

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on February 15, 2006 at 8:00 P.M.

PRESENT:

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

ABSENT:

MATTHEW FAHEY

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

City Manager Paul Shew announced that there had been a major fire earlier in the day at 4 East Wards Park; that there were no injuries and it is under control but an example of the fine job our firefighters do. Chief Cotter told the audience the fire had been in the crawl space in the attic and that both paid and volunteer firemen did a great job, with the assistance of the Purchase, Mamaroneck and Harrison Departments who came to help fight the fire.

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. Presentation by September 11<sup>th</sup> Committee

Mayor Otis reported on efforts to create a memorial to be gifted to the City in memory of those who died on September 11<sup>th</sup> and said the committee was here tonight to provide an update to the Council on their plans to date. He introduced *Holly O'Neill, Chair of the September 11<sup>th</sup>*

*Memorial Committee*, who described the project as a wonderful gift to the City and a fitting memorial to her husband and the 13 other citizens of Rye who lost their lives on September 11<sup>th</sup>. She said the bridge is designed to provide a functional connection over the brook and the meditative area is designed to be a personal area for those who have lost loved ones and a vital place for her 4-year old daughter (who never knew her father) to remember him.

*Allan and Barbara Anderson, Anderson Larocca Anderson Architects & Planners*, presented a plan for the project, stating that the bridge is much smaller than originally planned when the Rye YMCA was planning its expansion, but still very much of a connection. He described the meditation area as both quiet and simple – an 18” wall with 14 columns (one for each of the deceased). It will be made of the same materials as the buildings around it (brick and slate) and the bridge will use the same stonework as other old bridges in Rye and have subtle lighting. *Bill Schnitz, Chief Engineer at Berger Lehman* said the bridge would have a 36-40’ span and be 8’ wide, supported by steel beams and with a wood decking, bicycle safety standards and handicapped requirements. The bridge will be only 19-20’ above the 100-year flood level, requiring variances from FEMA standards, but other bridges in the area are even lower so he hopes the variance will be granted.

Mayor Otis reported the group has already raised a good deal of money and have plans to raise more. He thanked everyone for attending, saying it is important for Rye to remember in a meaningful way the great people we have lost.

5. Presentation by Rye Fire Department regarding ladder truck

Chief Peter Cotter reported on the recent fire and then introduced *Richard Suarino, member of the Poningoe Hook and Ladder Company* who presented the case for purchasing a new ladder truck to replace Ladder 26. Mr. Suarino said the most obvious reason is because of the age of the equipment, part of which was purchased in 1955 and part in 1985. According to the National Fire Protection Association, this equipment is obsolete. He said it is important for a community of this size to have two ladder trucks: for the safety of citizens and firefighters; to have at least one when the other is being serviced; to be able to participate in Mutual Aid to other communities; to adequately cover a fire in structures such as The Osborn or in the Central Business District; to be able to provide split coverage on special occasions such as severe storms or the 4<sup>th</sup> of July. He said safety is their primary concern and having a second rig will enable them to provide that safety. He urged the Council to authorize the funds for the purchase, noting that the lead time will be 9 months for delivery. Mayor Otis thanked Mr. Suarino for coming and said how much everyone appreciates all the fire fighters do.

6. 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

Mayor Otis stated a public hearing to adopt the Emergency Tenants Protection Act (ETPA) had been set because of a rental housing shortage in Rye and how the impending sale of the Highland Hall apartments (131-151 Purchase Street) to Rye Acquisitions Partners (RAP) will

affect this shortage and the ability of tenants to remain in their homes. The Council is looking at ETPA as one approach in assisting citizens in Rye. The Mayor opened the public hearing.

*John Carey, 860 Forest Avenue*, former Mayor of Rye, provided historical background on rent control in Rye since 1980, when the adoption of the 1974 ETPA was seriously considered in Rye. There was substantial debate, pro and con, on the part of both owners and tenants and finally, the decision was not to adopt ETPA but to rely on commitments by owners for voluntary rent limits. Every other year several landlords have signed a "Memorandum of Understanding" (agreement) that normally has been endorsed by the Council, but not necessarily shared with the tenants. The current agreement was signed on June 10, 2005, valid for two years. The final paragraph (K-Arbitration) indicates that any rent dispute will be submitted to the City Manager who will work with the owners to reach a settlement. Tenants have no recourse other than negotiation or litigation to enforce their third-party beneficiary rights under the agreement, but there is no written evidence that tenants have ever been notified of the existence of the agreement which spells out tenants rights in terms of lease period, lease renewal, rent variation, cooperative/condominium conversion and new charges. (The full text of the agreement is on file in the Clerk's Office.). Judge Carey questioned why a City Manager would involve himself in arbitrating purely private disputes, a function seldom the function of public officials, but the "endorsement" of the agreement by the City Council indicates a sense of responsibility on the part of the City in seeing that apartment rents in Rye are fair.

*Gregory Saver, from the firm of Setterly, Stevens and Burke representing JPH Management, Inc.* representing rental units at 150 and 160 Theodore Fremd Avenue and 125 Central Avenue on behalf of the owner John Heffernan, said Mr. Heffernan had authored the agreement and has every intention of continuing to abide by it. He pointed out that Article J of the agreement indicates the agreement should be incorporated into every lease. He understands some tenants of Highland Hall have been evicted for non-payment of rent or because they are in illegal apartments and stated that the adoption of ETPA will not help these people. He said ETPA will have an impact on the City as it will lead to a deterioration of rental apartments and provide less incentive to build new ones. *Carl Finger, from the Building and Realty Institute of Westchester County* believes in affordable housing, but cautioned that adoption of ETPA does not automatically help those who need it. In addition, it has discouraged the increase in the number of affordable housing units as well as their upkeep and ultimately leads to a lower tax base. He said he is sympathetic to the tenants' needs, but urged the Council to try and continue the process that has worked for the past 20+ years; to be careful of taking action on behalf of a few which impact many; and tread lightly and take adequate time to consider all ramifications. *Jeanne Sinnott*, a 20-year tenant, said she was not in favor of rent control at this point as she was waiting for proposals from the buyer. She said she didn't believe anyone really wished this situation to turn out as it had and urged everyone to remember that Mr. Jackson is a kind, compassionate and understanding gentleman who has been wonderful to many people for many years and he should not be blamed for entering into a business proposition.

Most members of the audience were in favor of adopting ETPA. *Joe Murphy*, representing the *Rye Senior Advocacy Committee* urged adoption. He said there is no place for many of the Highland Hall senior residents to go; that many are single women who have made many contributions to Rye and who want to stay here; and the City should do something for them. *Judith Studebaker, Eve Lane*, said without ETPA (which does protect housing and

tenants) Rye will lose its diversity and there will be no stability for those living month to month. She suggested ETPA could stand for "Ease Tenants Pain and Anguish." *Dennis Hanratti, Director of Mt. Vernon United Tenants Inc.*, said the lack of awareness of an existing agreement shows the need for ETPA that will protect people who are here now. He said it would be a mistake to rely on the new owner to do what is right. As far as worrying about the future, people should remember that ETPA does not apply to buildings constructed after 1974.

Many tenants of Highland Hall spoke passionately in favor of ETPA. *Eva Schegulla*, a widow since 1972, has lived there for years and intended to stay, but she needs help and protection. Her daughter, also *Eva Schegulla*, moved with her mom to Highland Hall at age 10 after her dad died and she still considers Rye home. She said the tenants are vibrant and dedicated and Rye will not be able to replace their contributions if they are forced to leave. ETPA will provide stability and help for all of them. *Bill Matthews* announced he was more used to being kicked out of bars than towns; he has been able to make a new life, but he needs the affordable housing at Highland Hall to keep a roof over his head. His sister, *Sheila Gallo*, said this situation was affecting whole families and she hopes a solution can be worked out for people who need a safety net. She hopes the new owners will do the right thing and keep some units affordable, but she thinks they will need the Council to help them do that. *Victor Antonucci*, father of a 10-year old daughter who desperately wants to stay in Rye, said he was an unemployed Union construction worker who is living on his savings and he needs help to do so. *Barbara Beals*, a single mom, just wants enough time to get her daughter through Rye High School. *Lori Kornspun*, who has lived in Highland Hall with her two children since arriving from Israel four years ago said the current agreement is working under Jim Jackson, but she doesn't think it will under the new owner. *Kathleen Crean* has lived in Highland Hall for 39 years and had not a bad word to say about Mr. Jackson, but vowed it will be hard to kick her out. *Brian McGunagle*, a long-time resident of Rye wants to stay here and said Highland Hall is one of the few places that has provided a respectable and safe place to call home. ETPA is an opportunity to take a step toward affordable housing in Rye. *Joseph Fallon* said in NYC it takes 6 months to evict someone and here it is only 30 days. He said he thinks 120 families are being uprooted for the financial gain of the new owners. *Bob DiMaggio* feels concern and anxiety; the only way to alleviate this feeling is to adopt ETPA. Otherwise, he will have to move out of Rye. He said the buyer has rights, but so do the tenants and there is overwhelming support for adopting ETPA even if everyone doesn't speak. *Edmundo Flores* grew up in Rye; the tenants all have strong, good values and morals and he is worried that the elderly and the young will be driven out. *Sheila Corrado* is worried that the agreement is simply a "gentleman's agreement and non-enforceable." *Joselle Spinoza* envisions a future with higher rates regardless of ETPA.

*Doug Carey, Chair of the Tenants Committee* said he is exhausted, as are many of the tenants, but they still have hope. He is concerned about the agreement and asked who was representing him as a tenant. He said month-to-month tenancy is stressful and they need ETPA more than ever. Yes, the City Manager can arbitrate, but for how long? Rye has been talking about affordable housing for years but has made no progress. He said he is lucky - he had been able to live in Rye, thanks to Jim Jackson, and he doesn't want to leave. He said Rye can set a precedent and be a beacon of light by adopting ETPA. He submitted a petition in favor of ETPA signed by 85 of the tenants and submitted a list of tenants in all the buildings.

*Dr. Andrew Beveridge, Professor of Sociology at Queens College and survey expert,* retained by the City of Rye to analyze the vacancy rate for rental apartments in two classes (Class 1 - more than 50 units and Class 2, complexes with 25-49 units). Highland Hall, with 104 units, according to records from the City Planning Department, is the only complex in Class 1. The “Heffernan Buildings” (Rye Terrace, Rye Village and Rye Park on Theodore Fremd and Orchard St) are in Class 2. Vacancy rate is defined as the number of apartments “vacant and available” when a proposed tenant would be looking for an apartment to rent. There is usually a distinction made between gross and net vacancy rate. Gross vacancy rate includes any apartments not occupied at a given time (even if they are being renovated, painted, etc.). Net vacancy rate gives the number of apartments available at a given time to prospective tenants, or all apartments that a prospective tenant could move into immediately. Turnover figures do not have much bearing on the vacancy rate. His finding for Class 1-Highland Hall are as follows: the rental vacancy rate was 0% in 2000 and, according to the December 2003 rent rolls, also 0%. Since that time, until the change in management, it is reasonable to expect a similar vacancy rate. When considering turnover rates, it is estimated that the average vacancy rate in the whole City of Rye would be .5%, but there has never been a vacancy reported in Highland Hall from January 31, 2003 through January 30, 2006 (at least any that were listed through the Westchester Putnam Multiple Listing Service). Although the January 31, 2006 report shows 14 vacancies, it is understood that these units are to be used by other tenants while their apartments are being renovated so in essence the vacancy rate remains at 0%. The Tenants Group in Highland Hall did a survey of the situation in the building as of December 2005 and found no apartments available. In Class 2– 25-49 Units, the 2002 census shows a rental vacancy rate of 2%; currently there is a vacancy rate of 1%. In conclusion, plainly the rental vacancy rates in Class 1 and Class 2 are well below 5%. (Note: the complete survey report is on file in the Clerk’s Office.) Therefore, the City of Rye can pass a state of emergency and be eligible to adopt ETPA. The Mayor recommended that if the Council elects to adopt ETPA it should be for Class 1 only, as Mr. Heffernan has, and will continue to, abide by the terms of the agreement.

The Council discussed various steps to take. Councilman Hennes said month-to-month leases violate the terms of the agreement and we should seek out those who don’t know of the agreement. He also said even an eviction plan allows some tenants to stay forever; some to stay for three years. A legitimate non-purchase tenant can stay perpetually so the question would become the size of the rent. Councilman Seitz said the contract vendee should agree to be bound by the agreement. The Mayor concurred that the agreement could be the basis of protection going forward and if not, then the adoption of EPTA could be the alternative path. Councilman Pratt suggested that starting the next day the City Manager should act as the arbitrator, but whatever steps are taken they should be deliberate and within the law; that the survey should be “rock solid” and that the solution should be based on more than a technicality. He suggested that the Council wait the full 10 days to see if the issue can be resolved, in writing, between the respective parties – including the tenants. Councilman Ball was reluctant to extend 10 days.

The choice before the Council is to adopt ETPA at this meeting or wait for 10 days. The Council was disturbed that tenants had not appeared to know their rights under the agreement, but they will have 10 days to learn and it gives them an opportunity to come forward and ask for arbitration. In the end, it was decided to keep the public hearing open, to work for the next 10 days to resolve the issue to everyone’s satisfaction and, should this not be the case, to meet in 10 days to continue the public hearing and presumably adopt ETPA.

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

**WHEREAS**, the Council wishes to continue the public hearing to adopt the Emergency Tenants Protection Act as codified by New York State Unconsolidated Laws Sections 8621-8634; 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 continued by the Council of said City on February 25, 2006 at 12:00 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 Continuation 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 25th day of February, 2006 at 12:00 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.

Dated: February 21, 2006

Susan A. Morison  
City Clerk

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** Councilman Fahey

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 directs the City Manager to utilize all resources within and outside of the City to enforce the Memorandum of Understanding between the owners of multiple-family dwellings and their tenants in Rye as outlined in a letter to the City Manager signed June 10, 2005; and be it further

**RESOLVED,** that the City Manager should act as the arbitrator to implement the terms of said Memorandum of Understanding, and be it further

**RESOLVED,** that the City Manager should make every effort to obtain a satisfactory agreement in writing by Thursday, February 23, 2006 from the present and future owner of the premises known as Highland Hall guaranteeing the terms of the Memorandum of Understanding.

ROLL CALL:

AYES: Mayor Otis, Councilmen Ball, Cunningham, Hennes and Pratt  
NAYS: Councilman Seitz\*  
ABSENT: Councilman Fahey

\*Councilman Seitz objected on the grounds that the directive was unfair to the contract vendee.

7. Public hearing to incorporate permanent City Committees in the City Code

Mayor Otis expressed his belief that it is good to have all City Committees in the Code of the City of Rye so people know what the committees do and a procedure for making changes is more defined. The Mayor opened the public hearing.

Councilman Seitz requested that the public hearing be continued to the next meeting of the City Council so that Councilman Fahey could be present to discuss the proposed local laws. The Council agreed to keep the public hearing open and continue it at the regular meeting of the City Council scheduled for March 1, 2006.

8. Update on Police Department renovations/cost

*Architect Rex Gedney* informed the Council about current projects being considered for the Police Building. He emphasized all projects need to be done now regardless of future plans, just in order to keep the police department building in working fashion. Specifically, the roof needs to be repaired to eliminate leaks and stabilize the building (\$200,000); electrical upgrades are necessary to be able to run an acceptable safety command center (\$200,000); remediation of water damage in the offices is essential (\$300,000). In addition \$40,000 is required for remediation of mold (consultant costs plus anticipated work). Commissioner Connors was there to advocate for making these improvements to the building. He said Rye has an A+ police force in a D- building and these improvements are critical, even before consideration of additional space needs, Court requirements, etc. and in the long run it will cost more not to fix them.

9. Consideration of resolution to increase the size of the Finance Committee from seven to nine members

Mayor Otis proposed a resolution to increase the size of the Finance Committee from seven to nine members. Councilman Hennes said he was upset that the Mayor had not discussed these proposed changes with the Finance Committee and had apparently not listened to the advice of the Committee that recommended against the increase. The Mayor said in 2002 and 2004 his nominees had been rejected so he wants to expand rather than exclude. Councilman Hennes stated he had never voted against the Mayor's nominees. *Jono Peters, current Chair of the Finance Committee* addressed the Council to oppose the increase. He said the Committee (which covered many topics such as tax legislation, use of fund balance, and the Auditor's Report) is a small discussion group where members are free to challenge each other and engage in intellectual and dynamic discussion. He feels 7 is the optimum number and said Councilman Hennes and Councilman Pratt, when they were Chair of the Committee, agreed. He said all members are aware of the fiduciary responsibility to the City of Rye; it is truly non-partisan; and only once in the last two years have they not been able to meet because there was no quorum. He also stated it is bad for a Council to micromanage committees and to suggest changes without input from the committees. He said there has been 75% turnover in the past four years so there has been lots of opportunity to add additional people; that it is important for this committee in particular to choose its own chair; and finally that there is a conflict of interest in having a financial reporter on the committee. Mr. Peters' remarks led to spirited discussion about whether or not the situation had been politicized, and whether the Committee should be expanded. Mr. Pratt said he was going to support the expansion of the Committee because the Mayor's nominees are all so qualified and there are so many things he wants to see the Committee address. There was additional conversation about the conflict between being a reporter and being on the Committee.

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

**RESOLVED**, that the resolution establishing a Finance Committee for the City of Rye, adopted February 5, 1997 and amended January 16, 2002 be amended as follows to increase the size of the committee from 7 members to 9 members.

**“WHEREAS**, citizen advisory committees form an important governmental foundation in the City of Rye; and

**“WHEREAS**, past financial advisory committees of limited duration have supplied important citizen input on budget and other City financial matters; and

**“WHEREAS**, against the above background of success, it is in the best interests of the City to establish a permanent citizens' advisory committee on finances; now, therefore, be it

**“RESOLVED**, that a permanent Finance Committee for the City of Rye is hereby established to consist of ~~seven~~ nine members, all residents of Rye, to serve for three-year terms, except that one appointment made in February 2006, shall be for a two-year term expiring on January 1, 2008, so that term expiration of a nine-member Commission shall be staggered with three appointments to be made each year, 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; and be it further

**“RESOLVED**, that the initial appointments shall be staggered with two one-year terms, two two-year terms, and three three-year terms; and be it further

**“RESOLVED**, that the members of the Finance Committee shall be appointed by the City Council, and that one member shall be designated by the Finance Committee as Chairman; and be it further

**“RESOLVED**, that the Committee shall have the following duties:

- 1) To advise the City Council on appropriate revenue and expenditure policies and financial policies;
- 2) To review quarterly and annual financial statements of the City and report findings to the City Council;
- 3) To review the annual budgets of the City, including all the funds therein, and report their findings to the City Council;
- 4) To undertake such other studies as shall be assigned to them or as they shall deem appropriate to assure that the financial condition and policies of the City are sound and that the taxpayers are receiving appropriate value.”

ROLL CALL:

AYES: Mayor Otis, Councilmen Ball, Cunningham and Pratt

NAYS: Councilmen Hennes and Seitz

ABSENT: Councilman Fahey

10. Request of Rye Historical Society for use of the Village Green for a Revolutionary War encampment

*Kristina Bicher, Executive Director of the Rye Historical Society*, requested permission to use the Village Green for a Revolutionary War enactment that will be part of the Society’s programming for their up-coming Spring exhibit on “Rye and the Revolution.” The encampment will consist of three tents and six soldiers (all from the 4<sup>th</sup> Regiment of New York) representing the Loyalists, the Continental Army and the County Militia. The “living” exhibit will be free, open to the public and fun.

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

**RESOLVED**, that the City Council of the City of Rye hereby authorizes use of the Village Green by the Rye Historical Society on Saturday, May 13, 2006 for a Revolutionary War military encampment.

11. Referral to Planning Commission for review and recommendation of Petition of owners of B-1 zoned properties at the corner of Playland Parkway and Forest Avenue seeking to change the permitted use in the B-1 zone to permit restaurant uses at that location

*Joseph Latwin, Wolf and Latwin*, said his client “On the Way Café” had submitted a petition seeking to change the permitted use in the B-1 zone at the corner of Playland Parkway and Forest Avenue to permit restaurant uses at that location as they would like to be open for dinner. He said the next step in the process would be to have the Council refer the matter to the Planning Commission. The Mayor suggested it would be wise to check out the history of this restaurant and get input from the neighbors. Although this is a good family restaurant there is a history of restaurants in residential neighborhoods (e.g. the Cove) that have not been a good experience. It was decided that no SEQR action was necessary at this time. Councilman Cunningham mentioned that he lived so close to the property in question that he would be recusing himself at the time of any vote.

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

**RESOLVED**, that the Petition of owners of B-1 zoned properties at the corner of Playland Parkway and Forest Avenue, and the “On the Way Café” in particular, seeking to change the permitted use in the B-1 zone to permit restaurant uses at that location, be referred to the Planning Commission.

12. Five appointments to the Finance Committee, two for terms expiring on January 1, 2008; two for terms expiring on January 1, 2009 and one for a term expiring on January 1, 2007

Two of the nominations made by the Mayor were questioned because of a perceived conflict of interest. After discussion, the Mayor withdrew all nominations from consideration and will resubmit them at the March 1, 2006 meeting.

13. One appointment to the Planning Commission for a term expiring on January 1, 2007

The Mayor made a motion, unanimously approved by the Council, to appoint Carolyn Cunningham to the Planning Commission for a one-year term expiring on January 1, 2007.

14. Four appointments to the Rye Playland Advisory Committee, one for a term expiring on January 1, 2007; two reappointments for terms expiring on January 1, 2009 and one appointment for a term expiring on January 1, 2008

The Mayor made a motion, unanimously approved by the Council to appoint Charles Dorn for a one-year term expiring on January 1, 2007; to reappoint Leila Bright and Richard Nieman for three-year terms expiring on January 1, 2009, and to appoint Lucinda McKinnon for a two year term expiring on January 1, 2008 to the Rye Playland Advisory Committee.

15. Two appointments to the Traffic and Transportation Committee, one for a term expiring on January 1, 2009 and one for a term expiring on January 1, 2008

The Mayor made a motion, unanimously approved by the Council to appoint George Cady for a three-year term expiring on January 1, 2009 and James Burke to a two-year term expiring on January 1, 2008 to the Traffic and Transportation Committee.

16. Authorization to enter into a contract with the New Rochelle Humane Society to provide services as required by Section 114 and 115 of Article 7 of the State Agricultural and Markets Law

City Clerk Susan Morison proposed that the City change its contract with the Sound Shore Humane Society to the New Rochelle Humane Society, citing vastly better service to our community as required by Section 114 and 115 of Article 7 of the State Agricultural and Markets Law and infinitely better conditions for the animals. A 30-day notice of cancellation will be sent to the Sound Shore Humane Society once a new contract is secured with the New Rochelle Humane Society.

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

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the City Manager to enter into a contract with the New Rochelle Humane Society to provide services as required by Section 114 and 115 of Article 7 of the State Agricultural and Markets Law.

ROLL CALL:

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

17. Miscellaneous communications and reports

There were no miscellaneous communications and reports to be heard.

18. Old Business

Councilman Seitz inquired about the status of the Real Estate Transfer Tax suggestion and was informed it has not yet been reviewed by the Finance Committee. Councilman Seitz suggested drafting the legislation anyhow. The Mayor reiterated this is very hard legislation to get passed in Albany.

Councilman Seitz inquired about the 15 minute parking suggestion for Purchase St and Elm Place. There has been no response yet from the merchants and City Manager Shew said the idea would be discussed at the next Merchant's Association Meeting.

19. New Business

There was no new business to be discussed.

20. Draft unapproved minutes of the regular meeting of the City Council held February 1, 2006

Councilman Hennes made a motion, seconded by Councilman Ball and unanimously carried, to adopt the minutes of the regular meeting of the City Council held February 1, 2006 as amended.

. Adjournment

There being no further business to discuss, Councilman Hennes made a motion, seconded by Councilman Ball and unanimously carried, to adjourn the meeting at 12:34 A. M.

Respectfully submitted,

Susan A. Morison  
City Clerk