

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on February 1, 2006 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
ANDREW C. BALL
MACK CUNNINGHAM
MATTHEW FAHEY
DUNCAN HENNES
GEORGE S. PRATT
HOWARD G. SEITZ
Councilmen

ABSENT: None

The Council convened at 7:00 P.M. Councilman Fahey made a motion, seconded by Councilman Ball and unanimously carried, to adjourn to executive session at 7:01 P.M. to discuss an update on collective bargaining issues by the City's labor counsel. Councilman Hennes made a motion, seconded by Councilman Pratt and unanimously carried, to close the executive session at 8:15 P.M. No decisions were made. The regular meeting reconvened at 8:17 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. Residents may be heard who have matters to discuss that do not appear on the agenda

There were no residents wishing to be heard.

4. Public hearing to increase the size of the Board of Architectural Review from 5 members to 7 members

Mayor Otis opened the public hearing to discuss increasing the size of the Board of Architectural Review from 5 members to 7 members and to include a provision to lower the

number of the quorum if all the positions are not filled. Councilman Seitz stated again that he sees no reason not to have an architect doing business in Rye on the Board. He also asked what happens if the Board rejects a plan – does it go to the Zoning Board of Appeals? Corporation Counsel will investigate and report back. There being no further discussion from either the Council or the public, the Mayor closed the public hearing.

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

LOCAL LAW NO. 2-2006

A Local Law to amend Section C19-1, Board; Appointment of the Charter of the Code of the City of Rye, New York and to amend Chapter 53, §53-2, Membership of Architectural Review Board and §53-3, Meetings and Procedures of Board, of the Code of the City of Rye, New York

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

Section 1. A local law amending §C19-2, Board; appointment of the charter of the code of the City of Rye is hereby amended to read as follows:

§C 19-1 Board; appointment

- A. There shall be a Board of Architectural Review to consist of ~~five~~ seven members (7) to be appointed for three (3) year terms by the Mayor with the approval of the Council except that one new appointment made in 2006, shall be for a two-year term, and one new appointment made in 2006, shall be for a one year term so that term, and thereafter their successors shall be appointed for terms of three years from and after the expiration of the term of their predecessors in office. At least one member of the Board shall be a registered architect of this state.

- B. The successors of those now in office shall be appointed for the term of three years from and after the expiration of the term of their predecessors in office.

Section 2. **§53-2 Membership of Architectural Review Board** is amended to read as follows:

§53-2 Membership of Architectural Review Board.

In accordance with Article 19 of the Rye City Charter, there is hereby created a Board of Architectural Review which shall consist of ~~five~~ seven (7) members who shall serve without compensation. All members of the Board shall be residents of

the city and shall be specially qualified by reason of training or experience in architecture, land development, community planning, real estate, landscape architecture, architectural history, engineering, law, building construction or other relevant business or profession, or by reason of civic interest and sound judgment to judge the effect of a proposed erection, reconstruction or alteration of a structure upon the desirability, property values and development or preservation of surrounding areas and to understand and carry out the legislative findings and policy statements of the Council set forth in § 53-1. At least one member shall be a registered architect in the State of New York. The Chair and other members of the Board shall be appointed by the Mayor, with the approval of the Council, for terms of three years, with staggered terms, such terms to be subject to renewals at the discretion of the Mayor, subject to the approval of the Council, except that one new appointment made in 2006, shall be for a two-year term, and one new appointment made in 2006, shall be for a one year term so that term, and thereafter their successors shall be appointed for terms of three years from and after the expiration of the term of their predecessors in office. In the same manner, vacancies shall be filled for the unexpired term of any member whose place has become vacant.

Section 3. **§53-3 Meetings and procedures of Board** to be amended to read as follows:

§53-3 Meetings and procedures of Board

- A. Meetings of the Board of Architectural Review shall be held at the call of the Chair and at such other times as the Board may determine but shall be held within 21 days of the date of referral to the Board of any application for building permit as required in §53-4 of this chapter. The Chair or, in his/her absence, the Acting Chair may administer oaths and compel the attendance of witnesses. A majority of the appointed members of said Board shall constitute a quorum for the transaction of business. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. The Building Inspector shall act as the Secretary of the Board and shall keep in the City Hall a comprehensive record of all meetings and transactions by the Board. The Board shall have power from time to time to adopt, amend and repeal rules and regulations, not inconsistent with law or the provisions of this chapter and subject to review of the Council, governing its procedure and the transaction of its business and for the purpose of carrying into effect the standards outlined in §53-5 of this chapter.

- B. Every rule or regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed with the Building Department and shall be a public record.

Section 4. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

NOTE: Proposed additions are shown in underline and proposed deletions are shown in ~~strike through~~

ROLL CALL:

AYES: Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes,
Pratt and Seitz

NAYS: None

ABSENT: None

5. Public hearing to amend Chapter 180, Taxicabs, Section 1, 180-8 and Section 2, 180-12, of the Code of the City of Rye, New York

Mayor Otis opened the public hearing to amend Chapter 180, Taxicabs, Section 1, 180-8 and Section 2, 180-12 of the Code of the City of Rye, New York to enable the Council to set fees by resolution. As there was no discussion by either the Council or the public, the Mayor closed the public hearing.

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

LOCAL LAW NO. 3-2006

**A local law amending Chapter 180, Taxicabs,
of the Code of the City of Rye
with respect to fees.**

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

Section 1. § 180-8, Fee for driver's license, is hereby amended to read as follows:

§ 180-8. Fee for driver's license.

An annual license fee shall be set annually by resolution of the City Council before adoption of the budget for the following year for a driver's license or renewal thereof; no allowance shall be made for any part of a year.

Section 2. § 180-12, Vehicle license fees, is hereby amended to read as follows:

§ 180-12. Vehicle license fees.

Each taxicab licensed under this chapter shall pay an annual license fee set annually by resolution of the City Council before adoption of the budget for the following year as follows:

- A. Taxicabs seating up to seven (7) passengers
- B. Coach or bus seating over seven (7) passengers

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

NOTE: Proposed additions are shown in underline and proposed deletions are shown in ~~striketrough~~

ROLL CALL:

AYES: Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes,
Pratt and Seitz

NAYS: None

ABSENT: None

5A. Discussion of next steps regarding New York State apartment conversion laws and protections

Mayor Otis said the Council had discussed joining the Emergency Tenants Protection Act (ETPA) and that they had begun to collect the necessary information; that they have heard from the tenants from Highland Hall; that there appears to be a lack of clarity concerning the intentions of the buyer; and everyone is concerned.

Doug Carey, 13 year resident of Highland Hall at 131 Purchase Street, once again addressed the Council with a heavy heart and with an intense desire to get some answers to important questions (such as the status of the Certificates of Occupancy, especially in the basement). He said some tenants have already left; others, even with unexpired leases and paid-up rent, have been told to leave as of January 31. Some of these are long-time residents; some are senior citizens; and some are handicapped. He said there has never been a vacant apartment in the building, but there are vacancies now and there is an uneasy feeling on the part of many. He reiterated that there is lots of protection under Law 352eee once the conversion starts, but this stage is confusing. He suggested that Jim Jackson, Managing Partner for the building, move those evicted from the basement apartments into the vacant apartments. He concluded by saying he hopes the Council share the tenants' desire that everyone be treated fairly. Bob DiMaggio, a 12 year resident of 131 Purchase Street, reported he had been told when his lease expired he would be on a month-to-month basis at the same rate; that this had already happened to some and the rent has been raised; and he is personally worried he will have to move out. Yvonne Fakhir, Highland Hall resident and small business owner in Rye, shares the concerns. Joseph Fallon, 40 year resident, said he is sure the owner is going to "flip" the building to another owner and that

he was assured the basement apartments were not illegal, but they are now being told they are. *Kevin Nolin, 10 year resident*, confirmed the report that month-to-month leases were supposed to be at the same rate, but they are not. He also reported on a January 13, 2006 letter from Rye Acquisitions Partners, Inc. offering to help the tenants move out, rather than containing any offer to help them stay. He said he feels the whole transaction is bad for the tenants.

Dennis Hanratti, Director of Mount Vernon United Tenants Inc. also addressed the Council and handed out a sheet outlining the benefits of having a community adopt the NY State ETPA. He said tenants should not be motivated by fear, but that is what often happens and joining ETPA has proven to be the only way to provide a sense of security. He said there is also a Senior Citizen addendum to ETPA, providing a municipal subsidy. He offered his assistance in joining and urged the Council to do the right thing and adopt it for Rye, even though in the past Rye chose a voluntary agreement to keep the rents low (as they did in Croton-on-Hudson until they became the 19th community to adopt ETPA on May 5, 2003). Councilman Ball asked about the necessary steps in order to do this. The City has to establish or define a focus group and then conduct a survey, based on this group. If the vacancy rate at the established time is less than 5% would Rye no longer be eligible? Would the survey be based on the previous situation, or the present one? Mr. Hanratti said a municipality can have ETPA applied to whatever building you wish, specifying the number of units (for example, more than 70). In answer to the question of how many tenants have left, it was estimated there are now about 8 to 10 (out of 110), not counting the basement apartments.

Councilman Seitz suggested taking immediate steps to conduct a survey in anticipation of adopting ETPA was untimely. He agrees Rye needs affordable housing and that the issue is important but he would like more information, such as how the other tenants feel, what the buyer has to say, etc. Others on the Council felt it was good to get the process started. Councilman Fahey said he felt it was important to survey more than one building. City Manager Shew said it was important to have the methodology for the survey in place (starting date, which apartment buildings, etc.) before starting. The starting date was established at December 1, 2005, the date of the first notice the building was being sold.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to proceed with conducting a survey in preparation for Rye to be considered eligible for adopting the ETPA.

ROLL CALL:

AYES: Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes,
Pratt and Seitz

NAYS: None

ABSENT: None

Mayor Otis suggested it would be a good idea to set a public hearing for the next Council Meeting to adopt ETPA. Mr. Seitz said this too was premature; that the Council was unlikely to have all the information it needed to consider adoption and he feels there should be more time to review the facts. It was the general feeling that by setting a public hearing it would give the Council the option to act if all the facts were in; that it keeps momentum going; and that it is the start of a legal process which can be continued for as long as necessary.

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

WHEREAS, the Council wishes to adopt the Emergency Tenants Protection Act as codified by New York State Unconsolidated Laws Sections 8621-8634; 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 February 15, 2006 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 adopt the Emergency Tenants Protection Act (ETPA) in the City of Rye as codified by New York State Unconsolidated Laws Sections 8621-8634

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 15th day of February, 2006 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 proposal to adopt the Emergency Tenants Protection Act (ETPA) in the City of Rye.

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

Dated: February 6, 2006

Susan A. Morison
City Clerk

ROLL CALL:

AYES: Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes,
and Pratt
NAYS: Councilman Seitz
ABSENT: None

6. Approval of Challenge Cup event as presented for September 16, 2006

Mayor Otis asked the Council to consider approving the Challenge Cup Triathlon event for September 16, 2006 and asked *Tarsicio Alvarez-Rivera*, organizer of the event, and *Jack Geoghegan*, Board Member of the Leukemia Society, if there was any new information. The only discussion concerned the closing of Playland Parkway for two hours on a Saturday morning. While there will be other ways to get across town, the Mayor anticipates this will be disruptive and there will be complaints. Mr. Alvarez-Rivera promised extensive publicity, assuming Rye is approved as a locale and then chosen. The general feeling of the Council was that the idea was worth trying, especially as the organizers have done well for the past two years with the amateur event to be held on Sunday, September 17.

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

RESOLVED, that the City Council of the City of Rye hereby approves the request to hold a Challenge Cup Triathlon in Rye on Saturday, September 16, 2006.

ROLL CALL:

AYES: Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes,
Pratt and Seitz
NAYS: None
ABSENT: None

7. Presentation by staff of Current Pavement Condition Report

City Manager Shew informed the Council that the presentation of the Pavement Condition Report was the first in a series outlining the capital needs of the City. He said presentations by the Fire and Police Departments would follow so the Council would have a full idea of the various needs and could make a decision of what bonding to authorize. He introduced Assistant Manager Scott Pickup and Assistant Engineer Christopher Tallarini who presented the latest report on the condition of the City's streets. They reported the City is proposing re-pavement of 18 streets based on 1) the condition, 2) whether there is on-going construction on the street, and 3) if there will be any activity on the street by utility companies. They anticipate using \$400,000 from the 2006 budget and \$100,000 carried over from prior years. The list does not include Theall Road as the need on this street requires total rebuilding as well as installation of drainage, sidewalks, etc.). Smith Street is not included for the same

reason. The Boston Post Road (from the Mamaroneck Line to the Rye Golf Club) and the Peck Avenue at Midland Avenue are both separate capital projects. Mr. Pickup said it was important to complete the Peck Avenue project prior to the “last mile” project on the New England Thruway. Railroad Plaza has not been paved recently as the City has no long-term lease at the moment with Metro-North, owner of the lot. Why is Rickbern Street not on the list? It is a private road. The City was also urged to check on various bridge inspections. A member of the audience asked about maintenance of the sidewalk underneath the railroad and thruway. The City will check into it.

8. Three appointments to the Recreation Commission for three-year terms

The Mayor made a motion, unanimously approved by the Council, to re-appoint Esther Martensen and to appoint Thomas Maloney and Steven Verille to the Recreation Commission for three-year terms, expiring January 1, 2009.

9. Appointment of members to Nature Center Temporary Committee

Mayor Otis made a motion, unanimously approved by the Council to appoint the following people to the Nature Center Temporary committee: Mary Julian, President of the Friends of Rye Nature Center and Joseph Murphy, Chair of the Conservation Commission as co-chairs; Marilyn Donahue, James Nash, Carolyn Cunningham and William Pearson as members; Mack Cunningham and George Pratt as Council liaisons; and Assistant Manager Scott Pickup as Staff liaison.

10. Resolution supporting Shared Municipal Services Incentive Grant Program 2005-2006

City Manager Shew explained that the Shared Municipal Services Incentive Grant is important for the City’s continuing environmental efforts and available to Rye because we are a designated LISWIC (Long Island Sound Watershed Intermunicipal Council) community.

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

WHEREAS, the State of New York has created the Shared Municipal Services Incentive (SMSI) grant program; and

WHEREAS, the City of Rye desires, in conjunction with other LISWIC Communities (Village of Port Chester, Village of Rye Brook, Village of Mamaroneck, Town of Mamaroneck and the Village of Pelham) to apply for an SMSI Grant to complete Geographical Information System data not collected during aerial photography stages; now, therefore be it

RESOLVED, that the City of Rye hereby authorizes the City Manager to take the necessary and appropriate actions to participate in an application to the

New York State Department of State for an SMSI Grant in the amount of \$95,000 to be matched by \$3,000 per municipality for a total of \$18,000 in matching municipal funds; and be it further

RESOLVED, that the City of Rye will provide local funding in the amount of up to three thousand dollars (\$3,000) to be applied from City funds in the event that the grant application is awarded to the participating communities.

ROLL CALL:

AYES: Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes,
Pratt and Seitz
NAYS: None
ABSENT: None

11. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, Amendment of General Order #104.1, "Uniform Specifications and Equipment"

City Manager Shew explained that all the rules and regulations proposed in agenda items 11-19 had been thoroughly discussed and were self-explanatory. He urged the Council to approve them.

Councilman Seitz made a motion, seconded by Councilman Pratt and unanimously carried, to adopt the proposed revision of the Rules and Regulations of the City of Rye Police Department, Amendment of the General Order #104.1, "Uniform Specifications and Equipment" as submitted.

12. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, Approval of a new General Order #104.3, "Uniform Classifications"

Councilman Seitz made a motion, seconded by Councilman Pratt and unanimously carried, to adopt the proposed revision of the Rules and Regulations of the City of Rye Police Department, Amendment of the General Order #104.3, "Uniform Classifications" as submitted.

13. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, Approval of a new General Order #121.3, "Use of Cellular Telephones While on Duty"

Councilman Seitz made a motion, seconded by Councilman Pratt and unanimously carried, to adopt the proposed revision of the Rules and Regulations of the City of Rye Police Department, Amendment of the General Order #121.3, "Use of Cellular Telephones While on Duty" as submitted.

14. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, Approval of a new General Order #117.8, "Mobile Video Recording Systems"

Councilman Seitz made a motion, seconded by Councilman Pratt and unanimously carried, to adopt the proposed revision of the Rules and Regulations of the City of Rye Police Department, Amendment of the General Order #117.8, "Mobile Video Recording Systems" as submitted.

15. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, Approval of a new General Order #103.10, "Deployment of Electro-muscular Disruption Device (Taser)"

Councilman Seitz made a motion, seconded by Councilman Pratt and unanimously carried, to adopt the proposed revision of the Rules and Regulations of the City of Rye Police Department, Amendment of the General Order #103.10, "Deployment of Electro-muscular Disruption Device (Taser)" as submitted.

16. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, Amendment of General Order #120.4, "Use of Force/Injury Investigations"

Councilman Seitz made a motion, seconded by Councilman Pratt and unanimously carried, to adopt the proposed revision of the Rules and Regulations of the City of Rye Police Department, Amendment of the General Order #120.4, "Use of Force/Injury Investigations" as submitted.

17. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, Amendment of General Order #120.5, "Firearm Discharge Report"

Councilman Seitz made a motion, seconded by Councilman Pratt and unanimously carried, to adopt the proposed revision of the Rules and Regulations of the City of Rye Police Department, Amendment of the General Order #120.5, "Firearm Discharge Report" as submitted.

18. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, Amendment of General Order #114.2, "Supervisory Notifications and Response"

Councilman Seitz made a motion, seconded by Councilman Pratt and unanimously carried, to adopt the proposed revision of the Rules and Regulations of the City of Rye Police

Department, Amendment of the General Order #114.2, "Supervisory Notifications and Response" as submitted.

19. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, Amendment of General Order #103.4, "Use of Firearms and Use of Deadly Physical Force"

Councilman Seitz made a motion, seconded by Councilman Pratt and unanimously carried, to adopt the proposed revision of the Rules and Regulations of the City of Rye Police Department, Amendment of the General Order #103.4, "Use of Firearms and Use of Deadly Physical Force" as submitted.

19A. Resolution to authorize expenditure of police donation funds for police footwear

City Manager Shew reported that people do make donations to the Police Department that allows for special purchases, once the expenditure is authorized.

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

WHEREAS, the City Manager and the Police Commissioner have approved a request of the Rye Police Association ("RPA") dated January 5, 2006 to purchase boots with funds available in the police donations account; and

WHEREAS, the aforementioned request of the RPA is subject to a maximum reimbursement of one hundred (\$100) dollars per officer, and all reimbursements subject to the presentation of receipts; and

WHEREAS, sufficient funds exist in the police donations account to comply with the aforementioned request of the RPA; now, there, be it

RESOLVED, that the City comptroller is authorized to reimburse City of Rye police officers for the purchase of boots in accordance with the terms and conditions of the aforementioned RPA request.

ROLL CALL:

AYES: Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes,
Pratt and Seitz

NAYS: None

ABSENT: None

20. Resolution declaring certain City of Rye vehicles as surplus

City Manager Shew said all staff are encouraged to dispose of obsolete equipment and there is a list of vehicles, including a 2003 Ford which flooded and rusted, which can be declared surplus. He mentioned that a Jaws of Life, declared surplus some months ago, had been purchased and refurbished by another community and had recently been used to save a life.

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

RESOLVED, that the following vehicles owned by the City of Rye be declared surplus:

Vehicle	Year	Make/Model	Mileage	Condition
Marine 26	1995	Chevy Tahoe	121,098	Old w/High Mileage
Rec. 11	1996	Chevy K 2500	40,000	Old, Bad Condition
DPW 90	1997	Chevy Blazer	90,000	Bad Transmission, High Mileage
FD 2423	1997	Ford Explorer	83,575	High Mileage
FD 49	1993	Ford F 150	114,646	Old w/High Mileage
DPW 25	1996	Chevy 3500	72,562	Body Rot, General Poor Cond.
DPW 15	1989	Chevy 3500	69,783	Body Rot, General Poor Cond.
DPW 10	1996	Dodge Ram 1500	86,834	Bad Suspension, Poor Engine
Car 83 (BI)	1999	Chevy Blazer	102,850	Bad Transmission
PD Car 15	2003	Ford Crown Vic	42,969	Water Leak, Interior Molding

ROLL CALL:

AYES: Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes,
Pratt and Seitz

NAYS: None

ABSENT: None

21. Authorization of payment of the balance of the 2005/2006 Rye Neck Union Free School District taxes collected by the City to the School District

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

RESOLVED, that the Council of the City of Rye hereby authorizes the City Comptroller to pay the balance of the 2005/2006 Rye Neck Union Free School District taxes in the amount of \$220,023 on February 15, 2006.

ROLL CALL:

AYES: Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes,
Pratt and Seitz
NAYS: None
ABSENT: None

21A. Discussion of 15 minute parking

Councilman Seitz discussed his proposal to create 9 spaces along Purchase Street and wrapping around Elm Place (near the Smoke Shop) with a 15 minute parking limit. He said most of the stores in this area are short stops and this regulation would provide more turnover and better traffic control. He said any one seeking a longer stay downtown would park in a lot. This proposal represents the first attempt, based on actual usage, at trying to figure out how best to use Rye's limited parking spaces. Councilman Pratt said the concept was good, but suggested a 30-minute limit and noted that the heavy presence of the Police Enforcement Officers in that area will likely lead to increased tickets. Councilman Ball also agreed in concept, but was concerned about the possible effect on other stores in the area and wanted feedback from the police, the rest of the staff and the merchants. He also suggested getting feedback about how the 15-minute limit works in the area of the post office and expressed concern about those who might want to stay longer and stop in more places.

22. Miscellaneous communications and reports

There were no miscellaneous communications are reports.

23. Old Business

Councilman Cunningham asked about the status of the liquor license for Whitby Castle. Arrangements are in place for a temporary license for each booking agreement with Restaurant Associates. The application for the license for the Golf Club is before the New York State Liquor Authority and should be in place on schedule by March.

Councilman Seitz inquired about the Bowman Avenue Dam project. Mayor Otis said the City has written a letter and there have been conversations expressing Rye's concerns. Rye Brook has not decided what they are going to do so there is nothing new to report.

Councilman Seitz also asked about the Office of Court Administration burdens. There has been no further contact.

24. New Business

Councilman Hennes said he had reviewed County Supervisor Spano's idea about not wanting to participate in eminent domain negotiations between two private parties and wondered

if the Council were united in thinking this was a good thing to support. Councilman Pratt pointed out that in some places, such as downtown Stamford, eminent domain was exercised for the benefit of the greater good so he was not supportive. The Mayor said he was against the recent Supreme Court decision, but had some question about the language in the proposed resolution. The Council took no action.

Councilman Ball reported on new rulings by the FCC concerning the cable industry and increasing competition. The FCC is viewing municipalities as an obstruction to competition and has issued rulings that will require cable companies to deliver less. Councilman Pratt pointed out in the past, cable companies held a monopoly so they were willing to pay municipalities generously, but with the new rulings Rye could lose public access TV as well as revenue. The Council authorized the City Manager to draft two letters: one to comment on a notice of proposed rulemaking from the FCC concerning local government cable franchising; and the other to comment on cable franchise certificate of confirmation applications pending at the NYS Public Service Committee concerning Nyack and South Nyack.

25. Draft unapproved minutes of the regular meeting of the City Council held January 18, 2006

Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to approve the minutes of the regular meeting of the City Council held January 18, 2006.

26. 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 10:40 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk