern shown on a daily basis by the employees of Rye's Police Department.

*Peter Cotter, Fire Chief*, said they have a "combination" department with 16 paid career firefighters, one career Fire Inspector and approximately 120 volunteers (40 active firefighters) responsible for the protection of life and property through fire suppression and prevention. The department is headed by a non-paid/volunteer Chief and governed by the Board of Fire Wardens. He reported during 2005 they will have responded to over 800 emergency alarms including fire suppression, control of hazardous material incidents, accident victim extrication, flood evacuation, marine fire protection and mutual aid assistance. In addition, fire prevention programs, fire and arson investigations, code enforcement and fire safety inspections were conducted. This year has seen increased emphasis on recruiting and training volunteers and seeing the growth of Explorers Post 700 (made up of high school students aged 14-20). They continue ongoing equipment replacement and upgrades along with the county-wide fire ground communication effort. They look forward to the renovation of the Locust Avenue headquarters; thank the citizens of Rye for their support; and look forward to continuing to protect and serve our citizens.

*Christian Miller, City Planner*, reported that 2005 had been an active year. The Department reviewed and processed over 40 land use applications; completed the Neighborhood Business District Study; assisted with the implementation of new zoning amendments to allow apartments over stores in the City's B-1 District; assisted in consideration of zoning text amendments to expand the Membership Club District; completed a study on banking and drafted legislation to change the regulation of banks in the Central Business District; assisted with the implementation of the Kirby Lane North Sewer Assessment District; and is currently working on recommendations for new subdivisions in Rye and land use policy and strategies for the Central Business District. He anticipates 2006 will be even more active especially as 2006 marks the 50<sup>th</sup> anniversary of the last time the City conducted a comprehensive update of its Zoning code and 21 years since the last update of the City Development Plan. The Department will continue to provide professional guidance and technical support as these two important tools are reviewed. The City needs smarter planning more than ever as the needs of a maturing community are faced with 21<sup>st</sup> century challenges. The Planning Department sees its role in meeting these challenges by helping the City make better land use decisions guided by the broadest possible input of the community.

*Vincenzo Tamburro, Building Inspector*, said probably 90% of what Rye citizens do or want to do to their property is regulated under some code and/or law that the Building Department must enforce. Laws include zoning, flood plain management, housing standards and signs. Code Enforcement Officers must meet the requirement of 24 hours of in-service training per year. With a staff of only three, last year his department reviewed and issued approximately 584 building permits (ranging from fences to signs to house additions), performed approximately 1800 inspections and pursued violations that often lead to court appearances. The department appeared in City Court 40 times this year, each appearance requiring 2-3 hours of preparation, in addition to the 20-25 hours required prior to issuing the summons. They work with many other departments providing technical advice, assistance to capital improvement projects that improve City-owned buildings, and are on call 24/7 to respond to emergencies. Building works closely with Planning and Engineering as well as with the City Clerk, the Board of Architectural Review and the Board of Appeals.

*George Mottarella, City Engineer and Director of the Department of Public Works*, reported that the *Engineering Department* prepares and administers contracts for all public works, capital improvement and building improvement projects including Building and Vehicle improvement projects. Last year a Pavement management system was instituted to assist in prioritizing street resurfacing. Professional engineering services are provided to all City Departments, Boards and Committees, including review of subdivisions, site plans, repair to sanitary lines, etc. Mr. Mottarella or Assistant Engineer, Christopher Tallarini inspects all work. The department issues over 300 permits and responds to citizen inquiries and concerns, particularly with regard to drainage and grading, and advises the proper course of action. *Public Works* is responsible for the repair and maintenance of 23 traffic signals, all signs, line striping, 50 miles of pavement, 2100 street lights, 53 miles of sanitary sewer lines, 1500 manholes, 7 sanitary sewage pump stations, 30 miles of storm drains, 15 parking lots, 130 parking meters and 10 central pay stations. They collect 7153 tons of garbage from 5100 residential housing units with 7 new garbage trucks, 1060 tons of organic waste, 2710 tons of recycling materials, and 450 tons of fall leaves. They manage 10 acres of public park areas, maintain 6200 public trees, and maintain and repair the City's vehicles as well as 12 public buildings and maintenance of the fuel

depot. Staff levels have remained static over eleven years despite new State and County regulations and mandates.

*Sally Rogol, Assistant Superintendent of Recreational Services and Parks*, reporting for Bill Rodriguez, said her department's mission is "to provide quality leisure services through a comprehensive program of activities and facility management" for pre-school through senior adults while always striving to be cost effective and efficient. Their values are quality, respect and sound management. They take pride in history and traditions, fellow employees, appearance and presentation, job performance. To be cost effective they have secured over \$1 million over the last decade through private donations, the athletic field surcharge, grants, the gift catalogue and brochure ads. These efforts have enabled the department to consistently recover more than the desired 40% of expenditures on an annual basis. This recovery rate is at or near the top of all similar agencies in the County. They look forward to the completed expansion of the Damiano Community Center and the development of the skate park during 2006, both of which will provide a multitude of new recreational opportunities and services for the community that will help distinguish Rye from other communities while continuing to provide exceptional service.

*Peter Fox, Boat Basin Supervisor*, reported that 2005 had been challenging due to the continued difficulties in completing the mandatory dredging of the harbor, with the largest hurdles concentrated in the area of disposal of the dredged material. The Boat Basin Commission is committed to maintaining the dredging fund at a level that will support the ever-increasing costs of dredging and is working diligently to find a long-term solution. They are working closely with Assemblyman George Latimer to find a way to dispose of the silt. A sequential dredge plan is being proposed to the regulatory agencies. Unfortunately, the harsh 2004-5 winter resulted in heavier siltation rates from Blind Brook. On the positive side, Sections "C" and "D" of the docks have been re-decked; aging sections of the water system have been replaced and repaired and the above ground pipe replaced; parking and winter storage facilities have been improved and grounds maintenance of the Friends Meeting House continues. The Boat Basin continues to run successfully, contributing almost 20% of its gross revenue to the General Fund.

*Scott Yandrsevich, Manager of the Rye Golf Club*, said it had been a challenging year for the club as extreme weather conditions imposed difficulties for golf courses throughout the area. However, he does not expect any long-term negative effect and looks forward to a great season next year. He said increased demands from members, changes in demographics, competition, facility and financial burdens face the Club, but they have the ability to adapt, change and overcome and he is confident they will. The Enterprise Fund continues to be totally self-supporting. It is an exciting time for the Rye Golf Club and with a proactive Commission and motivated staff they welcome the challenge and look forward to capitalizing on the opportunities.

*Michael Genito, City Comptroller*, said he oversees not only the Finance Department, but Information Technology and the Traffic Violations Bureau. His staff is responsible for receipt and disbursement of all City funds, processing of parking violations, and the technology infrastructure relied upon by all City departments. They publish the City's Comprehensive Annual Financial Report, the Annual Budget document and the Popular Annual Financial Report, each of which have received national awards for several consecutive years. They also

prepare and publish the Capital Improvement Plan and the Financial Trends Report, all of which are on the City's web site. He said the Annual Budget now includes a "Multi-Year Budget Forecast" section that projects our General fund operations through 2010. He reported some turnover in his staff, but is happy to once again be fully staffed. He feels the City of Rye Finance Department is one of the best in the country and up to the challenge of continuing to be on the forefront of all new requirements, practices and emerging technology.

The Mayor thanked the department heads for their presentations and their excellent performances all year. He said the Council is aware that a lot of work is accomplished with a very lean staff and it is much appreciated. The City Manager said it was now time to present the 2006 Tentative Budget in more detail.

*City Comptroller Michael Genito* began by reiterating that the City of Rye taxes are the smallest piece of the total tax pie, representing only 17% of the total, with the Rye City School District accounting for 60% and the County for the remaining 23%. He said the proposed tax rate will be \$122.91 per \$1000 of assessed valuation, a 5.23% increase over 2005, or an annual increase of \$132 on the average home.

The 2006 proposed budget complies with our financial policies. Operating expenditures of \$26.1 million are funded by operating revenues; \$1.5 million of fund balance is used for equipment and capital items. An estimated \$3.5 million, or 12% of expenditures will remain in the undesignated fund balance, well above our stated policy of maintaining a level of 5%. \$265,000, or 1%, is reserved for contingency. Recreation costs are budgeted to recover 46% of cost.

The new *multi-year forecast* section, now required by the 2005-6 New York State budget, has been included this year. The forecast exceeds NYS requirements and should be viewed as a planning document, rather than a multi-year budget. It can and will change and improve with time, but will be an integral part of all future budget documents.

2006 General Fund *expenditures* are projected to be approximately \$1.2 million more than 2005 while revenues are anticipated to be \$1.1 million more than last year. Of the expenditures, by type, 63% goes to salaries and benefits, 1% is for purchase of equipment and 30% are for other operating expenses, such as materials and supplies and contractual costs. Other financing uses, such as transfers to other funds for capital items and debt service accounts for the remaining 6% of our total costs. Broken down by program, 12% goes to general government services, 43% goes to public safety (police, fire, etc.); 27% to community environment (planning, zoning, public works); 13% to recreation and culture; and the remaining 5% to contingency and transfers.

*Funding* source, by type, is dominated by revenue from property taxes, accounting for 64% (plus an additional 1% for interest and penalties). Non-property tax items (sales taxes and gross utility receipt taxes) make up 9%; licenses and permits account for 5%, as do charges for services. Fines and forfeitures contribute 2%, as do charges to other funds for services rendered by the General Fund and interest generated. Intergovernmental revenue including federal and state aid provides the final 10%. Broken down by program, general government contributes 2%;

public safety and culture and recreation each contribute 3%, community environment contributes 7% and the balance of 85% is not allocated to any particular program.

The figures are further broken down as follows:

- *Cable TV and Enterprise Funds (Boat Basin and Golf Club)* continue to be self-supporting.
- *Risk Retention Fund* and the *Building and Vehicle Maintenance Fund* continue to support City operations charging all other funds a proportionate share of operating expenses. Continued vigilance in safety training, coupled with excellent results of a 2005 request for liability proposals allows the Risk Retention Fund to remain the same, while the Building and Vehicle Fund is anticipated to rise by 19% because of the rising cost of oil and products related to oil.
- *Capital Investment* supporting various assets that are long-lived and typically expensive call for \$2.6 million with \$2.4 million in road reconstruction and resurfacing (the remaining \$200,000 allocated to bridges, parking lots and drainage). \$2 million is proposed to be funded by new debt, \$100,000 by the Boat Basin Fund; and \$215,000 by the Golf Club Fund. The Building and Vehicle Maintenance Fund provides \$365,000 for building improvements and \$1.3 million for vehicle acquisitions (\$630,000 of which is a fire ladder truck).

*Debt information* from all funds can be summarized as follows: Debt would increase from \$22.3 million to \$24 million (\$2 million related to infrastructure; \$630,000 for the purchase of a fire ladder truck). (Note that almost \$4 million of the \$24 million is Golf Club debt, paid for by the membership of the Golf Club.) Approximately \$1 million of debt will be retired in 2006.

In conclusion Mr. Genito said that the 2006 budget document is available for review in City Hall, the Rye Free Reading Room, and on the City' website <http://www.ryeny.gov>. He urged residents to contact the City with questions or concerns.

Mr. Shew concluded the presentation by thanking everyone for the presentations and announced that workshops would take place on Wednesday, November 16 and Monday, November 28 beginning at 7 P.M. The Public Hearing would take place at the December 7, 2005 Council Meeting. He said he was looking forward to input from the Council and public.

Mayor Otis thanked everyone and suggested questions be presented to the staff in advance of the November 16<sup>th</sup> workshop in writing. There were several questions raised immediately: Is Theall Road covered? *Yes, \$950,000 is in the budget to redo this road.* If it were in the budget would a referendum be necessary? *Yes.* Would the fire truck need a referendum? *No, it falls under the \$1 million limit approved for Public Safety expenditures.* How much can the Council fund without a referendum? *Up to \$790,000.* Is anticipated revenue from the Hotel Occupancy Tax bill included? *No, not until the bill is passed and that will depend on whether or not the legislature meets in special session in December.*

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

There were no residents wishing to be heard on matters not on the agenda.

5. Appointment of Assistant City Manager Scott Pickup as a voting member of the Long Island Sound Watershed Intermunicipal Council (LISWIC)

City Manager Paul Shew reported that City Engineer George Mottarella had been serving as one of the City's two voting members of the Long Island Sound Watershed Intermunicipal Council (LISWIC) since April 2003. Because Mr. Mottarella is so involved in overseeing capital projects it is requested that Assistant City Manager Scott Pickup take his place.

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

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the appointment of Assistant City Manager Scott Pickup to serve as a voting member of the Long Island Sound Watershed Intermunicipal Council (LISWIC), replacing Mr. George Mottarella.

6. Resolution to amend adopted budgets for 9/11 Memorial funds

City Manager Paul Shew said the Council had passed a resolution to authorize the City Comptroller to accept 9/11 memorial donations and amend the 2004 budget to reflect the use of those funds. He said the budget now needed to be amended to reflect those donations.

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

**WHEREAS**, by resolution adopted on October 20, 2004, the City Council authorized the City Comptroller to accept donations and amend the 2004 adopted budget to reflect donations received for and costs associated with a memorial in honor of those who perished in the terrorist attacks of September 11, 2001 ("memorial"); and

**WHEREAS**, the adopted budget for fiscal 2005 and future adopted budgets will need to reflect continued donations and costs associated with said Memorial until all donations and costs have ceased; now, therefore, be it

**RESOLVED**, that the City Comptroller is authorized to amend the 2005 and future General Fund Community Beautification budgets, increasing estimated revenues and appropriations by the total amount of donations received for said Memorial.

ROLL CALL:

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

NAYS: None

ABSENT: None

7. Miscellaneous communications and reports

Mayor Otis said he had received a letter from Cablevision requesting that municipalities voice their complaints to the New York State Public Service Commission concerning Verizon Cable Television Franchise Application Case 05-V-1263. Cablevision feels the agreement being proposed is not advantageous to either Cablevision or to communities and they urge resounding opposition. The Mayor suggested, and the Council concurred, that the matter be delegated to the City Manager and the Corporation Counsel for review and vetting. Should it be deemed appropriate, the City Manager was authorized to draft and sign a letter in opposition to Verizon's application.

8. Old Business

There was no old business to be discussed.

9. New Business

Councilman Seitz told the Council he would be introducing two resolutions for consideration at the November 30<sup>th</sup> Council Meeting. The first resolution would concern notifying new Councils of any binding local procedures in effect. The second would be to request the Finance Committee to once again review the idea of a property finance tax. The Mayor said he thought the committee had already issued a memorandum on the subject, but Mr. Seitz would like them to take another look at the idea, saying Rye has a "brand" which belongs to all of us in the City and we should be able to benefit from developers who buy and sell.

10. Draft unapproved minutes of the regular meeting of the City Council held October 19, 2005

Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to adopt the minutes of the regular meeting of the City Council held October 19, 2005 as submitted.

11. Adjournment

There being no further business to discuss, Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to adjourn the meeting at 9:25 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk