

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on March 28, 2007 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 Hennes and unanimously carried, to adjourn to executive session at 7:01 P.M. to discuss attorney/client matters. Councilman Cunningham made a motion, seconded by Councilman Ball to close the executive session at 7:59 P.M. No decisions were made. The regular meeting reconvened at 8:00 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 expressed condolences on the loss of David Gile, saying he had been an active and contributing member of the City Council from 1976-1986. He said Mr. Gile was a good person, dedicated to the City of Rye and will be greatly missed.

City Manager Shew announced that long-time employee John Yusi retired as of March 28, 2006. He said Mr. Yusi was one of the leaders of the Department of Public Works, was an excellent employee who will be missed and said he knew the Council would want to join him and the staff in wishing Mr. Yusi well.

City Manager Shew announced that Agenda Item #4, Adoption of Stop Sign Policy, was deferred until the staff could assemble and integrate all comments for further review.

Councilman Seitz said he would not move to rescind the decision to adopt a stop sign at Florence and Bradford Avenues at this time, but questioned whether the Council should have focused more fully on some of the issues now that they have received a memorandum from the Traffic and Transportation Committee questioning the decision and he acknowledged the memo may have a point and he might suggest rescinding the decision in the future. Councilman Cunningham said the memo removes some of the emotion as it looks at the request for the stop sign from an engineering point of view. He said he was sorry not to have received the memo earlier. The Mayor urged the Council to “stay to course” and let the designation stand.

Corporation Counsel Kevin Plunkett announced that Agenda Item #5, Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, “Procedure for Determining Claims Pursuant to General Municipal Law §207-c,” has also been deferred. He said he had heard early in the morning from the City’s Labor Attorney Vincent Toomey that he could not attend the meeting so Mr. Plunkett had recommended the discussion be postponed until the April 11 Council Meeting when Mr. Toomey can be present.

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

*Jay Sears, 110 Florence Avenue*, addressed the issue of the stop sign policy saying he understands the neighborhood is only waiting for Con Edison’s approval before the stop sign can be installed but if there is any delay he would like to know. He would also like City Staff to send him any comments on the Stop Sign Policy and make sure he had a copy of it before it is considered at the next Council Meeting.

4. Adoption of Stop Sign Policy for the City of Rye

This agenda item was deferred (see Announcements).

5. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, “Procedure for Determining Claims Pursuant to General Municipal Law §207-c”

This agenda item was deferred (see Announcements).

6. Discussion of revised curb, driveway and City right-of-way obstruction guidelines

City Manager Paul Shew referred to a memorandum from the City Planner dated January 22 and revised March 7, 2006 which outlines and sets City-wide curb, driveway and City right-of-way obstruction guidelines currently being followed by staff. He emphasized these are the guidelines in place as of now, but acknowledged that the criteria was different in the past. Councilman Ball reintroduced the questions concerning the City’s liability for pre-existing situations and asked whether this should be further discussed. Corporation Counsel representative Kristin Wilson, said there are some license agreements holding the City harmless,

but this needs to be looked into. Councilman Pratt said it was a good starting point but not enough. He feels the 24' rule doesn't work and would like a better definition of "use" of the streets; the Mayor is concerned about the perpendicular incursion into the right-of-way on driveways. Councilman Seitz confirmed that new driveways would have to follow the new criteria. Councilman Hennes said it is a good plan, but what are we going to do about the rocks in the City right-of-way? Councilman Cunningham supported getting rid of them, but the Council was reminded that there is significant resident resistance to their removal.

7. Appeal of denial of FOIL request for digital and videotape recordings

Corporation Counsel Kevin Plunkett reported that on February 16, 2007 an electronic Freedom of Information Law (FOIL) request had been submitted to the Police Department by the Rye Police Association requesting digital and videotape recordings. On March 14, 2007 that request was denied based on the possibility that the disclosure might contain sensitive information which might interfere with law enforcement operations and pose a danger to members of the Department. The Rye Police Association is now seeking an appeal of the denial and the Council is within its rights to deny the appeal.

Councilman Seitz made a motion, seconded by Councilman Pratt and unanimously carried, to deny the appeal by the Rye Police Association regarding their Freedom of Information Law request of February 16, 2007 regarding digital and videotape recordings.

8. Appeal of denial of FOIL request for purchase orders

Corporation Counsel Kevin Plunkett reported that on February 14, 2007 an electronic Freedom of Information Law (FOIL) request had been submitted to the Police Department by the Rye Police Association requesting purchase orders for purchases of video recording equipment between 1/1/2002 and 2/13/2007. A similar request for records was filed in 2005 and information was provided per an agreement between the parties. On March 14, 2007 the current request was denied based on the disclosure jeopardizing law enforcement operations. He said the Rye Police Association is now seeking an appeal of the denial.

Councilman Fahey 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 February 14, 2007 regarding purchase orders.

9. Appeal of denial of FOIL request for cell phone records

Corporation Counsel Kevin Plunkett reported that on February 14, 2007 an electronic Freedom of Information Law (FOIL) request had been submitted to the Police Department by the Rye Police Association requesting cellular phone records. On March 14, 2007 the request was partially denied because some of the requested records had been stored off site in temporary storage because of the ongoing construction at Police Headquarters and will not be available until the next 30-60 day when the administrative space is reoccupied. He said the Rye Police

Association is now seeking an appeal of the denial; the Police Commissioner is seeking confirmation by the Council of his approach to the request.

Councilman Pratt made a motion, seconded by Councilman Fahey and unanimously carried, to deny the appeal by the Rye Police Association regarding their Freedom of Information Law request of February 14, 2007 regarding cellular phone records.

10. Appeal of denial of FOIL request for comp time records

Corporation Counsel Kevin Plunkett reported that on February 14, 2007 an electronic Freedom of Information Law (FOIL) request had been submitted to the Police Department by the Rye Police Association requesting comp time records. On March 14, 2007 the request was partially denied because some of the requested records had been stored off site in temporary storage because of the ongoing construction at Police Headquarters and will not be available until the next 30-60 day when the administrative space is reoccupied. He said the Rye Police Association is now seeking an appeal of the denial; the Police Commissioner is seeking confirmation by the Council of his approach to the request.

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 February 14, 2007 regarding comp time records.

11. Discussion of enacting a Loitering Law in the City of Rye

Councilman Seitz initiated a discussion of enacting a Loitering Law in the City of Rye because he recalled that Police Commissioner William Connors had mentioned that the existing Loitering Law in the Code of the City of Rye is obsolete and having an amended Chapter 141, Peace and Good Order, in the Code might be a good working tool for the Police Department. He said the proposed law was first discussed in October 2004, but no public hearing held. He said it would enable the police to move people along if they were doing something illegal and he is confident that Rye's Police Department would use this law to protect our children rather than use it to "break up gangs." City Manager Paul Shew said the existing law dates from 1942 and the Commissioner thought maybe an update would be helpful. In fact, the law as drafted is a softer approach to enforcement which was the Commissioner's intention, rather than to be anti-youth. He said if the Council prefers not to have such a law then it would be a good idea to get rid of the old too. Corporation Counsel Kevin Plunkett said the State's Disorderly Conduct Law (under which our Police operate now) is much more formal and prosecution (if necessary) under a local Loitering Law could be done so on a much less formal, more flexible basis.

Mayor Otis said loitering laws are magnets for litigation saying ours had been invalidated and never reinstated because it is not a tool we need and we would be asking for litigation. He said laws like this have to be very specific about the location and type of crime, but he feels if the law is specific, the people committing crimes will just change locale and he is against having any loitering law. Councilman Cunningham said he thought many of the "loitering" issues had been excellently addressed by creating the Respect Manual and both Councilmen Hennes and

Fahey questioned if a new law was really necessary at this time. Councilman Pratt said he had seen the unsavory activities taking place in Parking Lot #1 every night while he was working in Rye and while he is not in favor of trying to stop the right of association, he would entertain the idea of adopting a very specific law with a Sunset clause because he feels the City needs something.

Members of the public voiced their opinions. *Richard Runes, Kirby Lane North*, lambasted the Council saying their goals aren't even Constitutional; there is no way Rye should be targeting "non-Rye" residents; and they should think long and hard before adopting a law which would limit freedom of assembly under the First Amendment. He said it was dangerous to give police officers the right to arrest people on "intuition" as this was more power than they should have. He said alternatives would be to use undercover agents or lower the curfew, but he likes having his children "hanging out" in plain sight, rather than in someone's house. Councilman Pratt took strong objection to Mr. Runes' implications that anyone was trying to be unconstitutional. *Taylor Piscionere*, on behalf of the youth of Rye, and a *member of the Rye Youth Advisory Council*, felt the law was targeting youth, asking what the Council thinks they have done wrong. She suggested defining what is a "large" group; that people should be happy the youth are out in the open; and that the Police have the NY State law already on the books if they need it. Ms. Taylor, upon questioning, acknowledged there was drinking and drugs in Rye everywhere, not just in Parking Lot 1, but didn't feel a Loitering Law would help.

Commissioner Connors came forth to clarify his position saying it is a judgment call for the Council as to whether or not such a law is valuable. He said there is a problem, but it waxes and wanes and as the weather gets warm again, there will be more drugs and drinking in evidence. He said standing around is not a problem, but having large groups of youths making sidewalks impassable for others, driving them into the street, and not being willing to move when asked nicely is a problem. He said cops are all about protecting kids, but sometimes they need a slightly heavier hand. He said downtown has changed from a dead zone to a lively evening venue and along with that evolution we now have groups of youths in town. He said if children don't comply with a polite request parents of younger children can be called; for older ones they only have the NY State penal code to fall back on and this is too harsh. The law on the books is not enforceable and he had just suggested this new version as a useful tool, saying his department needs tools in the tool box they hope they will not have to use. As a professional he thinks this tool is more user-friendly and was not intended to harass or create a liability. He said the department can live without it, but would be happy if they had it "in the box." However, his principal concern is that the current statute either be updated or stricken, so there is either a constitutionally enforceable law or no law at all, if that reflects the will of the community. He also noted the Respect Manual was the best collaborative effort he had ever seen and it is still going strong – being introduced to a new class of 9<sup>th</sup> graders each year.

The Council discussed next steps. The general consensus was to find out more about what other municipalities have experienced (New Rochelle, Albany and Beacon have all enacted local Loitering Laws); to talk more with Commissioner Connors and to perhaps review the existing draft with an eye to making it more specific. Corporation Counsel Plunkett and Commissioner Connors will coordinate the effort.

12. Discussion of hours for rock chipping and use of explosives in construction activity

Mayor Otis presented a proposal for changes in the local law related to rock chipping and the use of explosives. He presented background information submitted to the Council several years ago and suggested new language and rules to amend the City's current restrictions, similar to, but more restrictive than, those for lawn services and for homeowners doing their own construction. More specifically, he addressed the issue of when chipping and blasting can take place and the fines required for ignoring the time restrictions. Councilman Pratt, who had been awakened the previous Saturday, said this was a #1 priority issue which should be addressed immediately and he would like to see a "stop project" provision added to the Mayor's draft. Corporation Counsel was asked to include the "stop work" wording, and prepare the local law for presentation at a public hearing. The City Clerk pointed out that the notification time requirements have been increased so the only way to meet the new requirements would be to have the exact wording in place by the morning after the Council Meeting and proposed setting the public hearing for a later meeting. The suggestion was dismissed by Mr. Pratt as an example of government moving too slowly.

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

**WHEREAS**, the Council wishes to amend Chapter 98, Fire Prevention, Article VII, Explosives, Section 98-44, Use of Explosives, Subsection F, Times when blasting is prohibited, and Section 98-144, Penalties for offenses, of the City Code of the City of Rye; and

**WHEREAS**, the Council also wishes to amend Chapter 133, Section 133 (B) and (E) (Noise, Construction Work restricted to certain hours, Definitions, and Times when blasting is prohibited) and Section 133-9 (Penalties for offenses) of the City Code of the City of Rye; and

**WHEREAS**, it is now desired to call a public hearing on such proposed amendments 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 April 11, 2007 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 laws.

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

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing to amend Chapter 98, Fire Prevention, Article VII, Explosives, Section 98-44, Use of Explosives, Subsection F, Times when blasting is prohibited, and Section 98-144, Penalties for offenses, of the City Code of the City of Rye**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 11th day of April, 2007 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 amend Chapter 98, Fire Prevention, Article VII, Explosives, Section 98-44, Use of Explosives, Subsection F, Times when blasting is prohibited, and Section 98-144, Penalties for offenses, of the City Code of the City of Rye.

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

Susan A. Morison, City Clerk  
Dated: April 4, 2007

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing to amend Chapter 133, Sections 133-8 (B) and (E) (Noise, Construction work restricted to certain hours, Definitions, and Times when blasting is prohibited) and Section 133-9 (Penalties for offenses) of the City Code of the City of Rye**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 11th day of April, 2007 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 local law to amend Chapter 133, Noise, Sections 133-8(B) and (E) (Noise; Construction work restricted to certain hours, Definitions, and Times when blasting is prohibited) and Section 133-9 (Penalties for offenses) of the City Code of the City of Rye.

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

Susan A. Morison, City Clerk  
Dated: April 4, 2007

13. Resolution to amend 2007 General Fund budget for receipt of State Aid

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

**WHEREAS**, the City of Rye received \$4,177 in State Aid for the Rye Youth Council in October, 2006; and

**WHEREAS**, the Rye Youth Council did not voucher the City of Rye in 2006 for those funds; and

**WHEREAS**, said funds were recorded as revenues that ultimately increased the undesignated General Fund fund balance at December 31, 2006; and

**WHEREAS**, the Rye Youth Council has now requested said funds; now, therefore, be it

**RESOLVED**, that the 2007 General Fund budget be amended, increasing appropriations for Rye Youth Council and appropriating fund balance in the amount of \$4,177.

ROLL CALL:

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

NAYS: None

ABSENT: None

14. Resolution authorizing the issuance of up to \$150,000 aggregate principal amount serial bonds to finance the costs of the acquisition, construction and reconstruction of or additions to the sewer system of the City

City Manager Shew said the issuance of \$150,000 aggregate principal amount serial bonds will be used to finance the Upper Dogwood Lane Sewer District improvements and will be paid for by the residents involved with no cost to the City.

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

**BOND RESOLUTION, DATED MARCH 28, 2007, AUTHORIZING THE  
ISSUANCE OF UP TO \$150,000 AGGREGATE PRINCIPAL AMOUNT  
SERIAL BONDS OF THE CITY OF RYE, COUNTY OF WESTCHESTER,  
STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW,  
TO FINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION  
AND RECONSTRUCTION OF OR ADDITIONS TO THE SEWER  
SYSTEM OF THE CITY.**

**WHEREAS**, the City Council of the City of Rye (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the acquisition, construction and reconstruction of or additions to the sewer

system of the City, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$150,000, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RYE, IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK, AS FOLLOWS:**

**Section 1.** There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$150,000, pursuant to the Local Finance Law, in order to finance the costs of the acquisition, construction and reconstruction of and additions to the sewer system of the City, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto (collectively, the "Project").

**Section 2.** The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$150,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years.

**Section 3.** It is hereby determined that the Project is of a class of object or purpose as described in subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is thirty (30) years. The serial bonds authorized herein shall have a maximum maturity of the thirty (30) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

**Section 4.** Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Comptroller, as chief fiscal officer of the City. The City Comptroller is hereby authorized to execute, by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes, and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Comptroller. In the absence of the City Comptroller, the Deputy City Comptroller is

hereby authorized to exercise the powers delegated to the City Comptroller by this bond resolution.

**Section 5.** When this bond resolution takes effect, the City Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in The Journal News, a newspaper having a general circulation in the City. The validity of such serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or a class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond resolution, or such summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

**Section 6.** The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized herein as the same shall become due.

**Section 7.** The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein, and/or of any bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be applied to reimburse expenditures or commitments made in connection with the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution by the City. The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

**Section 8.** Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City covenants that it will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized issued herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact or effect on the environment.

**Section 9.** For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

**Section 10.** This bond resolution is not subject to a permissive referendum in accordance with paragraph D of Section C21-9 of the City Charter and will take effect upon its adoption by the City Council of the City.

ROLL CALL:

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

15. Resolution to appropriate Cable TV Fund fund balance for the purchase of extended maintenance agreement

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

**WHEREAS**, the Rye Cable Television (RCTV) operations is in receipt of a proposal in the amount of approximately \$6,800 for a multi-year maintenance agreement on RCTV equipment; and

**WHEREAS**, the RCTV Coordinator recommends that the City of Rye enter into said agreement, based on the facts that the multi-year agreement will provide operational efficiencies and cost savings; and

**WHEREAS**, the adoption of the 2007 Cable TV Fund budget did not provide for the purchase of said agreement; and

**WHEREAS**, there are sufficient funds in the fund balance of the Cable TV Fund; now, therefore, be it

**RESOLVED**, that the 2007 Cable TV Fund budget be amended by increasing appropriations for miscellaneous service contracts and appropriating fund balance in the amount of \$6,800.

ROLL CALL:

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

16. Adoption of 2007 County property tax rates

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

**RESOLVED**, that the tax rates for the amounts of Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District charges for the fiscal year beginning January 1, 2007, shall be as follows:

Westchester County

Levy	\$18,524,730
Taxable Assessed Value	138,185,404
Taxable Rate per \$1,000 Assessed Value	134.057

Blind Brook Sewer District

Levy	\$2,910,369
Taxable Assessed Value	141,576,433
Taxable Rate per \$1,000 Assessed Value	20.557

Mamaroneck Valley Sewer District

Levy	\$469,024
Taxable Assessed Value	20,271,759
Taxable Rate per \$1,000 Assessed Value	23.137

Refuse Disposal District No. 1

Levy	\$2,128,265
Taxable Assessed Value	141,615,792
Taxable Rate per \$1,000 Assessed Value	15.028

And be it further

**RESOLVED**, that the Council does hereby certify to the City Comptroller the above stated levies and tax rates for Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District No. 1 charges, and the City Comptroller is hereby directed to apportion and extend against each taxable property listed upon the assessment roll of the City of Rye for 2007 at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums computed and determined, and, it is further

**RESOLVED**, that the tax warrant of Westchester County be signed by the Mayor and directed to the City Comptroller to collect the amount of said taxes with interest as provided by law and any special assessment heretofore authorized and approved.

\_\_\_\_\_  
Steven Otis, Mayor

**ROLL CALL:**

**AYES:** Mayor Otis, Councilmen Ball, Hennes and Seitz  
**NAYS:** Councilmen Cunningham, Fahey and Pratt (In protest)  
**ABSENT:** None

17. Authorization to fill a vacant position in the Police Department

Assistant Manager Scott Pickup asked for authorization to fill a vacant sergeant position from a promotion list, which will create a vacancy in the Police Officer ranks. The promotion will be made by canvassing a current Civil Service eligibility list which includes the names of members of the Police Department. The resulting Police Officer vacancy will also be filled by canvassing the current Civil Service eligibility list. Nominal economic savings will result.

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

**RESOLVED**, the City Council hereby authorizes the City Manager to fill the vacant position for Sergeant in the Police Department and the resulting vacant position of Police Officer.

ROLL CALL:

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

18. Three appointments to the Landmarks Advisory Committee for three-year terms expiring January 1, 2010

Mayor Otis made a motion, unanimously approved, to re-appoint Nancy Stampleman and Jack Zahringer and to appoint Anne Stillman to the Landmarks Advisory Committee for three-year terms expiring January 1, 2010.

19. Bid award for pipe remote sewer televising equipment

City Manager Paul Shew said the City Engineer, George Mottarella has received a sole bid, but explained that this is the second time this equipment has been bid; it meets all rewritten specifications and it is an essential tool for the Department of Public Works. Mr. Mottarella recommends awarding the bid, pending review by the USEPA for funding reimbursement under a federal grant of 55%.

The bid tab is as follows:

**BID #1-07**

**REMOTE SEWER TELEVISIONING EQUIPMENT**

<b>BIDDER</b>	<b>AMOUNT BID</b>
Empire Equipment	\$112,971.79 (FOB)

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

**RESOLVED**, that bid #1-07, Remote Sewer Televisioning Equipment be awarded to Empire Equipment, being the sole bidder meeting specifications, in the amount of \$112,971.79, pending review by the USEPA.

**ROLL CALL:**

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

20. Schedule regular meeting of the City Council held annually at the Square House for May 9, 2007

Councilman Pratt made a motion, seconded by Councilman Cunningham and unanimously carried, to schedule the ceremonial portion of the regular meeting of the City Council at the Square House for May 9, 2007.

21. Miscellaneous communications and reports

Mayor Otis announced that City Manager Paul Shew is setting up a post-flood meeting with residents, Con Edison and City staff. It will be held at the Damiano Center at 7 P.M. on Tuesday, April 10, 2007. The Council suggested using the Reverse 911 system and/or selected mailings to notify interested residents.

Councilman Hennes mentioned that James K. Burke, former Councilman and Boat Basin Commissioner as well as member of the Traffic and Transportation Committee has offered to donate a memorial bench at the Boat Basin. He thanked Mr. Burke, noting the offer would be accepted officially at a later meeting.

Councilman Hennes announced that there would be a discussion of the new “green” architecture on April 19<sup>th</sup> at Rye Country Day School, sponsored by the Rye and Little Garden Clubs and requested it be put on the City TV scroll.

Councilman Fahey reminded everyone that the Easter Egg Hunt, Colonial Day, and the Facilities Tour would all take place at Recreation Park on Saturday, March 31, 2007.

22. Old Business

Councilman Cunningham corrected the record by saying replacing the backhoe (discussed at the last meeting) would only cost the City \$50,000 rather than \$75,000.

23. New Business

There was no new business to be discussed.

24. Draft unapproved minutes of the regular meeting of the City Council held March 14, 2007 and amendment to minutes of the regular meeting held on February 28, 2007

Councilman Seitz made a motion, seconded by Councilman Hennes and unanimously carried, to approve the minutes of the regular meeting of the City council held March 14, 2007 and to amend the minutes of the regular meeting held on February 28, 2007 as submitted.

25. Adjournment

There being no further business to discuss, Councilman Fahey made a motion, seconded by Councilman Hennes and unanimously carried, to adjourn the meeting at 10:40 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk