

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on November 7, 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 7:35 P.M. Councilman Ball made a motion, seconded by Councilman Cunningham and unanimously carried, to adjourn to executive session at 7:26 P.M. to discuss attorney/client matters related to contract negotiations. Councilman Hennes made a motion, seconded by Councilman Cunningham, to close the executive session at 8:05 P.M. The Council reconvened at 8:10 P.M.

1. Pledge of Allegiance

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

2. Roll Call

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

Announcements

Mayor Otis announced with sadness that Lucy Pederson, a long-time, quiet contributor to many organizations in Rye, including the Rye Association for the Handicapped and the Rye YMCA, had passed away. He called her a giving, low key person with a good heart and asked for a moment of silence.

The Mayor announced that the deadline for the renewal of commuter parking permits was Friday, November 9 at 5 P.M. and stressed the importance of meeting this deadline in order to maintain one's permit or place on the waitlist.

The Mayor congratulated both the Rye Football and Field Hockey teams for their excellent seasons and for winning sectional titles.

Mayor Otis reported that a group of private investors are planning to announce on November 20, 2007 their plans to build a tunnel between Oyster Bay and Rye. He referred to this situation as a disaster revisited, recalling the hard-fought battle 30 years ago to defeat the plan to build a bridge between Rye and Oyster Bay. He reported the mobilization against this latest plan had already begun and he had reached out to former Council Members and local organizations who had spear-headed the bridge opposition. He said he was sure Rye would be determined to fight this especially as it is a larger than Rye issue, involving horrendous traffic implications throughout our entire area. He said this was a “first alert” as the investors have indicated they would not pursue the plan if people didn’t want it, but said it was important to let them know immediately that Rye doesn’t want this tunnel.

2008 Budget Presentation and Process

The Mayor introduced City Manager Paul Shew who began the formal presentation of the 2008 Manager’s Budget, noting that after this evening it becomes the Council’s document. Mr. Shew said this year’s format would be slightly different as it would begin with the presentation of the 2006 Financial Trends Report, followed by a video describing City operations in the words of the Department Heads, an overview of the needs and philosophy reflected in the budget by the City Manager; and lastly, an overview and explanation of the financial picture presented by the City Comptroller. He said after his closing statement there would be an opportunity for questions, but he assumes a more appropriate time would be after the consideration of the budget material and at the first workshop scheduled for November 14, 2007 prior to the regular City Council Meeting.

3. Presentation of the 2006 Financial Trends Report

City Comptroller Michael Genito summarized the 2006 Financial Trends Report (a report reintroduced in the late 1990’s) for the Council. He said the report covers key items from 1997-2006; that it provides a snapshot of where we have been and where we might be going; and that it identifies a series of indicators and trends, none of which should stand on their own as representative of a trend. The report separates the operations of general government from the operations of the Boat Basin and Golf Club Enterprise Funds.

Mr. Genito said our cash position is increasingly strong, that the unreserved and undesignated fund balance as a percentage of net operating revenues, required by policy to be at least 5%, has been at least at 10% for the entire trend period; and the spread between net operating revenues and expenditures has increased over the trend period, indicating a positive trend. These consistent positive results are due to conservative budgeting, frugal and responsible spending, unanticipated revenues, and judicious use of the fund balance.

Uncollected property taxes as a percentage of the tax levy continue at a phenomenal 99.5% plus collections rate. This is of particular significance when considering the fact that the

City must guarantee the property taxes of the County and school district. Elastic revenues (such as mortgage taxes, sales taxes, and utility gross receipts) have been positive but are the most susceptible to changes in the economy. We should, therefore, carefully watch this area of revenue and be cautious about relying on these revenues too much. Fringe benefits were on the decline until 1999 but since then have consistently increased as a percentage of salaries and now stand at 49%, primarily because of State mandated retirement costs and steadily increasing health care costs. The City has had an operating surplus for all but 2001 and 2002 when a deficit was planned, indicating a frugal approach to budgeting and expenditures. General long-term debt includes all debt of the City other than the Golf Club, which is paid for by Golf Club members. While the debt burden has risen, it has been for very long-lived and necessary capital assets such as our firehouses, roads and drainage systems. Our annual debt service costs in 2006 were approximately 4% of operating revenues. The number of municipal employees per thousand of population has remained steady throughout the trend period at approximately 10 employees per thousand, an excellent indicator of productivity since City services have increased dramatically during that same trend period. City employees are doing more with the same number of people.

Mr. Genito said all financial indicators for the Boat Basin Enterprise Fund are extremely strong and positive and the operation has always been able to meet current obligations. Net working capital has increased dramatically in anticipation of the continuing need to dredge the harbor. The Boat Basin continues to make substantial improvements in capital assets and revenues have exceeded expenditures for the entire 10-year period. Net income is on the rise as the Boat Basin funds for future dredging.

The liquidity ratio and net working capital of the Golf Club Enterprise Fund, while they could improve, remain at a comfortable level and the Club's finances are in good shape. Capital assets have substantially improved since 1998 and revenues have kept pace with expenses. The only debt is for Whitby Castle and this is being paid off on a regular basis.

Mr. Genito said future considerations will include how the adoption of the sweeping changes in governmental accounting and financial reporting instituted by the Governmental Accounting Standards Board (GASB) can be integrated into future Financial Trends Report; how we can continue to periodically identify the users of this report and make changes to it that reflect those user's needs; and finally, we should explore and take advantage of the relationship of financial trending as it can be applied to financial forecasting and the development of both short and long-term budgets. He concluded by saying the complete 2006 Financial Trends Report could be found on the City's web site.

4. Presentation of the FY 2008 Budget by the City Manager

City Manager Paul Shew began his presentation by introducing a video, created by our Cable TV Coordinator, Nicole Levitsky and her assistant, Jared Gordon describing, in the words of each department head, what each department does. Departments include Clerk, Finance, Planning, Assessor, Engineering and Department of Public Works, Building, Boat Basin, Recreation, Police, Fire and the Rye Golf Club. Each presentation included illustrations of

activities and actual footage of some of the year's events, such as flooding. The video will appear on Cable TV and be included as part of the budget package for the Council. The Department Heads are looking forward to working with the Council to develop the 2008 budget.

City Manager, Paul Shew, presented his overview of the budget to the Council, likening them to a Board of Directors working with the employees of a corporation. He noted that this year had been consumed by issues surrounded by flooding, but other events have also taken place. Capital Improvements include the completion of the Locust Avenue firehouse, the renovation of police headquarters, the exceptionally complicated Kirby Lane North sewer project, and the usual improvement of streets and sidewalks, sewers and drains. He also pointed out the success of the challenge grant program to promote self reliance, including the raising of funds for the slate roof on the firehouse, the skateboard park, the fire suppression system for the Knapp House and the funding for a grant writer at the Rye Nature Center. Environmentally, the City has purchased "green" vehicles, not only for staff cars, but for garbage trucks; we have a chemical free Village Green and a tree planting program; we practice energy reduction in all City buildings and participate in the Activate American program. He mentioned in particular the elevation of flood-prone homes as well as other flood control efforts. The dredging of Milton Harbor has proven particularly challenging, but the City is hopeful that there will be some solution as applications have been filed with both the Army Corps of Engineers and FEMA (which may, we hope, use this project as a demonstration project). Approvals from the NYS DEC are pending. The Rye Golf Club has never looked better and the operation is continuing to improve sustainability. There have been enhanced membership services, more participation by the membership at Whitby Castle as well as a growing book of business and a full analysis of Whitby operations will be made at the end of one full year (July 2008). Other positive accomplishments in 2007 include 10 new volunteer firefighters, the evolution of our Central Business District into a thriving "entertainment center" during both the day and evening. There has also been enhanced attention to roadways and walkways. The Recreation Department has covered 47% of their costs and all camp programs were full. The Rye Nature Center is now being run by the Friends of Rye Nature center with oversight by the Conservation Commission/Advisory Committee and maintenance of the grounds is now being done by the Rye Golf Club.

Continuing issues for 2008 include additional volunteer firefighter recruitment, compliance with MS4 Phase II storm water requirements to keep Long Island Sound clean; mandates for inflow/infiltration of our sewers; flood mitigation projects, Boat Basin dredging, Whitby Castle operations, safe roads and walkways, and continued employee professional development. He concluded by saying the men and women on the staff have done a great job, given freely of their time, and continue as always to help make this community a better place.

He turned the podium over to City Comptroller Michael Genito who began by reiterating that the City of Rye taxes are the smallest piece of the total tax pie, representing only 17%, with the Rye City School District accounting for 61% and the County for the remaining 22%. He said the proposed tax rate will be \$132.98 per \$1000 of assessed valuation (estimated at \$139 million), a 4.51% increase over 2007, or an annual increase of \$126 on the average home. (For residents in the Rye Neck School District, the tax rate is 15%.)

The 2008 proposed budget complies with our financial policies. Operating expenditures of \$31 million are funded by operating revenues with \$2 million appropriated from fund balance for capital items. An estimated 8% of expenditures will remain in the undesignated fund balance, well above our adopted policy of maintaining a level of 5%.

2008 General Fund *expenditures*, by type, are broken down as follows: 63% goes to salaries and benefits, 1% is for purchase of equipment and 29% are for other operating expenses, such as materials and supplies and contractual costs. Other financing uses, such as transfers to other funds for capital items and debt service, accounts for the remaining 7% of our total costs. Broken down by program, 12% goes to general government services, 42% goes to public safety (police, fire, etc.); 27% to community environment (planning, zoning, public works); 12% to recreation and culture; and the remaining 7% to contingency and transfers.

Funding source, by type, is dominated by revenue from property taxes, accounting for 64% (plus an additional 1% for interest and penalties on overdue taxes). Non-property tax items (sales taxes, the new occupancy taxes, and gross utility receipt taxes) make up 9%; charges for services and licenses and permits each account for 5%, and the use of money and property (interest earnings and rental of property) account for 3%. Fines and forfeitures contribute 2%, interfund transfers contribute 1% and intergovernmental revenue (federal and state aid) provides the final 10%. Broken down by program, general government and public safety each contribute 2%; culture and recreation contributes 3%, community environment contributes 7% and the balance of 86% is not allocated to any particular program.

The figures are further broken down as follows:

- *Cable TV Fund* [\$247,422] and *Enterprise Funds* (*Boat Basin* [\$658,958] and *Golf Club* [\$7,860,776]) continue to be self-supporting.
- *Risk Retention Fund* [\$604,000] and the *Building and Vehicle Maintenance Fund* [\$5,636,930] continue to support City operations charging all other funds a proportionate share of operating expenses.
- *Capital Investment* supporting various assets that are long-lived and typically expensive call for \$5.5 million with \$1.6 million from the Building and Vehicle Maintenance Fund for a variety of building improvements and vehicle acquisitions.

The fiscal 2008 budget does not propose any new debt as all proposed capital items will be funded by fund balance and/or grants and aid.

In conclusion Mr. Genito said that the 2008 budget document is available for review in City Hall, the Rye Free Reading Room, and on the City' website <http://www.ryeny.gov>. He urged residents to contact the City with questions or concerns.

Mayor Otis thanked everyone for the budget presentation and announced that the first workshop would take place on Wednesday, November 14 beginning at 7 P.M. prior to the regular City Council Meeting where the discussion of the budget would be the main agenda item. Other workshops, if necessary, will take place Monday, November 19 and Monday November 26. The Public Hearing will take place at the November 28, 2007 Council Meeting (see

following agenda item). City Manager Shew said he was looking forward to input from the Council and public and said the submission of questions in writing would be appreciated.

5. Set public hearing on 2008 Budget for November 28, 2007

Mayor Otis made a motion, seconded by Councilman Hennes, to adopt the 2008 Tentative Budget as the 2008 Preliminary Budget and to adopt the following resolution setting the public hearing on November 28, 2007.

WHEREAS, it is now desired to call a public hearing on the proposed 2008 budget, 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 November 28, 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 budget.

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

**CITY OF RYE
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held by the Council of the City of Rye on Wednesday, the 28th day of November, 2007, at 8:00 p.m. at City Hall, 1051 Boston Post Road, in said City, on the Proposed Budgets of the General Fund, Cable TV Special Revenue Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund, and Building and Vehicle Maintenance Internal Service Fund of the City of Rye for the ensuing fiscal year, January 1, 2008 through December 31, 2008, and at such time and place any person interested in said Proposed Budgets will be given an opportunity to provide written and oral comments on any and all of the aforementioned budgets.

CITY OF RYE SUMMARY OF PROPOSED BUDGETS

<u>Fund/Program</u>	<u>Proposed Budgets</u>
General Fund	\$31,086,294
Rye Cable TV Special Revenue Fund	247,422

K.T. Woods Permanent Fund	0
Debt Service Fund	209,332
Capital Projects Fund	5,462,000
Boat Basin Enterprise Fund:	658,958
Rye Golf Club Enterprise Fund:	7,860,776
Risk Retention Internal Service Fund	604,000
Building and Vehicle Maintenance Internal Service Fund:	<u>5,636,930</u>
TOTAL - All Funds	\$51,765,712

ROLL CALL:

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

NAYS: None

ABSENT: None

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

Several members from the Loewen Court/Walnut Street neighborhood came to urge replacement of the Central Avenue Bridge. Mayor Otis told the group that everyone was aware of the changing traffic patterns and that staff and consultants were looking at all solutions. He said staff feedback indicates the bridge should be replaced but FEMA funds are not available so the City is applying for Department of Transportation (DOT) funds from the State as well as Federal Highway funds. This application will require 25% contribution from the City – an amount which will have to be added into the 2008 budget. *Ken Weissberg, 16 Loewen Court*, said they were at the meeting because of the rumor that the bridge would not be rebuilt. Many residents of the area feel strongly that it should be rebuilt for the good of everyone in Rye because access to the Boston Post Road is essential for public safety and emergency exit, and also cars now turn dangerously onto Walnut where there are no sidewalks. *Arnold Lewis, 11 Loewen Court*, concurred and also urged additional traffic signage while the bridge is out. He would like to see a stop sign at Walnut Street, and better detour signs. *William Hardis, 6 Loewen Court*, also concurred, saying they want their voices to be heard and want speedy action on the project. *Jim Maione, 22 Loewen Court*, asked about the timetable and whether dredging in Milton Harbor would help up stream in their area of the brook. There were also questions concerning the future of the Black Bass Grill.

Scott Pickup, Assistant City Manager, said the City has never stopped working on plans for replacing the bridge and we are waiting for funding approvals. The paperwork is already with the State and the City is working with the utility companies to replace facilities now

embedded in the current bridge. Their cooperation is vital. The City wants to remove the existing bridge as soon as possible, but it is important to have the funding in place first. Once in place it will take 9-12 months for the new bridge to be completed. He said the plans for the new bridge would provide for more water to flow through and it is very possible that the Milton Harbor dredging would help although the tides will still be an influence. Councilman Pratt said he had urged better traffic control and urged staff to take another look at the situation. The Black Bass Grill is up for sale, but so far there are no takers. It is true that part of the building lies in the City's right of way so some discussions are taking place.

Andy Goodenough, 25 Mohawk Street, reported on the activities of the Rye Flood Committee. He made three points. 1) Improvements by the Town of Harrison have increased flow of water down Highland Road so there is another "dancing" manhole cover. 2) Peter Sinnott still wants to see the Bowman Avenue Dam raised so he would like more analysis to see if this can be done. 3) He submitted 250 petitions requesting that the City Council do whatever it can to buy the Konigsberg property in the middle of Rye Lake.

Bob Schubert, Forest Avenue, made his usual plea to have his dried up garden re-hydrated saying his reams of data have received no rebuttal other than the suggestion to sue. He said he doesn't want to sue, his neighbor will not talk to him, the mistakes are clear and the City should rectify the situation. Councilman Ball said the Council had never urged Mr. Schubert to sue the City and does not wish to hear that accusation again. He said the fact that the Council was not "rebutting" is so it can get on with other City business, but there are things Mr. Schubert has said which are simply not true. Councilman Pratt said he wanted to set the record straight that he is not disinterested and is troubled by such insinuations.

7. Continuation of public hearing related to Cable Franchise agreement with Verizon

Mayor Otis announced the continuation of the public hearing related to a cable franchise agreement with Verizon noting that the Council has the most recent version of the agreement and urged questions be related to the new information. *Scott Parr, Telecommunications Insight Group* pointed out that Verizon has agreed to give 30 business days notice and that is in the new document. *John Carey, Cable TV Committee*, urged that more enforceability in the form of arbitration be included in the contract. He said Cablevision has failed to pay the City \$23,000 for this year and if there was an arbitration agreement in the Cablevision agreement there might be a way to reach a solution to this problem and he would hate to see the same situation occur with Verizon. Mr. Parr said Verizon is not a supporter of arbitration. Councilman Seitz explored the issue of audits wondering if \$7500 is enough. Mr. Parr said he thought so, especially for any discovery phase of an audit; that audits would be only every other year and the clause was designed to avoid frivolous audits. Councilman Cunningham asked *John Butler, External Affairs for Verizon* if he can guarantee that Verizon will cooperate, going forward, with all of the City's permitting procedures. Mr. Butler agreed this would be the case. Councilman Ball explored the issue of including new technology such as IPTV in future contracts. While there was no clear answer, the Council agreed it was a future issue and that the present version of the agreement met adequate needs of the community and that they would look forward to working with Verizon.

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

**AWARDING A CABLE TELEVISION FRANCHISE AGREEMENT TO
VERIZON NEW YORK, INC. TO PROVIDE CABLE SERVICE TO THE
CITY OF RYE**

WHEREAS, the City of Rye (the “City”) is a franchising authority in accordance with Title VI of the Communications Act of 1934 (the “Communications Act”), and is authorized to grant one or more cable television franchises pursuant to Article 11 of the New York State Public Service Law, and Title 16, Chapter VIII, Parts 890.60 through 890.6 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York (the “Cable Laws”);

WHEREAS, VERIZON NEW YORK, INC. (“Verizon”) is upgrading its existing telecommunications and information services network through the installation of what Verizon refers to as “Fiber to the Premises Telecommunication Network (the “FTTP Network”) within the City and elsewhere, which existing network transmits Non-Cable Services (as defined in the proposed Verizon Franchise Agreement) pursuant to the authority granted by Section 27 of the New York Transportation Corporations Law, and Title II of the Telecommunications Act, which Non-Cable Services are not subject to the Cable Law or to Title VI of the Communications Act;

WHEREAS, the FTTP Network occupies public rights-of-way (as defined in the proposed Verizon Franchise Agreement) within the City, and Verizon desires to use portions of the FTTP Network now or hereinafter installed within the City to provide cable service (as defined in the proposed Verizon Franchise Agreement);

WHEREAS, Verizon has submitted a written application for a cable television franchise to the City on September 14, 2007 (the “Verizon Application”), which the City has had an opportunity to review;

WHEREAS, the City has reviewed the final version of the franchise agreement dated November 7, 2007 which includes appropriately noted changes and provisions outlined in an e-mail communication dated October 31, 2007 entitled “Modifications to PEG financing proposal to provide more options to the City of Rye”;

WHEREAS, due negotiations between the City and Verizon have resulted in a proposed agreement entitled “Cable Franchise Agreement between the City of Rye and Verizon New York, Inc.,” which proposed agreement was filed with the City on September 14, 2007 (“Verizon Franchise Agreement”) and

revised on September 28, 2007, October 3, 2007, October 17, 2007 and November 7, 2007;

WHEREAS, on October 3, 2007, October 17, 2007 and November 7, 2007, at regularly scheduled City Council meetings, that were duly and reasonably advertised to the public, Verizon made a presentation to the City Council in favor of the proposed Verizon Franchise Agreement, including an outline of the cable television services proposed to be provided to the City pursuant thereto, and members of the City Council, the public, and representatives of Cablevision, the existing franchise, were given notice and opportunity to comment on Verizon's presentations and ask questions to be addressed by Verizon's representatives;

WHEREAS, the City has identified the cable-related needs and interests of the residents of the City and has exercised due diligence in considering the technical ability, financial conditions, character and legal qualifications of Verizon to meet such needs and interests; now, therefore, be it.

RESOLVED, that the City of Rye hereby establishes itself as the lead agency for the purposes of review of the proposed action under the provisions of the State Environmental Quality Review Act ("SEQRA"), and makes the following finding, and alternative determination with respect to the environmental impact of the proposed Verizon Franchise Agreement:

(i) In order to provide the equipment necessary to support its proposed Cable Franchise Service in the City, Verizon will complete the installation of a fiber optic network, which work is already in progress. Even without the proposed use for Cable Television Transmissions, this ongoing network conversion would continue to occur so as to service Verizon's already existing telecommunications operations, although the pace of the conversion is expected to be accelerated if the pending application is approved;

(ii) That the City Council's execution of the proposed Franchise Agreement is a Type II Action under SEQRA. Specifically, this action is covered under 6 NYCRR § 617.5 (20): "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment."

Accordingly, it has been predetermined that adoption of the proposed Franchise Agreement will not result in a significant impact on the environment, and no further action is required relative to this matter under SEQRA; and be it

FURTHER RESOLVED, that the City concludes that Verizon is legally (pursuant to Public Service Commission Rules and other statutory requirements), technically, and financially and otherwise qualified to meet the cable-related

needs and interests of the City, which needs and interests were ascertained by the City; and be it

FURTHER RESOLVED, that the City concludes that Verizon will be required to provide adequate public, educational, governmental access capacity, either through channels dedicated to same, or through interconnection between cable operators as permitted by law; and be it

FURTHER RESOLVED, that the City concludes that Verizon will meet all statutory and regulatory non-discrimination requirements; and be it

FURTHER RESOLVED, that the City concludes, based on the presentation by Verizon, that the cable service offered by Verizon will include competitive offerings with its existing competition; and be it

FURTHER RESOLVED, that the City concludes that although the terms of the proposed Verizon Franchise Agreement are not identical to those of the existing franchise agreement with Cablevision (operating under a temporary operating agreement), that the terms of both agreements are and any future agreement entered into with Cablevision will be reasonably comparable in their totality and contain no economic or regulatory burdens which when taken as a whole are greater or lesser than those burdens placed upon another cable-television franchise operating in the same franchise area; and be it

FURTHER RESOLVED that Verizon has agreed to comply with all of the City's applicable permitting procedures for any structures within the City's right-of-way; and be it

FURTHER RESOLVED, that the City Council determines that it serves the public interest to award Verizon a franchise to own, construct, operate and maintain a cable system along the public rights-of-way within the City, in order to provide cable service; and be it

FURTHER RESOLVED, that the City Council authorizes the award of a non-exclusive franchise to Verizon to own, construct, operate and maintain a cable system along the public rights-of-way within the City, in order to provide cable service, which authorization is made in accordance with the applicable provisions of Title VI of the Communications Act and the Cable Laws; and be it

FURTHER RESOLVED, that the City Council of the City of Rye authorizes the Honorable Steven Otis, Mayor of the City, to enter into a franchise agreement with VERIZON NEW YORK, INC., in a form approved by the City Corporation, and to execute any other documents necessary to effectuate the granting of the franchise on behalf of the City of Rye.

ROLL CALL:

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

NAYS: None
ABSENT: None
ABSTAIN Councilman Seitz

8. Public hearing related to Cable Franchise agreement with Cablevision

The public hearing on this Cable Franchise agreement was deferred again, but *Robert Hoch, Director of Government Affairs for Cablevision in Westchester* was asked by Councilman Hennes why Cablevision had failed to pay the City \$23,000 in fees during this year. Mr. Hoch said the issue was open to discussion, but technically their contract expired in 2006. Councilman Hennes pointed out that the company appeared to be collecting fees from subscribers so they should pay the fee.

9. Resolution of support for Hazard Mitigation Grant application

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

WHEREAS, the Federal Emergency Management Agency (FEMA) has made Hazard Mitigation funds available to communities in New York State; and

WHEREAS, these competitive funds are available through a Hazard Mitigation Grant Program (HMGP) administered by the New York State Office of Emergency Management (SEMA); and

WHEREAS, there is a twenty-five (25%) local contribution for any approved application, the proposed sluice gate project, estimated cost and Rye share of any approved project is as follows:

Bowman Avenue Sluice Gate Project
Estimated total Cost (\$1-2 Million)
Estimated local share for the City of Rye (\$125,000 - \$250,000)

THEREFORE, BE IT RESOLVED, that the City of Rye hereby supports the grant application for the Hazard Mitigation Grant Program and the twenty-five percent (25%) local contribution for any approved projects.

ROLL CALL:

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

10. Authorization to fill the position of Environmental Coordinator

The Council agreed to table the discussion concerning filling the position of Environmental Coordinator until it can be considered as part of the budget discussions. There was some concern about the job description and whether it can be more tailor-made for Rye. *Joe Murphy, Chair of the Conservation Commission/Advisory Committee* urged a decision as there is a lot of work to be done.

11. Request of Rye Merchants Association to close a portion of Purchase Street on November 25, 2007 from 10:00 a.m. to 3:00 p.m.

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

RESOLVED, that the request of the Rye Merchants Association to close a portion of Purchase Street on November 25, 2007 from 10:00 a.m. to 3:00 p.m. be approved.

12. Request for use of City Seal

Mayor Otis reported that Paul Rheingold is funding the reprinting of the 1917 book, "Views of Rye" and has asked for permission to use the City Seal within the text of the new book. He said the book is a wonderful record of Rye in 1917 and the then and now reprinting will be valuable for the community.

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

RESOLVED, that the City Council hereby authorizes Paul Rheingold to use the City Seal in the new version of the 1917 "Views of Rye" and be it further

RESOLVED, that the City Council hereby thanks Mr. Rheingold for his generosity in making this new publication possible.

13. Miscellaneous communications and reports

Councilman Ball said he was concerned about the graffiti which has recently turned up in Rye in various places, including outside of Subway. City Manager Paul Shew said the City would take care of the matter.

Councilman Cunningham reminded everyone that Veterans' Day would be commemorated on the Village Green at 10:45 on Sunday, November 11, 2007

Councilman Cunningham reported that the School Subcommittee Report on Safety had been completed and recommendations have been submitted to the school and to the Traffic and Transportation Committee. He thanked Assistant Manager Scott Pickup and the Traffic and Transportation Committee for their assistance.

14. Old Business

Councilman Seitz thanked Councilman Cunningham for his role in instigating the idea of a new Senior Membership Class at the Rye Golf Club.

Councilman Seitz thanked the staff for striping the road at Palisade and Midland Avenues.

Councilman Cunningham inquired about the status of the Rye Historical Challenge Grant and was informed that a report was scheduled for the next meeting.

15. New Business

Councilman Cunningham asked for more specific information about the status of Milton Harbor dredging. Regulatory approval is still outstanding; the City is pursuing the smaller project (about 500 cubic yards directly related to the flooding) but is also pursuing the larger (2500 cubic yards) for the whole harbor. The Department of Environmental Conservation (DEC) has not approved either project and the City is, at best, cautiously optimistic.

16. Draft unapproved minutes of the regular meeting of the City Council held October 17, 2007

Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to adopt the minutes of the regular meeting of the City Council held October 17, 2007 as submitted.

17. 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 11:25 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk