

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on December 14, 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. Councilwoman Larr made a motion, seconded by Councilman Cypher and unanimously carried, to adjourn to executive session at 7:01 P.M. to discuss the employment history of an individual. A decision related to compensation was approved. Councilman Chu made a motion, seconded by Councilwoman Larr and unanimously carried, to close the executive session at 8:00 P.M. The regular meeting reconvened at 8:01 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 announced that the City of Rye and the Rye Merchants Association had worked out details for a "Holiday Week" (December 19-24) during which payment at the Central Business pay stations will not be required but customers will have the option to contribute to Rye's 911 Fund, if they wish. He said the two-hour enforcement would still be in effect, but it is a good community project and he urged everyone to "shop Rye."

The Mayor pointed out this would be the last meeting for three members of the Council. He said being a Council member is very time consuming and what one sees at meetings is just a sliver of the time involved. People who sit on the Council have a strong degree of dedication so it is with many thanks and congratulations for a job well done that the service of Franklin Chu, Bob Cypher and Roz Larr is recognized. Everyone in the community is grateful for their years

of service. He presented each of the outgoing Council Members with a historic map of Rye. Mack Cunningham, Councilman-elect, seconded the Mayor's comments and said he hoped he would have enough energy for the same dedication.

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 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

The Mayor opened the 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 District. He said versions of this proposed law had been discussed since October and the Council now has a proposal, with SEQRA documents, to prohibit additional banks on some side streets as well as along the Boston Post Road from the WWI Memorial to Central Avenue. Councilman Hennes said he was in favor of the prohibition on the side streets but was in favor of a only a temporary prohibition on the Post Road section as he was afraid this restriction would lock the banks into the Central Business District and he had hoped that part of the law would include a sunset clause. Corporation Counsel said having sunset clauses in zoning laws is not a preferred tool as boards tend to forget the date and expiration automatically triggers even if that is not the intention. It was decided that a separate resolution asking the Board to review this particular piece of legislation be made instead of adding the sunset provision into the law. Councilman Seitz reminded everyone that the Planning Commission sub-committee would be examining the needs of the Central Business District and the bank issue as well.

As there were no additional comments from the Council or from members of the audience the Mayor closed the public hearing.

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

RESOLVED, that the City Council of the City of Rye hereby approves the SEQR documents as submitted to the Westchester County Planning Board.

ROLL CALL:

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

NAYS: None

ABSENT: None

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

LOCAL LAW NO. 6-2005

**A LOCAL LAW TO AMEND CHAPTER 197 (ZONING) OF THE
CODE OF THE CITY OF RYE, NEW YORK
WITH RESPECT TO BANK REGULATIONS IN THE
B-1 AND B-2 BUSINESS DISTRICTS**

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

Section 1. Section 197-86, Table of Regulations: Table B, Business Districts-Use Regulations, Column 1, Permitted Main Uses, B-1 Neighborhood Business Districts, of the Code of the City of Rye, New York is hereby amended to amend subsection (2) to read as follows:

(2) Banks on properties fronting on Boston Post Road between Purchase Street ~~Central Avenue~~ and Peck Avenue.

Section 2. Section 197-86, Table of Regulations: Table B, Business Districts-Use Regulations, Column 1, Permitted Main Uses, B-2 Central Business Districts, of the Code of the City of Rye, New York is hereby amended to amend subsection (1) to read as follows:

(1) Nonresidence main uses permitted in B-1 Districts without restrictions as to location and conversions of existing buildings, except that offices for clerical, administrative, professional and agency uses ~~and banks~~ shall not be located on the first floor of a building within the A Parking District and banks shall not be permitted on the first floor of a building in the B-2 Central Business District.

Section 3. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 4. Effective Date.

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

ROLL CALL:

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

NAYS: None

ABSENT: None

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

RESOLVED, that the zoning changes related to banks passed in December, 2005 be reviewed before December 31, 2007 and reviewed by the Planning Commission in the course of their on-going work.

ROLL CALL:

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

NAYS: None

ABSENT: None

5. Resolution to adopt the 2006 Budget and establish the 2006 tax levy and 2006 tax rate

City Manager Paul Shew said he was pleased to present this budget which keeps the increase in the tax rate below the current CPI, as directed by the Council. City Comptroller Michael Genito reported on the changes he had made to the 2006 tentative budget based on decisions made at the December 7th Council Meeting. As requested, he reported on the following adjustments: increase the amount for the Rye Free Reading Room by \$18,153; decrease the contingency amount by \$4000; increase the anticipated income on interest and penalties on building and property taxes by \$20,000. The final proposed tax rate is 4.78%, or \$122.39 per \$1000 assessed value. The additional tax burden for the average taxpayer will be about \$120 per year.

Mr. Genito said the budget as proposed is both reasonable and conservative. He then announced to the Council that he had just heard from Moody's that the City's Aaa bond rating had just been reaffirmed. He said Moody's was particularly impressed by the City's financial policies and the transparency of financial documents on the website. He said Rye has had a Aaa rating since 1990 and is one of only 6 cities and school districts in New York State with this highest rating so it is quite an accomplishment. He said it is a team effort and thanked the Council for their support, promising to send a copy of the official notice when received.

Returning to the issue of the 2006 budget, Councilman Chu said he had a mechanical problem with the way the additional funds to the RFRR have been proposed. He is worried about the timing, saying if the RFRR maintains their hours, there will be a short fall in December

and he would like the agreement to be amended. The Mayor said any concerns about the agreement should be worked out between the City Staff and the RFRR. Councilman Hennes said he was in favor of granting additional funds through a challenge grant because he didn't want the City taxpayers to take up the whole burden of the additional support. He suggested if there were a short fall the RFRR could temporarily take the funds out of their Endowment. Councilman Seitz said he thought the agreement was acceptable the way it is written and said again there would be funds for the library if the merchant parking fees were raised.

Councilman Hennes congratulated and thanked the City Manager, City Comptroller and all the staff for all their hard work in creating an excellent document and for bringing the budget in at less than the current inflation rate. He also thanked Rye's volunteer firemen, noting that without their service Rye taxes would be much higher. Mayor Otis also thanked everyone and reminded the Council that there are still some tough decisions to be worked out, such as which capital projects to do and when.

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

WHEREAS, on November 9, 2005 the 2006 Tentative Budget was presented to the City Council; and

WHEREAS, since November 9, 2005 the City Council has adopted several amendments to the 2006 Tentative Budget; and

WHEREAS, the City Council now desires to adopt the 2006 Tentative Budget as amended; now, therefore be it

RESOLVED, that the tentative budgets as amended and fee schedules for the General Fund, Cable TV Special Revenue Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund and Building and Vehicle Maintenance Internal Service Fund, are hereby adopted for the fiscal year ending December 31, 2006; and be it further

RESOLVED, that the City Council does hereby certify to the City Comptroller the 2006 City of Rye tax rate of \$122.39 per \$1000 taxable assessed valuation and the 2006 City of Rye tax levy of \$16,760,923; and be it further

RESOLVED, that the City Council increase the compensation of the City Manager to \$161,000 as of his August 2005 anniversary date and \$170,000 as of January 1, 2006 and to be next reviewed in December 2007; and be it further

RESOLVED, that the City Council does hereby direct the City Comptroller to apportion and extend against each taxable property listed upon the assessment roll at the tax rate certified in this resolution to produce the tax levy certified in this resolution, and to render tax notices for, and receive and collect,

the several sums so computed and determined, with interest as provided by law, and any special assessments heretofore authorized and approved.

ROLL CALL

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

6. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers

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

RESOLVED, that the City Comptroller is hereby authorized to make the necessary 2005 fiscal year-end budget transfers in City accounts, provided a list of such transfers is furnished to the City Council after completion of such transfers.

ROLL CALL

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

7. Consideration of request for City to convey quitclaim deed for lot 178 on Map 865

Corporation Counsel, Kevin Plunkett explained that the last member of a family who had lived on 141 Soundview Avenue had passed away and that there was one lot on the property without a clear chain of title. It appears that back in 1947 the property had been foreclosed, but the records on the repurchase of this 1600 square foot lot are somehow lost. The family has been paying taxes on it for 50 years, and there is no problem for the Rye Golf Club (which abuts the property), but in order to clear the matter up so the property can be sold, Paul Noto, attorney for the estate, has asked the City to convey quitclaim deed for the lot.

Councilman Seitz 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 of Rye to convey quitclaim deed for lot 178 on Map 865, part of property located at 141 Soundview Avenue.

ROLL CALL

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

NAYS: None

ABSENT: None

8. Resolution fixing January 4, 2006 as the first regular meeting and the organizational meeting of the City Council for 2006

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

RESOLVED, that January 4, 2006 is hereby fixed as the first regular and the organizational meeting of the Rye City Council.

The Mayor reminded everyone that the inauguration ceremony for the new Council would take place in Council Chambers on January 1, 2006 at 4:00 P.M. and everyone is invited.

9. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2006

Councilman Seitz proposed some word changes in the draft agreement with the Rye Free Reading Room, but it was decided that changes should be worked out between the City Manager and the RFRR.

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

RESOLVED, that the Mayor be and hereby is authorized to execute an agreement with the Rye Free Reading Room to furnish library services for 2006.

ROLL CALL

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

NAYS: None

ABSENT: None

9A. Approval of the election of a new member to the Rye Fire Department

The Mayor congratulated the Fire Department for electing yet another new member. He brings excellent qualifications and expertise to the job; he works in Rye and will be able to respond to fire alarms during the week.

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

RESOLVED, that the Council of the City of Rye hereby approves the election of Christopher Blaich to the Fire Police Patrol Company at the December 14, 2005 meeting of the Board of Fire Wardens.

10. Miscellaneous communications and reports

Councilwoman Larr announced that the new Twig Organization, now Twig, Inc., had a very successful fundraiser to benefit the Emergency Medical Services (EMS). Not only was it financially successful, but also heightened awareness of this organization's needs and services.

Councilwoman Larr thanked everyone for an exhilarating eight years on the Council, saying who would have thought, when she was first elected, then moved to Hong Kong, and returned that she would still be sitting on the dais.

Councilman Cypher thanked everyone in Rye, saying he is dwelling on the many positive things that happened over the past four years: the creation of the Rye Youth Advisory Committee (a great bunch of kids and a positive experience for teens which he hopes will continue); the skateboard park (with thanks to all the volunteers and to Councilwoman Larr and Councilman Chu for their early support); for having a new appreciation of the needs of our Senior citizens (so many of them have become good friends); and for good teachers (City Managers, staff, Bob Clyatt, Doug French). He urged the public to remember everyone is trying to do their best; that they will make mistakes sometimes, but they are volunteers who are trying hard. He said he had enjoyed working with former Council Members and urged everyone to keep a sense of humor, remembering that they are elected to serve the public and that being able to speak in public forum is a sacred right which is the essence of America. In closing, quoting from St. Paul, he said, "I have traveled my course; fought the good fight, and kept the faith." His remarks were greeted with a round of applause.

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

RESOLVED, that Councilman Cypher not only be invited to the opening of the skateboard park, but be the person to cut the ribbon.

11. Old Business

Councilman Seitz said he and Councilmen Fahey and Hennes had been elected to be fiscally responsible and he feels they have delivered on their promises.

12. New Business

Councilman Fahey recommended that all Council members visit Whitby Castle to view first hand the true need for repairs.

13. Draft unapproved minutes of the Budget Workshop held on November 28, 2005, the regular meeting held on November 30, 2005 and the regular meeting held on December 7, 2005

Councilman Hennes made a motion, seconded by Councilman Cypher and unanimously carried, to approve the minutes of the City Council budget workshop held on November 28, 2005 as amended.

Councilman Hennes made a motion, seconded by Councilman Cypher and unanimously carried, to approve the minutes of the regular meeting of the City Council held on November 30, 2005 as amended.

Councilman Hennes made a motion, seconded by Councilman Cypher and unanimously carried, to approve the minutes of the regular meeting of the City Council held on December 7, 2005.

The Mayor wished everyone a merry and happy holiday season and thanked everyone for another "season" saying it is an honor to be able to serve the people of Rye.

14. 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 9:20 P.M.

Respectfully submitted,

Susan A. Morison, City Clerk