

APPROVED MINUTES of the Budget
Workshop/Regular Meeting of the City Council of the
City of Rye held in City Hall on November 29, 2006
at 7:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
ANDREW C. BALL
MACK CUNNINGHAM
MATTHEW FAHEY
DUNCAN HENNES
GEORGE S. PRATT (arrived at 10:15)
HOWARD G. SEITZ
Councilmen

ABSENT: None

1. Pledge of Allegiance

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

2. Roll Call

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

Budget Workshop

City Manager Paul Shew welcomed *Library Consultant, Richard Panz* as well as *Florence Kraut, President of the Board of the Rye Free Reading Room (RFRR); Mark Moore, Treasurer, and Betty Teoman, Director*. Mr. Panz said the RFRR had studied various options in order to come up with a better funding model for the future and the RFRR Board prefers a 414 model over the creation of a Library District (see workshop notes from November 13, 2006). Generally speaking, it would be beneficial for the City Council to at least passively support such a concept as the RFRR will be going to the public to convince residents that RFRR funding should have its own separate taxing line. Mr. Panz confirmed that the City, which has suggested paying out a lump sum of \$293,934 to the RFRR should the referendum pass (thereby putting the RFRR at an operating level of \$1.4 million), would not be owed until 2008. He said traditionally private funding has not decreased after a 414 plan was instituted, but Mr. Moore has some concerns about this. Private donations will continue to be important for improved collections and special programming. Councilman Hennes asked what the RFRR will do with an extra \$300,000 per year in perpetuity. Director Teoman said it will be used to operate the way the public expects (paying for the lights, the personnel, the basic operations) without using private funds or endowment. President Kraut said with the new addition came higher expectations and

they need to live up to them. The process of how the RFRR selects their Board would have to be altered, but that can be done through a change in the RFRR by-laws. *Peggy Peters, former Chair of the RFRR*, said she had concerns about the model, saying a combination of a Library District and the 414 Plan would be the best. She confirmed that the operating base can be increased either by the Council or by going back to the public every year with a referendum. President Kraut said the RFRR Board would continue to move forward to address the challenges and thanked Mr. Shew for “starting them down this path.” Mayor Otis urged the Council to be supportive while they learn more about the 414 process. Mr. Panz encouraged continual dialogue.

(The Workshop ended at 8:17 P.M.)

The regular meeting of the City Council reconvened at 8:29 P.M.)

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

Henry King, 76 Coolidge Avenue, read a letter to the Editor of the Rye Record from Christopher J. Scala, Sr., a New York State licensed Professional Engineer, entitled “Beaver Swamp Project Needs Further Examination.” The letter, which appears in the November 24, 2006 edition of the paper, questioned the quality of the project and concluded with “When the greater civic good impinges on and endangers the property and right of individual homeowners it is the duty of our elected officials to put the people first.” Mr. King concluded by inviting the Council again to view the stagnant water on the Rye side of the brook. *Mary Jurs, 20 Hunt Place*, reported the water is coming deeper and deeper onto her property and said nothing is getting better. Her daughter, *Debbie*, said she feared their complaints were becoming something of a joke and she hoped they were being taken seriously. She wanted to know if there was a consultant for Rye; if so, who was it and where should they go to get more action? City Manager Paul Shew assured her the City takes the matter seriously and reported that the last consultant was Joe Johnson from Harza. This consultant is currently working on rerunning the new model which should be available shortly. Mayor Otis, addressing the issue of where to go, said the City needs to know all the facts before it can go to Harrison or to the Department of Environmental Conservation (DEC), but he said there was nothing preventing citizens from going to the DEC on their own. Mr. King pointed out that the DEC had failed to respond to inquiries from Assemblyman Latimer so he was not hopeful. *Robin Jovanovich, Milton Road*, wondered if all the standing water might lead to a health hazard. The Mayor said the City would continue to do its homework.

4. Public Hearing to amend Chapter 191-47, Parking fees; proper display of parking tag or license, of the Code of the City of Rye, particularly with respect to the allowable location for Merchant Parking

Mayor Otis said the Council had been considering a number of ways to help make parking better in the Central Business District and one proposal was to move merchant parking out of the parking spaces closest to the stores unless a merchant wants to pay the meter and be

willing to move every two hours. He opened the public hearing on a local law presenting this option as well as specifying All Day-All Night parking permit locations.

Councilman Hennes inquired about the signage and how the City was going to let the merchants know about the new law. He also noted that the specified spaces were identified by number which might not always be there. City Manager Shew said the Staff would work out the notification issues and, should the spaces no longer be numbered, the law would have to be amended. As there was no further discussion, Mayor Otis closed the public hearing.

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

**CITY OF RYE
LOCAL LAW NO. 11-2006**

A local law to amend the Chapter 197-47, Parking applications, fees; proper display of parking tag or license, of the Code of the City of Rye particularly with respect to the allowable location for Merchant Parking.

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

Section 1: § 191-47. Parking application, fees and location. Proper display of parking tag or license

§191-47 Parking application, fees and location.

- A. ~~Any~~ Residents of the City of Rye, upon making application to the City Clerk and upon furnishing said Clerk with satisfactory evidence that such applicant is a resident of said City and upon paying an annual fee, shall receive a tag or license permitting him/her to park his/her motor vehicle in the places and locations described in § 191-46A and B if space therein shall be available, provided that the proper parking tag or license for that vehicle is displayed on the driver's side of the vehicle's rear window.
- B. A non resident of the City of Rye, upon application and upon paying an annual fee, may receive a tag or license permitting him/her to park his/her motor vehicle in the places and locations described in § 191-46A if space therein shall be available, provided that the proper parking tag or license for that vehicle is displayed on the driver's side of the vehicle's rear window. ~~The maximum number of permits issued in any calendar year under Subsections A and B hereof shall be 165% of the total number of parking spaces designed for such purpose, except as may be otherwise determined by resolution of the City Council.~~
- C. Any merchant or other person employed within the Central Business District desiring to park all day shall, upon application to the City Clerk and payment of the annual fee, receive a merchant tag or

license permitting him/her to park his/her motor vehicle in the Central Business District. ~~The in the locations and places specifically designed for merchants and all day parking, provided that the proper parking merchant tag or license for that vehicle must be is displayed~~ on the driver's side of the vehicle's rear window. The merchant permits will not be honored on public streets and in the following parking spaces:

Car Park	Space Numbers
1	1-2; 20-23; 43-46; 70-71.
2	80-84; 158-160; 197-199; 200-202; 222-225; 233; 237-243.
3	315-332.
4	488-519; 530-531.
5	550-557.

Any person with a merchant permit who parks on a public street or in the spaces delineated above will be required to comply with the rules and regulations of such areas.

- D. ~~Any~~ Residents of the City of Rye desiring an all-day/all-night parking permit shall, upon application to the City Clerk and payment of an annual fee, receive a tag or license entitling him/her to park his/her motor vehicle. The car park that is closest to the applicant's place of residence will be the car park assigned to the applicant. ~~The in the locations and places specifically designated for all day/all night parking, provided that the proper parking tag or license for that vehicle is shall be displayed~~ on the driver's side of the vehicle's rear window.
- E. ~~Any~~ Residents of the City of Rye desiring an all-night parking permit shall, upon application to the City Clerk and payment of an annual fee, receive a tag or license permitting him/her to park his/her automobile or other vehicle. The car park that is closest to the applicant's place of residence will be the car park assigned to the applicant. ~~The in the locations and places specifically designated for all night parking, provided that the proper parking tag or license for that vehicle is shall be displayed~~ on the driver's side of the vehicle's rear window.
- F. Said tag or license that is issued shall be displayed on the driver's side of the vehicle's rear window. The payment of any of the aforesaid annual fees shall not be construed to guarantee the applicant a reserved space, and said tag or license shall not be transferable. Failure to properly display the parking tag or license shall be a separate violation of this section.

- G. If a license or a tag, or both, is lost or destroyed or if another motor vehicle is substituted for the vehicle for which the license had been issued, a new license will be issued for the remainder of the period upon payment ~~of a fee of \$5 set by City Council resolution~~; however, if the old sticker is not returned, there shall be a replacement fee. The replacement fee shall be set by City Council resolution.
- H. The ~~annual~~ fees in Subsections A, B, C, D and E above shall be set annually by resolution of the City Council. Such fees, upon their adoption shall be published twice in the official newspaper within two weeks of such adoption, and shall be posted at City Hall by the City Clerk. In addition, copies of the rate schedule shall be made available to the public in the office of the City Clerk.

Section 2 This local law shall take effect immediately upon filing with the Secretary of State.

(Note: new wording is underlined; removed wording is indicated by strikeout.)

ROLL CALL:

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

5. Public hearing on the proposed 2007 Budget

The Mayor announced that there have been a number of workshops and meetings to discuss the budget presented on November 8, 2006 calling for a 3.9% increase (see minutes from November 8, 13, 15, and 20, 2006) and there has been a productive exchange of ideas. Capital needs remain the primary issue at this point. He opened the public hearing and welcomed members of the public to comment.

Bruce Miller spoke on behalf of the *Rye Babe Ruth Baseball League* urging the Council to retain funds for backstop fencing at Feeley Field. Councilman Cunningham thanked Mr. Miller for all his help and *Doug Carey*, member of the *Recreation Commission*, said he thought there were funds for quite a lot of fencing in the Recreation Budget. *John Carey*, *Forest Avenue* and member of the *Rye Cable TV Commission*, urged the Council not to use funds in the Cable TV Fund for other purposes. He said the fund had carefully been gathered for purchase of equipment and for “rainy day” use.

The Council debated many budget issues, starting with use of the various funds.

- *The Cable TV Fund*: Councilman Seitz said there was no pressing need and the City needs it for other things. He recognized any funds collected for equipment must stay in the fund, but saw no reason not to use funds collected from franchise fees. Councilman Ball said he was not in favor of using these funds for anything

other than Cable TV needs. City Comptroller Michael Genito advised that it was the recommendation of his office that the Cable TV funds remain in that fund. He said that the future of the main source of revenue (cable television franchise fees) was unclear. Lobbying attempts at the Federal level by cable television companies to eliminate local control over such fees had failed, but the same attempts are now being made at the State legislative levels. There was also a possibility the Cable TV would lose their studio at the High School so the funds might have to be used for a new studio.

- *The Building and Vehicle Fund.* It might be alright to use some of it, but it would not be a good idea to “starve” it, especially as it will be reduced by the end of the year to cover some of the costs incurred by purchasing 1037 Boston Post Road.
- *In-Lieu-of Parking Fund.* Corporation Counsel has advised the City that this fund should remain restricted to parking use. Mayor Otis expressed a desire to rebuild the Parking Fund with an eye to funding additional parking at some point. Councilman Hennes said it would take years to build it up enough and it was better to put revenue from parking meters in another fund designated for Central Business District improvements in general.

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

RESOLVED, that a new fund be created with 100% of the proceeds from the parking meters in the Central Business Area (CBD) to be used for Central Business District improvement projects and that in 2007 50% of the funds should be contributed to the capital project to improve the traffic lights in the CBD and the other 50% should be reserved for uses to be determined after the report of the Central Business Task Force is issued. (Councilman Fahey voted against the 50-50 split.)

RESOLVED, that the Cable TV Fund and the Building and Vehicle Fund (including the \$144,000 reserved for Voting Machines) be left in tact.

(Councilman Pratt arrived at this time)

The discussion turned to Capital Projects.

- *The all Road.* Councilman Hennes said he still wanted an economic analysis of what the best solution should be; that he gives preference to a \$300,000 stop-gap plan but would like to know how long it would last. He said spending \$1.4 million for a total remake should be decided by referendum. Many on the Council felt otherwise (time to move forward; costs go up each year; greatest need as reported by the Pavement Management System). Councilman Seitz pointed out it would have been prudent to get large developers to help contribute to such projects, but it was too late to ask them now.
- *New traffic lights in the Central Business District.* This project would include installing and synchronizing new traffic lights, improving the crosswalks, putting in pedestrian walkway signs and lights at Elm and Smith Streets and widening the mouth of Theodore Fremd Avenue at Purchase Street.

- *Peck Avenue Intersection improvements.* The “last mile” Thruway project has been postponed indefinitely so it would be a good idea to complete this project which has already been planned.
- *Boston Post Road resurfacing from Rye Golf Club to Mamaroneck line.* The Mayor proposed setting up a study group (with representation of all the neighborhoods) to study the pros and cons of restriping the Boston Post Road to incorporate a trailway, improve pedestrian walkways around the schools, and assist in the Activate American initiatives. The group should see if it makes sense to reduce the road from 4 lanes to 2 and to see if grant funding of funds from the State might be available.

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

RESOLVED, that \$1,400,000 should be allocated in the 2007 budget to completely rebuild Theall Road with \$700,000 funded by General Fund available fund balance and the remaining \$700,000 funded by new debt.

ROLL CALL

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

The resolution passed by a vote of 5-2.

Mayor Otis made a motion, seconded by Councilman Seitz, to adopt the following resolutions:

RESOLVED, that the 2007 capital projects, in addition to the reconstruction of Theall Road, should include 1) \$350,000 for the Central Business District traffic light improvement including crosswalks, pedestrian lights at both Elm and Smith Streets and widening the mouth of Theodore Fremd Avenue at Purchase Street; 2) \$200,000 for reconstruction of the Peck Avenue/Midland intersection including a new traffic light and widening of the intersection; and 3) \$67,500 for the engineering and design of improvements to the Bowman Avenue Spillway (Rye’s contribution to a grant); and be it further

RESOLVED, that Capital improvements to the Boston Post Road, Smith Street and Purchase Street, the bridge projects and the remainder of the Bowman Avenue Spillway Project be deferred pending further study and/or additional available funds.

ROLL CALL:

AYES: Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes,

Pratt and Seitz

NAYS: None
ABSENT: None

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

RESOLVED, that the Rye Historical Society be authorized to apply for a Challenge Grant to assist with the installation of a fire suppression system at the Knapp House, and be it further

RESOLVED, that the City will match 50% of the project cost not to exceed a City contribution of \$30,000, the funds to be made available from the 2006 City budget, and the Rye Historical Society must raise its share by December 31, 2007.

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

RESOLVED, that the improvements to the Chamberlain Storm Drain be made in the amount of \$25,000 using funds in the 2006 budget.

Parking Meters in the Central Business District. Mayor Otis said he would personally like to take them out, but realizes this is not the sentiment of the Council. City Manager Shew confirmed that there are more spaces available and fewer complaints (at least about their existence) than a year ago. There was approval of putting the funds back into the Central Business District and a general feeling that it was too soon to know enough to think about taking them out.

Rye Free Reading Room (RFRR). The \$293,934, originally designated from fund balance for the RFRR during 2007 upon the success of Chapter 414 referendum, should be undesignated. The Council agreed to discuss the RFRR issues in greater detail at their next regular meeting.

Councilman Seitz suggested *raising the merchant permits from \$336 per year to \$1000.* He said his goal is to move the tax rate away from Rye residents and most of the merchants do not live in Rye. He said his proposal is to use the additional revenue of \$220,000 for infrastructure projects.

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

RESOLVED, the Merchant Permits be raised to \$1000 per year.

ROLL CALL:

AYES: Councilman Seitz

NAYS: Mayor Otis, Councilmen Ball, Cunningham, Fahey and Pratt

ABSTAIN: Councilman Hennes (a Rye Merchant)

The resolution failed to pass by a vote of 1-5 with one abstention.

5A. Resolution to establish a working group to review and report to the Council regarding operational options and cost estimates for operation of Durland property for recreation and waterfront use

Mayor Otis reported that a potential purchaser of the Durland property has approached the City about developing some joint use of the facility. He proposes to set up a working group to explore the City's options.

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

WHEREAS, there is a need to analyze the options available for Durland Property use as described to the City by a potential purchaser of the property, now, therefore, be it

RESOLVED, that the City Council hereby appoints the following individuals to review and analyze operational options and cost estimates for operating or leasing the Durland Center for recreational and waterfront activities:

William Rodriguez, Recreation Superintendent

Douglas French, Chair, Recreation Commission

Steven Meyers, former Chair, Rye Recreation Master Plan
and Member, City of Rye Finance Committee

Ward Urban, Save Durland Committee

Jim Culyer and George Cady, Members, Board of Education

And be it further

RESOLVED, that a report will be completed and submitted to the City Council no later than January 15, 2007 in order to provide the Council with a firmer financial review of operational models and their feasibility.

6. Authorization to fill two positions in the Police Department

City Manager Paul Shew asked the Council for authorization to fill two positions in the Police Department at the Patrolman level so that candidates requiring training at the Police Academy can enroll in the January session. One position is open now; the second will be open in March, but the training will have to take place before any untrained patrolman can actually join the force.

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

RESOLVED, that the City Manager is hereby authorized to fill two positions at the Patrolman level in the Police Department.

ROLL CALL:

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

7. Acceptance of Grant Award from Governor’s Traffic Safety Committee in the amount of \$8,764 for participation in the “Buckle Up New York” program

City Manager Paul Shew said the Police Department had once again received a Grant Award from the Governor’s Traffic Safety Committee for participating in the “Buckle Up New York Program.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to accept a Grant Award from the Governor’s Traffic Safety Committee in the amount of \$8,764 for participation in the “Buckle Up New York” program.

ROLL CALL:

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

8. Resolution to authorize release of 2002 Damiano Bond proceeds for professional services for developing Damiano Center parking lot accessibility and expansion project

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

WHEREAS, the Recreation Commission and City Manager have requested the preparation of a design concept, preliminary budget estimate,

production of construction documents and preparation of bid documents for the Damiano Center parking lot accessibility and improvement plans; and

WHEREAS, the aforementioned request would require the expenditure of \$9,010 from the 2002 Damiano Bond proceeds; now therefore, be it

RESOLVED, that the City Comptroller is authorized to appropriate \$9,010 and engage a professional services agreement to develop the preparation of specific bid documents for this project.

ROLL CALL:

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

NAYS: None

ABSENT: None

9. Appeal of denial of Freedom of Information Law request made by the Rye Police Association

City Manager Paul Shew reported that on November 13, 2006 an electronic Freedom of Information Law (FOIL) request had been submitted to the Police Department by the Rye Police Association and that on November 20, 2006 that request was denied because outstanding fees are still due to the City by the Rye Police Association for a previous FOIL request. He said the Rye Police Association is now seeking an appeal of the denial. Corporation Counsel and Robert Freeman, Executive Director of the State Committee on Open Government has confirmed that a FOIL can be denied if previous charges are outstanding. The Mayor said he wished this rather small amount had been paid and the issue had not reached this point, but it has, and the Council is within its rights to deny the appeal.

Councilman Seitz made a motion, seconded by Councilman Cunningham and unanimously carried, to deny the appeal by the Rye Police Association regarding their Freedom of Information Law request of November 13, 2006.

10. Miscellaneous communications and reports

There were no miscellaneous communications and reports to be discussed.

11. Old Business

Councilman Seitz suggested circulating the existing draft of a new loitering law in case its adoption would be helpful.

Mayor Otis said the Council should address the Senior Golfing issue.

Councilman Cunningham reported that Kevin Cook had been offered a position with the Westchester County Parks and would be leaving the Recreation Department. He thanked Kevin for all his good work for the Rye community and its children.

12. New Business

There was no new business to be discussed.

13. Draft unapproved minutes of the regular meeting held on November 8, 2006, the Budget Workshop held on November 13, 2006, the regular meeting held on November 15, 2006, and the Budget Workshop held on November 20, 2006

Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to adopt the minutes of the regular meeting held on November 8, 2006 as submitted.

Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to adopt the minutes of the budget workshop held on November 13, 2006, the budget workshop and regular meeting held on November 15, 2006 and the budget workshop held on November 20, 2006 as amended.

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 11:45 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk