

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on November 30, 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

The Council convened at 7:00 P.M. Councilmen Fahey made a motion, seconded by Councilman Cypher and unanimously carried, to adjourn to executive session at 7:01 P.M. to discuss a matter related to the employment history of an individual. Councilman Chu made a motion, seconded by Councilwoman Larr and unanimously carried, to close the executive session at 8:02 P.M. No decisions were made. The regular meeting reconvened at 8:03 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 County Clerk's Mobile Office would again be visiting Rye on Tuesday, December 6, 2005 from 10 A.M. to 2 P.M. The van will be parked on the Boston Post Road in front of the Village Green.

The Mayor said that the Sterling Park Association at the Osborn would be holding a silent auction on Saturday, December 3, 2005 from 1-3 P.M. The auction would be held in the lobby area in front of the auditorium; it is sponsored by Americares and will benefit victims of Hurricane Katrina.

The Mayor reported with great pride that the Rye Garnets Football team is the 2006 New York State Class B Champion, having beaten the team they lost to for the past two years by an

impressive score of 28-7. He offered congratulations to the players, parents and coaches and said an appropriate community-wide event celebrating this victory is in the works.

3. 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.

4. Public Hearing on a proposed local law to amend Chapter 197 (Zoning) of the City of Rye, New York with respect to bank regulations in the B-1 Business District

Mayor Otis opened the Public Hearing on a proposed local law to amend Chapter 197 (Zoning) of the City of Rye, New York with respect to bank regulations in the B-1 Business District. He reviewed that last July the Council had passed a law prohibiting banks in certain parts of the Central Business District (CBD), but that perhaps the prohibition should be extended from the Flagpole at the Boston Post Road (BPR) down the BPR to Central Avenue. The Planning Commission has not reached a consensus on whether this is a good idea, but they do feel that the prohibition should be extended to some side streets (i.e. Purdy Avenue and Elm Place). A new draft law has been circulated which would have to be considered at a separate public hearing. Councilman Cypher reiterated that he feels the BPR to Central Avenue area is very vulnerable and still favors adoption of the change as currently proposed. Councilman Hennes said he was in favor of extending the prohibition to the side streets, but was not convinced about the current plan, fearing that adoption of this prohibition would lock the banks into staying in the CBD. Councilman Seitz suggested it might be better to wait for a comprehensive master plan. The Mayor is strongly in favor of prohibiting more banks in all areas being considered.

City Planner, Christian Miller, concurred that there was no consensus on the Planning Commission, but that it is good to study the issues and perhaps it is better to limit the banks now with a sunset clause so it can be amended later if it is unnecessary. He reminded the Council that it is important to remember the expiration date of such a clause so the sunset provision doesn't expire while no one is watching. He concurred that the Planning Commission Planning Projects Team is in place and is considering a consultant to look at long-term issues in the CBD. He expects the completion of the report to be in about 6 months and reiterated the importance of integrating public opinion into the findings.

*George Pratt (Councilman elect)* asked how much money was on deposit? When will the demand dry up? He suggested that the answers to these questions would determine the market. Mr. Miller said \$600 million is on deposit, but it only takes \$20 million to make a bank viable so Rye could afford at least five more banks. He added that bricks and mortar branch banking is what everyone is doing and that additional banks have approached the City.

There being no further comments from the Council or the public, the Mayor closed the public hearing on the proposed law with the understanding that a new law would be drafted incorporating restrictions in both (the Boston Post Road to Central Avenue and the side streets) areas.

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

**WHEREAS**, the Council wishes to amend Chapter 197(Zoning) of the City of Rye, New York with respect to bank regulations in the B-1 and B-2 Business District; and

**WHEREAS**, it is now desired to call a public hearing on such proposed amendment to the law, 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 14, 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 proposed local law.

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

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing to amend Chapter 197 (Zoning) of the City of Rye, New York with respect to bank regulations in the B-1 and B-2 Business Districts**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 14th day of December, 2005 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 a proposed local law to amend Chapter 197 (Zoning) of the City of Rye, New York with respect to bank regulations in the B-1 and B-2 Business Districts.

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

Susan A. Morison  
City Clerk

Dated: December 7, 2005

5. Public Hearing in connection with the American Yacht Club petition to rezone two of its properties located on Stuyvesant Avenue from the R-1 One-Family District to MC Membership Club District and to amend the text of the MC District

Mayor Otis opened the Public Hearing in connection with the American Yacht Club (AYC) petition to rezone two of its properties located on Stuyvesant Avenue from the R-1 One-Family District to MC Membership Club District and to amend the text of the MC District. Christian Miller, City Planner, reviewed the process, begun in 2003 when AYC first petitioned for this change. He pointed out that in addition to the zoning change there is also a request for a zone text and map amendment to make plots of less than 7 ½ acres considered contiguous. He said the question before the Council is: is it more appropriate for these two properties to be used for club use rather than for one house. What can be expected in the future? AYC says they have no plans, but it could, with this change, now be used for a marina. Is that appropriate? He said that Shenorock Shore Club (SSC), which has chosen not to join this petition, should wish to do so in the future, they would have to petition to the Council. The Mayor said he has a letter from SSC (see below) indicating they are not joining. He also has a letter from the Town of Rye opposing the petition and asking for a delay. Both Councilmen Seitz and Fahey said there was no in person representation from the Town of Rye so the letter should be ignored. The Mayor reminded the audience that the AYC had requested docks in the past and had been denied on the basis that the parcel was less than 7 ½ acres and therefore not contiguous. With this text amendment it is more likely they can build the docks.

Jonathan Kraut, attorney for AYC, outlined the long history of the petition. It began with a question to the Council to see if they were willing to look at the idea; consideration by the Planning Commission which lead to a resolution favoring the concept; the drafting of a specific text amendment, and a discussion of the idea of adding other parcels in other parts of town which might be transferred to MC. An LWRP was obtained approving the idea as good for waterfront use; a public discussion was held; a public hearing set and, finally, tonight's public hearing.

Many members of the public were on hand to voice their opinions and concerns. *Bill Ball, Fenton Street and Chairman of the Rye Town Dock Association*, formed in 2000 to save the Rye Town Dock in the face of a proposed land swap by AYC, said he was opposing this petition because of the less obvious endangerment to the dock. He emphasized he was not anti-AYC but pro-dock because he strongly believes AYC's objective is to construct a power boat marina which will destroy the quality of fishing from the dock. He said past actions (previously submitted plans, the land swap suggestion, the vague answers about future use, the consistent effort to achieve contiguity and the 2 ½ years at great legal expense for this plan) lead him to this conclusion.

*Stephanie Lord, 25 Greenleaf Street, and member of the SSC Board of Governors* read a letter into the record from John Hopper, President of SSC, confirming that SSC is not interested at this time in joining the petition because they have not had sufficient time to review the options with counsel or at a meeting of the club's Board of Governors. SSC may consider petitioning separately for rezoning at a later date. The rest of the letter voices their concern that the rights of the Rye Town Dock not be violated, as follows:

“Shenorock Shore Club requests that when the City of Rye provides public notice with respect to amending the MC Membership Club District zoning text with regard to continuity, the City specifically confirm the status of the Rye Town Dock. Shenorock Shore Club also requests confirmation the change in status from R-1 to MC zoning for the American Yacht Club owned ‘Gibbon’s Property’ not affect the Rye Town Dock as a facility available to the public.”

*James Cornacchia, 130 Midland Avenue*, voiced his concerns about what AYC has in mind for the area. Although they say there are no specific plans, there are not enough moorings so there are likely to be docks in the future. This would be detrimental to the dock. *Andy Ball (Councilman elect and also a board member of the “Save the Rye Town Dock Association”)* reviewed the record, saying he felt there was less interest from the Planning Commission in the public interest than there was during the “land swap era” when AYC suggested swapping the dock for one of the Gibbons parcels. He urged the Council to delve into the real reason as it is his belief that future plans would include a marina.

*Doug Carey, 131 Purchase Street*, also a *founding member of the RTD Association*, also voiced his concern about access to the dock and said his specific concern about the issue of what is contiguous. He urged the Council to read the letters from Rye Town supervisor and legal counsel into the record. Both Richard Runes, Kirby Lane, and George Pratt both voiced concern about the contiguity issue and options such an interpretation opens up for AYC, stating it was like giving AYC a “blank check” and urging that the Council not rush to judgment by voting now. Judge John Carey, Forest Avenue, read a prepared statement concerning the contiguity issue into the record, based on research he had done in 2001 during the “landswap” debate. He questioned if AYC really owns Lot 3 (the 4/100ths of an acre piece)? How does the reference to “road” to AYC help AYC? And how can you call it contiguous? His statement is summarized as follows:

**“First Question:** is there a title insurance policy or other proof that the AYC owns the [tiny Lot 3] parcel...the Gibbons survey on 6/12/64, done by Herbert Remsen, does not show Gibbons as its owner. His property line at that location is shown as a straight line from the street to the harbor, parallel to and just north-east of the present retaining wall that extends into the water at high tide. ...In 1889 the AYC ‘does hereby release and confirm to the said Town of Rye all its right, title and interest of, in and to said new dock [now Rye Town Dock] and land under water and the road leading to said new dock from said Milton Point Road [now Stuyvesant Avenue].’

**“Second question:** even though the language just quoted refers to a road leading to the dock, there is no road leading to the dock now, only a parking area belonging to the Town of Rye....how could the proposed wording, turning on the word “road” help the AYC?

**Third question:** how would the proposed declaration that the word ‘contiguous’ includes what is plainly **not** contiguous, when enacted at the apparent request of one petitioner, escape nullification as spot zoning? Is it part of a general City plan, as required for valid land use regulation? Can the defect of spot zoning be done away with by simply not naming the solitary applicant?”

*Doug Carey* also brought up the issue of whether or not members of the Council also members of AYC should not recuse themselves from this discussion and vote. He said not recusing themselves sets a dangerous precedent as this is not just a legal issue and the decisions need to be neutral. The Council members affected have been advised by Corporation Counsel Kevin Plunkett that disclosure (which had been made at the beginning of the process) was enough if there were no financial interest involved. Richard Runes stated that Sections 15-1 and 15-2 of the Ethics Code state that members should operate under the "highest standard" and that the conflict would be "financial or otherwise." He suggested the issue should be referred to the Board of Ethics. Mr. Pratt indicated he would not be voting if the issue involved one of his two clubs.

*Nick Everett, 19 Palisade Road*, spoke on behalf of AYC saying the house he built in Rye had land in two zones and they worked it out, just as AYC is trying to do. He said the land swap suggestion was because they wanted to build a dock. It was not approved so it is not even in the master plan. AYC just wants to change the zoning so storage of boats (which is happening) is legal. He urged the Council to get on with the plan and vote. *Mr. Kraut*, in his rebuttal, said the City Planner wanted the "contiguity" language in the text to make the language completely clear. He said the Assessor says Lot 3 three belongs to AYC and it is not spot zoning (especially in light of the fact that other plots of similar land have been considered for the same rezoning). As for the "conflict" issue, he said it is just a legal issue and it is their job to vote. He said this has been going on for a long time and there has been lots of communication. He said he had always been consistent about why they want to make the change – that the need for a shore facility is clear, and this change in no way impacts public use at the Rye Town Dock. He asserted that further analysis on plots belonging to Westchester Country Club and Manursing Island Club would have no impact. He asserted that any future development would require review by both the Planning Commission and the Zoning Board of Appeals. There is no rush to judgment and he asked the board to consider the matter this evening so that his client could have closure.

The Council reacted to the suggestion that their ethics were questionable. Councilman Hennes said he was insulted; that he carefully followed advice of the Corporation Counsel; that he cares about his reputation; that everyone has many connections and he doesn't understand why there is such distrust. He said he views this petition as making better use of land on the water. Councilman Cypher asked everyone not to impugn the integrity of the Council and Councilman Seitz said he was troubled by the loss of acceptance by the public that the Council is acting in good faith.

Councilman Fahey asked what the procedure would be if AYC did want a dock. There would have to be hearings. Councilman Chu said it had been eye opening to finally hear the concerns and he was startled at the degree of pre-conception and bias about the Council and their motives. He said, rather than a rush to judgment, the whole procedure has been slow and tortuous. He suggested that the wording of the text amendment be changed to separate future use from the zoning change. Mr. Kraut indicated his client was not interested in such a change.

Mayor Otis suggested keeping the public hearing open; Mr. Chu said he would support the rezoning with a prohibition clause not to have a marina; Councilwoman Larr suggested passing the law now and doing an addendum at a later date.

Mayor Otis made a motion, seconded by Councilman Cypher, to continue the public hearing.

ROLL CALL:

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

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

**LOCAL LAW NO. 5-2005**

**A LOCAL LAW TO AMEND CHAPTER 197 (Zoning) OF THE  
CODE OF THE CITY OF RYE, NEW YORK  
WITH RESPECT TO MEMBERSHIP CLUB DISTRICT**

Be it enacted by the City Council of the City of Rye, Table C: Coastal Districts Area Yard, Height and Miscellaneous Regulations, as amended 7-16-03 by Local Law No. 6-2003; be further amended in Column 6, titled Minimum Size of Lot, be modified as follows:

FN2

All parcels used for club purposes and in common ownership, whether contiguous or separated by a public or private road, shall be deemed to be one parcel for purposes of calculating the minimum required size of lot in the membership club zone.

Be it further enacted by the City Council of the City of Rye that the boundary lines of the official zoning map of the City of Rye be redrawn and amended as follows:

Parcel identified on the Tax Assessment Map of the City of rye, as Sheet 159.06, Block 1, Lot 3; sheet 153.18, Block 1, Lot 8 be identified as wholly within the Membership Club Zone.

Proposed additions are shown in underline.

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

**RESOLVED**, that the Rye City Council finds the proposed determination will have no significant adverse effect on the environment and issues a negative declaration under SEQRA regarding the amendment of Local Law Chapter 197 (Zoning) of the Code of the City of Rye, New York with respect to Membership Club District.

**ROLL CALL:**

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

**NAYS:** Mayor Otis (because the Council won't compromise to tie up loose ends) and Councilman Cypher

**ABSENT:** None

6. Public Hearing to amend Chapter 187, Trees, Article III, Planting of trees and shrubs on Public Property, and Article IV, Removal of Trees on Private Property, of the code of the City of Rye, New York

Mayor Otis opened the public hearing to amend Chapter 187, Trees, Article III, Planting of trees and shrubs on Public Property, and Article IV, Removal of Trees on Private Property, of the code of the City of Rye, New York saying that the only changes were administrative. City Manager Shew said it was a matter of changing the location of payment from the Clerk's Office to the Department of Public Works. The Council applauded this step to increase efficiency.

There being no further comments from either the Council or the public, the Mayor closed the public hearing.

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

**LOCAL LAW  
CITY OF RYE  
NO. 4-2005**

**A local law to amend Chapter 187 (Trees), Article III, Trees on Public Property, Section 187-3, Planting of trees, Section 187-6, Permit required for treating public trees, Section 187-7, Deposit to guarantee proper work, 187-9 Removal of Limbs and Article IV, Trees on Private Property, Section 187-11, Removal of trees and Section 187-12. Granting of permit, of the Code of the City of Rye**

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

**Section 1** A local law amending Article III of Chapter 187 of the Code of the City of Rye is hereby amended to read as follows

**Article III  
Trees on Public Property**

**§ 187-3. Planting of trees.**

No person shall plant any tree, shrub or other vegetation within the limits of any public street, right-of-way, park or other public place without first obtaining a permit from the ~~City Clerk~~ Department of Public Works and complying with the following requirements: Such a permit shall be granted only upon the determination by the tree foreman, after consulting with the Police Department, that such a planting will not create a traffic hazard and will not interfere with the use of such street, right-of-way, park or other public place by the public and that such planting will enhance the beauty and appearance of the street, right-of-way, park or other public place and the surrounding area.

A. Trees planted within the limits of any public street, right-of-way, park or other public place shall be of a species and quality approved by the tree foreman and shall be planted at least 30 feet apart unless otherwise authorized by the tree foreman. Each tree shall measure not less than 2 1/2 inches nursery caliper.

B. Should any tree, shrub or plant planted within the limits of any public street, right-of-way, park or other public place pursuant to any such permit, in the opinion of the tree foreman, at any time constitute a traffic hazard, interfere with the use of such street, right-of-way, park or other public place by the public or detract from the beauty and appearance of the street, right-of-way, park or other public place or the surrounding area, such tree, shrub or plant will be removed.

**§ 187-4. Injuries to public trees.**

The following acts as to city trees are prohibited; namely, to injure trees by chopping into them, scarring the trunks, driving nails into the trunks or limbs, building fires near trunks or under branches and pouring or depositing substances injurious to growth on soil near trees, including oil, gasoline, tar, creosote, salt or other injurious substances.

**§ 187-5. Fastening of animals or attaching of signs to trees or shrubs.**

No person shall fasten or tie any animal to or attach any sign, bill, card, notice or advertisement to any tree or shrub in any public street,

right-of-way, park or public place or allow any animal under his control to injure any such tree or shrub.

**§ 187-6. Permit required for treating public trees.**

No person shall prune, spray, treat cavities, fertilize, cable, brace or otherwise treat or cause to be treated city trees without first having obtained a permit from the ~~City Clerk~~ Department of Public Works and approved by the tree foreman. No city employee shall treat city trees without first consulting the tree foreman.

**§ 187-7. Deposit to guarantee proper work.**

Before a permit shall be issued, the applicant must deposit with the ~~City Clerk~~ Department of Public Works a sum of money equal to the cost of such treatment as a guaranty that said work will be properly done. The ~~City Clerk~~ Department of Public Works shall pay this money to the Comptroller. This sum of money shall be returned after the work has been inspected by the tree foreman, provided that he or she shall certify that said work is up to standard. If it is not properly done, the tree foreman shall cause the work to be completed to his or her satisfaction. After the completion of the work, the tree foreman shall certify to the Comptroller the cost of completing the work, and the surplus remaining after deducting such cost shall be returned to the applicant.

**§ 187-8. Use of spurs, insulated wires or guy wires.**

Any person, including public utilities, their agents, servants and employees, is prohibited from climbing trees with the aid of spurs. Any wires of public utilities passing among the branches of city trees shall be properly insulated so as to prevent damage to said trees. Guy wires shall not be attached to trees in such a manner as to girdle or restrict growth. When it is necessary to attach any guy wires or cables, such devices shall be attached by means of lag hooks screwed into the trunks or by eyebolts passing through the trunk.

**§ 187-9. Removal of limbs.**

When it is necessary to remove limbs to make clear passage for wires and where the removal of such limbs might injure a tree or spoil its symmetry or otherwise mar its appearance, it shall be necessary to obtain a permit from the ~~City Clerk~~ Department of Public Works before starting such work. It shall not be necessary to secure a permit for the usual periodical removal of small branches to allow the free passage of wires, but any such work will be subject to inspection by the tree foreman, and where such work is not up to standard, any expense incurred by the city in repairing the same will be charged to the public utility responsible.

**Section 2** A local law amending Article IV of Chapter 187 of the Code of the City of Rye is hereby amended to read as follows

**ARTICLE IV  
Trees on Private Property**

**§ 187-10. Planting of trees.**

Property owners and other persons are prohibited from planting silver maples and allied species, ailanthus and poplars of any variety within a distance of 20 feet from any public street, right-of-way, sidewalk or other public place.

**§ 187-11. Removal of trees.**

Any property owner applying for subdivision approval whose plans would require the removal of any trees is subject to regulations outlined in Chapter 170, Article IV, § 170-15D. In addition, no person shall remove a tree greater than eight inches in diameter measured 54 inches from the base of said tree in a required yard adjoining public property or any tree in an historic district without first obtaining a tree removal permit from the ~~City Clerk~~ Department of Public Works. Dimensions for required yards are established in Chapter 197, Article VIII, § 197-86. In cases pertaining to required side yards, the one-side minimum yard dimension shall apply.

**§ 187-12. Granting of permit.**

A. Application for permits must be made by the owner and other person, firm or corporation, if any, actually performing the work, in writing, to the ~~City Clerk's~~ Department of Public Works upon forms prescribed by the City Naturalist. The City Naturalist may adopt rules for obtaining and processing of permits subject to approval by the City Council. The fee for each application shall be set annually by resolution of the City Council before adoption of the budget for the following year, payable upon submission of the application. Approval of permits shall be made by the City Naturalist. Denial of permits by the City Naturalist may be appealed to the Board of Architectural Review pursuant to the review procedures under this Code. The Board of Architectural Review is authorized and empowered to obtain the assistance, when necessary, of persons especially qualified by reason of training or experience in tree planting, preservation and landscaping. [Amended 12-20-2000 by L.L. No. 18-2000]

B. Permits for the removal, cutting or destruction of trees may be granted under the following circumstances:

(1) If the presence of the tree would cause hardship or endanger the public or the person or the property of the owner or of an adjoining owner.

(2) If a tree is diseased or threatens the health of other trees.

(3) If a tree substantially interferes with a permitted use of the property.

C. Stop order. If the City Naturalist or tree foreman determines the removal, cutting or destruction of trees for which a permit has been granted is not proceeding according to the permit, the City Naturalist or tree foreman may issue a stop order. Work will not resume until approved corrective measures are undertaken.

**§ 187-13. Removal of branches overhanging highways.**

Where privately owned trees encroach upon any street, right-of-way, park or other public place, the tree foreman is authorized to remove branches overhanging any public street, right-of-way, park or other public place, or if, in his or her judgment, such trees are dangerous to the public, he or she is authorized to remove them.

**§ 187-14. Removal of dead trees.**

Where any dead tree or trees located on private property adjacent to a public street, right-of-way, park or other public place constitute a danger or are potentially dangerous to the traveling public, the tree foreman may serve personally or by mail upon the owner of said property, a written notice to remove the dead tree or trees, and upon failure to do so within 20 days after the service of said notice, the city, through its contractors, agents or employees, may remove the same and assess the cost thereof against the property affected by said assessment, to be levied, collected and enforced in the same manner as taxes upon said property for city purposes are levied, collected and enforced.

**§ 187-15. Prohibited use of city transfer station for trunks and stumps.**

It shall be unlawful for any person to place, deposit or dump on the city's transfer station any trunks, limbs or branches of trees in excess of six inches in diameter, and, further, it shall be unlawful to use said transfer station for the deposit of tree stumps.

**Section 3**      Effective Date

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

(NOTE: Proposed additions are shown in underline and proposed deletions are shown in ~~strikethrough~~.)

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** None

7. Citizen and Organization Comment and Council discussion of the 2006 Tentative Budget

*Florence Kraut, President of the Rye Free Reading Room*, thanked the Council for their support and partnership and requested that their original request for an additional \$43,000 be reinstated as they thought they were working toward having 100% of their operating budget covered by the City. She said without these additional funds they will have to close either on Sundays or an evening or morning. Councilwoman Larr asked if they had considered proposing a matching fund challenge (such as for the skateboard park, slate roof on the firehouse). Ms. Kraut said their annual giving is greater than last year, but they have not reached their 2005 goal and it is already a stretch. She said the operating budget is already keeping staff at a skeletal level and they are worrying about heating bills. The use of volunteers is an interesting concept, but their staff is skilled and trained. She said while Sunday is a popular day, it is the time when they use part-time help so there would be no union issues.

*Katherine Parker, 66 Milton Road and owner of Parker's*, reacted strongly to the proposal to increase Merchant parking permits by 100%. She urged the Council to come and see the people who work in the businesses, who are struggling to pay their rent; who are single moms and retirees trying to make ends meet. *Marlene Trienekens, Grace Church Street*, said she works to help pay the large taxes in Rye and she questioned what she considers a user fee of workers. She feels they should have designated, and free, parking spaces. *Mr. Trienekens* agreed. *Bill Williams*, who both works and lives (*6 Purdy Ave*) in the Central Business District, sees a class divide in the issue with the Council wishing to "sock it to" the CBD and merchants.

Councilman Seitz, supporting his proposal, said the Council is responsible to the citizens of Rye and that 85% of the merchants are not from Rye and that the permits, even if doubled, still give the merchants a break when you consider how much it would be to feed the meters everyday. *Debbie Barnwell, owner of Panache*, who grew up in Rye, but no longer lives here, said it is offensive to be penalized for not living here. She said there was such hostility to merchants in Rye that she would consider going elsewhere to a town that works with merchants when her lease is up. *George Pratt (councilman elect who has an office in the CBD)* said all the merchants put dollars into the CBD everyday, just by buying the newspaper or lunch and it is important to create a partnership with them. If you raise the parking rates, they will have to pay more, will spend less and smaller stores that depend on this income will move out. Councilman Cypher also objected to Councilman Seitz's proposal to double commuter permit fees saying it

shows little regard to people who have to go to work. He urged the Council to listen to the public.

Councilman Hennes said he would not support Councilman Seitz's suggestion to raise the Merchant permits as he said they had agreed, when they put the meters in, not to make any other changes. He said the meters had been installed, not only to raise revenue, but to increase turnover. He asked for one year so they could see how they really work and be able to have a full year of data. Councilwoman Larr said she hoped that all merchants would take out permits and agreed that the price should not be raised. The Merchants agreed that doubling the rate would not result in double the income.

Mayor Otis said he had an issue with keeping a whole year of revenue from the meters in the 2006 budget; that he hears nothing but bad things about them; that people are not even coming to lunch because of them, much less to shop. Therefore, he is going to propose that revenue only through April 1 be kept in the 2006 budget. He said we are already in two holes: how to replace the funds borrowed from the Parking Fund and how to meet revenue projections. *Robert Byrne, Vice President of the Merchants' Association* (which now has 90 members) said the one thing his organization agreed upon was the shortage of parking spaces and that any income from parking should be put into the parking fund so that parking could be increased. He urged the City to do the studies to see what the numbers are telling you and to keep the meters longer if it is necessary to corroborate empirical data.

*Steve Meyers*, officer of the *League of Women Voters (LWV)*, noted that spaces were available the day after Thanksgiving, but also reported that the LWV wants to do a parking meter forum, probably in January or February.

*Katherine Parker* asked the Council to consider making the meters free the week before Christmas as a gesture of good faith. Councilwoman Larr suggested starting at 10 A.M. so that commuters would not use up all the spaces.

8. Discussion of Resolution in connection with disclosure of resolutions passed by previous City Councils

This agenda item was deferred to the following Council Meeting.

9. Discussion of referring revised proposal for real property transfer tax to the Finance Committee for additional review

This agenda item was deferred to the following Council meeting.

10. Authorization for City Manager to execute a license agreement between the City of Rye and W. Andrew Shea and Marianne P. Shea for the purpose of connecting to a public sewer

The City Manager reported that W. Andrew and Marianne P. Shea of 240 Milton Road are requesting a license agreement with the City in order to connect to an existing sanitary manhole on Milton Road. Both the City Engineer and Corporation Counsel have reviewed the proposed agreement.

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

**RESOLVED:** that the City Council of the City of Rye hereby authorizes the City Manager to execute a license agreement between the City of Rye and W. Andrew Shea and Marianne P. Shea for the purpose of connecting to a public sewer.

ROLL CALL:

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

11. Consideration of request by the Police Department to dispose of obsolete and inoperable equipment

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

**WHEREAS**, certain radar and related equipment in the possession of the Police Department is either obsolete, inoperable or no longer supported by the Division of Criminal Justice Services and has been removed from service; and

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

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

ROLL CALL:

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

12. Bid #6-05 for Custom Pumper for Milton Point Engine & Hose Co.

City Manager Paul Shew reported that the re-bid for the Custom Pumper for the Milton Point Engine & Hose Co. had again resulted in only one bid and it is the recommendation of the Rye City Fire Chief and the Corporation Counsel that this bid be awarded.

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

**RESOLVED**, that Bid #6-05, One (1) Custom Pumper for Milton Point Engine & Host Company be awarded in the amount of \$430,000 to Seagrave Fire Apparatus, L.L.C., represented by Excelsior Fire Equipment Sales, being the sole bidder meeting specifications.

ROLL CALL:

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

NAYS: None

ABSENT: None

13. Miscellaneous communications and reports

There were no miscellaneous communications and reports to be discussed.

14. Old Business

There was no old business to be discussed.

15. New Business

There was no new business to be discussed.

16. Draft unapproved minutes of the regular meeting of the City Council held November 9, 2005 and the City Council Budget Workshop held on November 16, 2005

Councilwoman Larr made a motion, seconded by Councilman Fahey to approve the minutes of the regular meeting of the City Council held November 9, 2005 and of the City Council Budget Workshop held on November 16, 2005.

17. 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 12.30 A.M.

Respectfully submitted,

Susan A. Morison  
City Clerk