

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on November 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 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 the Osborn litigation. Councilman Hennes made a motion, seconded by Councilman Cunningham, to close the executive session at 7:55 P.M. The Council 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 announced that for the first time two Rye sports teams are State Champions during the same year. The Rye High School Football team won its second championship in three years, having had an outstanding season. The Girls Field Hockey Team won their 4th championship, continuing what has become a dynasty. Each year the team brings an exceptional level of skill to the State tournaments and almost always with success. The Mayor said the community support for these two teams as well as other Rye sports teams says a lot about our community and offered congratulations to everyone.

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

Bob Schubert, Forest Avenue, appeared again to discuss his dried up garden. He said he was running out of time and was prepared to present a long dissertation. Mayor Otis asked him to submit any new information (he said he had a lot) in writing for the Council to review, but said tonight was not an appropriate time for an additional long discussion. He told Mr. Schubert that the Council was united in its belief that the solution to his problems lies with his neighbor and suggested that he pay to pipe the water (which does not belong to the City) back to his garden. He said the issue is not between him and the City; he wished the City had a remedy, but it does not. Mr. Schubert said he was not able to appear on December 12th, but said he would be back in the new year.

Joe Murphy, head of the *Conservation Commission/Advisory Committee* and *Ashley Craig*, head of a new *Environmental Advocacy Group*, invited everyone to an Environmental Forum they are planning on January 23, 2008 at 7:00 P.M., probably at the Rye Free Reading Room. They said the forum is designed to be the beginning of a discussion on environmental issues (pesticides, recycling, idling, etc.) they hope/think Rye should consider.

4. Public hearing on the proposed 2008 Budget

Mayor Otis opened the public hearing on the tentative 2008 budget. He said the Council had been meeting frequently to review the budget as presented by the City Manager and it was time to hear from the public, discuss some of the issues, take some votes and prepare for the adoption of the 2008 budget on December 12, 2007. City Manager Paul Shew said it has been a pleasure to work with the Council and listen to their good ideas. He said staff had answered literally hundreds of questions and gathered that the Council wishes to include the paving of the Boston Post Road, to have a tax rate increase closer to the CPI than the proposed 4.51% increase while still maintaining community support. Comptroller Michael Genito was congratulated for putting all the questions and answers on the City's web site.

Councilman Seitz began the hearing by outlining his suggestions for increasing revenue, saying he had been elected to be fiscally responsible and had consistently looked for revenue from non-Rye citizens to ease the property tax burden. He suggested revenue could be increased by \$374,000 by doubling parking fines (\$250,000); raising merchant permits 50% (they have risen 22% over the past decade while City taxes have gone up 73%); and increasing Recreation fees by 10% (excluding any Senior Citizen fees). He said he would apply \$15,000 back to scholarships for the Recreation Department. He also recommended adjustments totaling \$255,000 (increasing the anticipated Mortgage Tax Revenue by \$125,000 and lowering the reserves for Workmen's Compensation by \$150,000. He would increase the donation to the Rye Free Reading Room by everything they asked for up to 6% of personnel expenses and would set aside \$100,000 for a challenge grant to the Rye Nature Center. He said this would bring the tax rate down to 2.7%.

There was considerable conversation about what the level of the mortgage tax would be and how the City would end up financially at the end of the fiscal year. The estimates are

conservative, but that is good and has made our Aaa rating possible. Is it advisable to lower the Workman's Comp. that much? We have only been self insured since June, 2006 so we do not have a mature program and have not had time to develop the program. In addition there are new Workman's Compensation laws that may impact the program.

Mayor Otis said he was not proposing any redo of the assumptions, but would like to recommend the following changes:

- Resurface the Boston Post Road (\$500,000) by:
 - Eliminate the 2007 balance in the Central Business District (CBD) traffic signal project (\$25,000)
 - Deferring the 2008 CBD traffic signals (\$280,000)
 - Eliminate the 2007 balance of the new voting machines project (\$144,000)
 - Eliminating the 2008 purchase of a Mott Hammer (\$55,000 [using \$51,000 for this project])
- Defer installing new traffic signals in the CBD until the results for the end of the year are in. If we make \$280,000 more than forecast then the project can come out of the "lock box" and be done.
- Defer the Purchase Street Study Project (now reduced to \$70,000) with the same "lock box" concept. The City Manager would like to start this project in January so that the planning for the CBD can be completed before actual projects (such as the traffic signals) are done. Councilman Pratt strongly advocated for doing the plan first, taking the funds out of the Parking Fund. The Mayor would like to see a Scope of Work by the December 12 meeting.
- Eliminate the proposed new position in the Building Department and the proposed new position in the Department of Public Works (as per a proposal from the staff).
- Reduce Workers' Compensation by \$42,000 rather than the \$150,000 proposed by Councilman Seitz.
- Retain funds to hire an Environmental Coordinator, but develop the job description early next year so that we make sure we get the right person. Increased demands in many environmental areas (including flood Mitigation/Control) require expertise. Councilman Fahey suggested using contracted services for now, but the Mayor said this approach is a step backward (we have had a Naturalist for over three decades) and a full-time person is better for Rye.
- Increase the Ambulance Services contract by \$258.
- Update some fees not raised for several years:
 - Raise Mooring Fees by \$25 per permit. There is a big concern about enforcement of this program.
 - Raise Demolition Fees by \$250 per fee. Councilman Pratt wants a much larger fee for total demolition; most Council members expressed interest in a lower fee for smaller demolitions. The staff should look into a two-tiered approach to demolition fees.
 - Other Fees: Most have been raised quite regularly over the years so the Mayor feels Councilman Seitz' suggestion to raise Merchant Parking fees by 50% would be out of step.
- Funds from the parking meter stations should be dedicated to be used only for CBD projects. Councilman Hennes asked where the revenue funds would come from if you

take out the parking revenue, that it is foolish, but if everyone feels better to do it this way, so be it. Again, it was decided that if the year-end results were greater than forecast, even in excess of the \$280,000 in the traffic signal “lock box” the next \$165,000 should be put in the parking fund.

- Defer consideration of any matching funds for the Rye Nature Center until 2009. Tonight is not an evening for “add ons.”

Councilman Hennes is concerned about the tax increase and went on record to say he would like to see the tax rate at 2.4% (the Sept.-Sept CPI). Therefore, he estimates the Council should find a total of \$179,000 either in additional revenue or in spending cuts.

Councilman Cunningham’s suggestion was not to increase fees in the CBD but to establish a parking committee to look at all parking fees, including commuter parking at the Metro North parking lot. His suggestion to decrease the tax base was to defer the Police Impound program until there is a more specific plan; cut the fencing project at the Recreation Department by \$45,000 and urge Recreation to use Disbrow Playground funds to make up the difference for the fencing if needed. (Note: as these are capital projects, the tax base will not be impacted.)

The public also had comments. *Cliff Nelson, 71 Brevoort Lane*, spoke in favor of the Boston Post Road repaving and re-striping. *Pat McCarthy, whose office is in the CBD* said raising the merchant parking permits by 50% was counterproductive and suggested increasing the hours for the parking meter stations to capture funds from non-Rye diners. *Pat Geoghan, a Rye Merchant*, was also opposed to raising merchant permits by 50%. It is better to look at cost of living increases. She is also in favor of a 2-tier demolition fee and in favor of increasing the mooring fees. *Debbie Barnwell, owner of Panache* in the CBD, said raising any costs in the CBD is bad for business and the people who work in Rye and make it a good place to be. *John Roberts, 15 Central Avenue*, advocated the speedy reconstruction of the Central Avenue Bridge.

The Council proceeded with votes on the budget, as follows:

Mayor Otis made a motion, seconded by Councilman Cunningham to include the repaving and re-striping of the Boston Post Road in the Budget. The motion carried by a vote of 7-0

ROLL CALL:

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

Councilman Pratt made a motion, seconded by Councilman Ball to transfer the \$280,000 available for CBD traffic signals to a “lock box” pending year-end fiscal results. The motion carried by a vote of 7-0.

ROLL CALL:

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

Councilman Pratt made a motion, seconded by Councilman Hennes to fund the Purchase Street Study for \$70,000 using funds from amounts currently dedicated for improvements to the CBD, assuming a Scope of Work is provided by the City Planner at the December 12, 2007 Council Meeting. The motion carried by a vote of 7-0.

ROLL CALL:

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

Councilman Pratt made a motion, seconded by Councilman Hennes to eliminate the proposed new position in the Building Department and in the Department of Public Works; and to lower the appropriations for Workman's Compensation by \$42,000. The motion carried by a vote of 7-0.

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 Fahey to eliminate the full-time position of Environmental Coordinator and to increase the budget by \$50,000 to hire an outside consultant to do Wetlands Determinations. The motion failed to carry by a vote of 6 to 1.

ROLL CALL:

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

Mayor Otis made a motion, seconded by Councilman Hennes to increase the appropriation for the Ambulance Services Contract by \$258. The motion carried 7-0.

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 Pratt to fund the Boston Post Road repaving project by:

Eliminate the 2007 balance in the Central Business District (CBD) traffic signal project (\$25,000)
Deferring the 2008 CBD traffic signals (\$280,000)
Eliminate the 2007 balance of the new voting machines project (\$144,000)
Eliminating the 2008 purchase of a Mott Hammer (\$55,000 [using \$51,000 for this project])
The motion carried by a vote of 7-0.

ROLL CALL:

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

Mayor Otis made a motion, seconded by Councilman Cunningham to increase the Mooring Permit Fee from \$150 to \$175. The motion failed to carry by a vote of 5 to 2.

ROLL CALL:

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

Mayor Otis made a motion, seconded by Councilman Hennes to increase the Demolition Permit Fees from \$1500 to \$2000 and to consider a two-tiered schedule. The motion carried 6-1.

ROLL CALL:

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

Mayor Otis made a motion, seconded by Councilman Pratt to designate funds from the CBD parking meters for improvements to the CBD. The motion carried 4-3.

ROLL CALL:

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

Councilman Cunningham made a motion, seconded by Councilman Pratt to defer \$113,300 for the Police Impound Facility pending a more detailed plan. The motion carried 5-2.

ROLL CALL:

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

Councilman Cunningham made a motion, seconded by Councilman Pratt to decrease the amount to be used for the Recreation Department Fence Project by \$45,000. The motion carried 7-0.

ROLL CALL:

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

Councilman Seitz made a motion to double the parking fines in the City of Rye. There was no second.

Councilman Seitz made a motion to increase the Merchant Parking Permits by 50%. There was no second.

Councilman Hennes made a motion, seconded by Councilman Fahey to increase Merchant Parking Fees from the proposed \$348 to \$372 per year. The motion carried 4-3.

ROLL CALL:

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

Councilman Seitz made a motion, seconded by Councilman Fahey to increase Recreation Fees by 10%, leaving fees for Senior Citizens untouched and contributing \$15,000 to scholarship. The motion failed to carry by a vote of 4-0 with three abstentions.

ROLL CALL:

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

Councilman Cunningham made a motion, seconded by Councilman Seitz to increase Recreation Fees by \$50,000. The motion failed to carry by a vote of 4-3.

ROLL CALL:

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

Councilman Hennes made a motion, seconded by Councilman Fahey to ask the Recreation Commission to comment on the feasibility of increasing fees by \$50,000 and provide the Council with a roll call vote. The motion carried 7-0.

ROLL CALL:

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

Councilman Seitz made a motion, seconded by Councilman Cunningham to increase the estimate for Mortgage Tax revenues by \$125,000. The motion failed to carry by a vote of 6-1.

ROLL CALL:

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

Councilman Seitz made a motion, seconded by Councilman Cunningham to reduce the amount of funds appropriated for in the Workman's Compensation Fund \$150,000. The motion failed to carry by a vote of 5-2.

ROLL CALL:

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

Mayor Otis confirmed that there are no spending "add ons" being considered; thanked everyone for their input.

Mayor Otis closed the public hearing on the 2008 Proposed Budget.

5. Continuation of public hearing to amend Chapter 173 Surface water, Erosion and Sediment Control, of the Code of the City of Rye

Mayor Otis explained that the public hearing to amend Chapter 173, Surface water, Erosion and Sediment Control of the Code of the City of Rye, originally opened at the June 13, 2007 Council Meeting, can now be closed because input from the Storm Water Runoff Committee indicates new changes to the Code are more accurate. Therefore, Mayor Otis closed this public hearing.

6. Continuation of public hearing on a proposed local law to amend Chapter 170, Subdivision of Land, of the Rye City Code by adding new subsections 170-6(H) and 170-7(A)(1)(h)

Mayor Otis explained that the public hearing to amend Chapter 170, Subdivision of Land, of the Code of the City of Rye, by adding new subsections 170-6(H) and 170-7(A)(1)(h), originally opened at the June 13, 2007 Council Meeting, can now be closed because input from

the Storm Water Runoff Committee indicates new changes to the Code are more accurate. Therefore, Mayor Otis closed this public hearing.

7. Consideration of setting a public hearing on a local law to add Chapter 174, Storm Water Management Erosion and Sediment Control for Land Development/Redevelopment Activity Equal to or Greater than 1 Acre, to the Code of the City of Rye

Mayor Otis explained that a new Chapter of the Code was being created to meet new Storm Water Management issues and it is necessary for Rye to comply with the new regulations by passing legislation by the end of 2007. Parts of Chapters 170 and 173 of the Code of the City of Rye are also effected by the new regulations so those chapters will also have to be considered at the same time as the new Chapter 174.

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

WHEREAS, the Council wishes to add Chapter 174, Storm Water Management Erosion and Sediment Control for Land Development/Redevelopment Activity Equal to or Greater than 1 Acre to the 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 December 12, 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 add Chapter 174, Storm Water Management, Erosion and Sediment Control for Land Development/Redevelopment Activity Equal to or Greater than 1 Acre, to the 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 12th day of December, 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 add Chapter 174, Storm Water Management, Erosion and Sediment Control for Land Development/Redevelopment Activity Equal to or Greater than 1 Acre, to the 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 December 5, 2007

8. Consideration of setting a new public hearing on a local law to amend Chapter 170, Subdivision of Land, of the Code of the City of Rye Regarding Storm Water Pollution Prevention Plan Requirements

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

WHEREAS, the Council wishes to amend Chapter 170, Subdivision of Land, Article V, by adding Section 170-20(L) and Section 170-21(G), of the Code of the City of Rye Regarding Storm Water Pollution Prevention Plan Requirements; 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 December 12, 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 170. Subdivision of Land, Article V, by adding Section 170-20(L) and Section 170-21 (G), of the Code of the City of Rye Regarding Storm Water Pollution Prevention Plan Requirements.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 12th day of December, 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 170, Subdivision of Land, Article V, by adding Section 170-20(L) and Section 170-21(G), of the Code of the City of Rye Regarding Storm Water Pollution Prevention Plan Requirements.

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

Susan A. Morison, City Clerk
Dated: December 5, 2007

9. Consideration of setting a new public hearing on a local law to amend Chapter 173, Surface Water, Erosion and Sediment Control, of the Code of the City of Rye

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

WHEREAS, the Council wishes to amend Chapter 173, Section 173-2, Surface Water, Erosion and Sediment Control of the 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 December 12, 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 173, Section 173-2, Surface Water, Erosion and Sediment Control, of the 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 12th day of December, 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 173, Section 173-2, Surface Water, Erosion and Sediment Control 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: December 5, 2007

10. Acceptance of Grant Award from Governor's Traffic Safety Committee in the amount of \$9,488 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 Hennes made a motion, seconded by Councilman Fahey, 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 \$9,488 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

11. Bid award for police boat engine

City Manager Paul Shew said this is the second time the City has requested bids for two 150 HP Yamaha Outboard Motors for the Police Boat. The first time there were no bids; this time one bid was received and after careful review, it has been determined that this is a reasonable price and that the bid should be accepted.

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

RESOLVED, that Bid 7-07, two (2) 150 HP Yamaha Outboard motors for the Police Boat be awarded in the amount of \$24,699 to J. Catalano and Sons, being the sole bidder meeting specifications.

ROLL CALL

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

11A. Resolution to transfer funds for Peck Avenue Pump Station

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

WHEREAS, the City Engineer has determined that the Peck Avenue Pump Station project, accounted for in the Capital Projects Fund, will require \$60,000 of expenditures in excess of the currently authorized budget; and

WHEREAS, funds are available in various vehicle projects, accounted for in the building and Vehicle Maintenance fund; now, therefore, be

RESOLVED, that the City comptroller is authorized to increase project #505204 Peck Avenue Pump Station in the amount of \$60,000 with funding provided by transfers from the following projects:

Project 6643114 2007 Police Vehicles	\$45,000.00
Project 6643401 2007 Fire Vehicles	\$14,040.06
Project 6643113 2006 Police Vehicles	\$ 51.69
Project 6645114 2006 DPW Vehicles	\$ 908.25

ROLL CALL

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

11B. Resolution to transfer funds from contingent account to Bowman Avenue Spillway Project

The Council asked for a draft scope of the report which will be prepared by Chas. B. Sells.

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

WHEREAS, the City is in receipt of an engineering proposal in the amount of \$44,000 to study the “lower pond” located in the area of the Bowman Avenue spillway; and,

WHEREAS, the 2007 Bowman Avenue Spillway project did not include appropriations for this study; and,

WHEREAS, the General Fund contingent account has a balance of \$45,000; now therefore be it

RESOLVED, that the City Comptroller is authorized to transfer \$45,000 from the General Fund contingent account to Capital Projects Fund project 505267 (2007 Bowman Avenue Spillway) to fund the cost of the aforementioned study and incidentals related to the project.

ROLL CALL

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

NAYS: None

ABSENT: None

12. Miscellaneous communications and reports

Councilman Fahey asked about the rash of burglaries. City Manager Shew said that after a hiatus he was sorry to report that another burglary had occurred just that morning.

Councilman Cunningham announced that a very special Wreath Laying Ceremony would take place at approximately 9:30 on December 13, 2007. A company in Maine trucks wreaths down U.S. 1 each year, conducting ceremonies along the way, on their way to Arlington National Cemetery and this year they will stop in Rye and honor those who have given their lives in Iraq and Afghanistan. The ceremony is being coordinated with the Rye American Legion and all are invited.

Councilman Hennes invited everyone to the dedication of the tree in front of the Rye Free Reading Room in memory of Robert Callagy. The ceremony will take place on Saturday, December 1, 2007 at 10:00 A.M.

13. Old Business

There was no old business to be discussed.

14. New Business

There was no new business to be discussed.

15. Draft unapproved minutes of the regular meeting held on November 7, 2007, the Budget Workshop held on November 14, 2007, the regular meeting held on November 14, 2007, and the Budget Workshop held on November 19, 2007

Councilman Seitz made a motion, seconded by Councilman Hennes and unanimously carried, to adopt the minutes of the regular meeting of the City Council held on November 7, 2007 as submitted.

Councilman Seitz made a motion, seconded by Councilman Hennes and unanimously carried, to adopt the minutes of the budget workshop and regular meeting of the City Council held on November 14, 2007 as amended.

Councilman Seitz made a motion, seconded by Councilman Hennes and unanimously carried, to adopt the minutes of the budget workshop of the City Council held on November 19, 2007 as amended.

16. 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 11:12 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk