

APPROVED MINUTES of the Regular
Meeting of the City Council of the City of Rye held in
City Hall on November 5, 2008 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor – arrived at 8:07 p.m.

ANDREW C. BALL

MACK CUNNINGHAM

PAULA J. GAMACHE

CATHERINE F. PARKER

GEORGE S. PRATT

JOSEPH A. SACK

Councilmembers

ABSENT: None

1. Pledge of Allegiance

Councilman Pratt called the meeting to order at 8:05 p.m. 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.

3. Presentation of 2007 Financial Trends Report

City Comptroller Genito summarized the 2007 Financial Trends Report. He said the report covers a ten-year period tracking things from 1998 through 2007. The report is a set of financial indicators and ratios that tries to capture where the City has been and possibly where things are going. Everything was in order until September of this year. However, prior years' reports as well as this one did note certain things that were happening such as the decline in mortgage tax revenue and interest earnings, which are two major sources of revenue. The Financial Trends Report helps to determine where the City has been in order to decide where to go in terms of budget planning and processing.

Mr. Genito said all of the financial ratios regarding the City's financial position are very sound. Current ratios are high, the liquidity ratio is high, the fund balance as a percentage of expenditures is very high and the City is well above the targets that are standard across the Country and considered best practices. The City makes adjustments in revenues and expenditures when necessary to make sure it covers its expenditures.

The City has two Enterprise Funds, the Boat Basin and the Golf Club, that are operated like businesses. The two funds have a priority of making sure that they cover all of their

expenditures, including debt service, capital improvements and all operating expenditures. Both funds have done this as well as decreasing the burden on the taxpayer by paying back to the General Fund general administrative overhead charges. The Boat Basin built up a sizable fund balance for the dredging process that is currently underway and will probably cost \$2 million. The Boat Basin will be able to pay for the project without issuing any debt or borrowing any money. The Golf Club has also been covering its own costs and paying off the debt issued for the renovation of Whitby Castle in 1998 (over \$400,000 a year) as well as other improvements to the Golf Course.

The City examines all these factors when preparing the Financial Trends Report in order to determine if the City is running into dangerous areas. Mr. Genito added that Moody's, the investor service that rates the City's bonds, has given the City's bonds a Aaa rating, the highest rating for a municipal bond. Rye is one of the few municipalities in New York to receive this rating and Moody's cited the Financial Trends Report as something that goes well beyond what most communities do. Mr. Genito concluded by noting that the report could be found on the City's website.

4. Presentation of the FY 2009 Budget by the City Manager

Mayor Otis reiterated that the Council was focusing on the economic trends affecting the nation and our region and monitoring how they will affect the City budget. It is hoped that the full impact of this economic downturn will not be as bad as in 2001-2002 but the Council has asked the City Manager to cut many things before the budget is presented and eliminate things that can be deferred, in order to keep the tax increase as low as possible. In November 2006, the New York Times rated the City as the third lowest cost government in Westchester County in terms of providing services in an efficient way. Councilman Pratt said there were a couple of important statistics that he wanted to bring to people's attention: the number of municipal employees as well as the City's population has remained fairly stagnant in the last ten years. Property taxes make up 63% of the budget and 97.3% of that amount goes for salaries and benefits, which means that 37% of the total budget is variable coming from elastic revenues such as mortgage tax and state aid and that is the percentage of the budget that is in play. He also noted that 2009 salaries and benefits are approximately \$19 million, or about the same amount as the tax levy. This means that City taxes pay only for salaries and benefits of City employees and everything else is paid for by other sources of revenue.

City Manager Shew said the budget presentation would be in three parts: the first being the context of the budget, the second being the statistical analysis or nuts and bolts of the budget provided by Mr. Genito and finally a conclusion.

Mr. Shew began by saying that this budget is 16 cents on the tax dollar down from a high of 19 cents in the past. Mr. Shew said it is more useful to talk about dollars than percentages because as the City becomes a smaller part of the tax dollar, percentages do not tell the entire story. The City is primarily a service organization, providing such services as police and public safety, garbage pickup and recreation. The majority of the money in the budget focuses on people and services. The budget is moving in two directions: one where expenses are increasing (such as the cost of electricity for street lights, which will cost over \$100,000 more next year) and the other where revenues are decreasing. Prior to September 15, 2008 a different budget

would have been presented but due to the economic changes in the world since then the budget being presented has changed. The Council has directed staff to provide a realistic budget and, therefore, staff has cut over \$1 million from the pre-September 15th budget. The changes made will focus on recurring expenses as the City goes forward. Fund balance will not be used to fund recurring costs such as salaries. The City will continue to scrutinize all positions before filling them and several positions have been eliminated in the last several years.

Mr. Shew gave an overview of some things that the 16 cents on the dollar has provided to the community by various entities:

Department of Public Works

- The reconstruction of Theall Road and the negotiation of an agreement for additional parking for Rye Manor residents;
- The completion of the Kirby Lane North sewer project, which will be paid for by the residents but required hundreds of hours of time expended by City staff;
- The Boston Post Road diet project;
- Flood-related projects
- Maintenance of sewer lines, storm drains, pump stations, parking lots, streets and sidewalks.

Police Department

- Renovation of the Police Department building;
- Relocation of a generator to power building during emergency conditions;
- Studied options for Police/Court facility;
- Responded to 12,182 calls for service, issued 2,700 moving violation summonses, 6,500 parking tickets, made 285 arrests on 625 charges;
- There are 39 sworn officers in this budget, a reduction of one from 2008;
- The Reverse 911 has been upgraded;
- The Department successfully continued its accreditation, one of few departments to be accredited;
- The respect manual was updated;
- Members of the Department were trained in the use of defibrillators and advanced first aid and are now Certified First Responders Class D.

Fire Department

- The Department, in conjunction with the Building Department, improved the Insurance Services Office (ISO) rating (from 5 to 4), which gives residents a better rate on fire insurance rates;
- The Department is evaluating the best way to purchase equipment relative to the needs of the community and public safety;
- The Department is attracting more and more diverse volunteers.

Recreation

- Sally Rogol has succeeded Bill Rodriguez as Recreation Superintendent;
- Many programs are offered for both children and seniors;

- The Department returns 47% of its costs through program fees or donations lessening its dependency on tax dollars.

Nature Center

- Now operated without municipal employees.

Rye Free Reading Room

- A not-for-profit operated by an independent Board of Directors;
- More dependent on tax dollars in recent years.

Mr. Shew said that the 2009 Budget must move away from dependency on tax dollars not toward a dependency on tax dollars. He said the City has must look at ways to recover fees in order to keep a realistic tax rate, including structural changes in the way the City operates in order to move away from a dependency on tax dollars.

Mr. Shew called 2008 a year of completion of projects. He highlighted such projects and the completion of negotiating a contract for dredging of Milton Harbor after seven years of work; an Intermunicipal Agreement (IMA) with Mamaroneck; the extension of the Triathlon Protocol to other events using City streets; a mentoring program for interns during the summer months; the Boston Post Road Diet; the Peck Avenue pump station; the Highland/Onondaga drain and a coordinated strategy with utility companies was reached so work can be done on the Theodore Fremd Avenue wall.

Mr. Shew said many projects were already in the works for 2009. They include determining the best options for Police/Court facilities; developing a new model for the operation of the Boat Basin that contemplates routine dredging; dealing with new Federal, State and County mandates that increase the cost of operations. He said it is expected that legal costs will rise because two collective bargaining agreements (Police and Fire) will be negotiated; defensive actions have been taken against adjacent communities in connection with Beaver Swamp and Bowman Avenue Dam and, the City must defend itself against all lawsuits brought against it, including frivolous ones.

Mr. Shew then turned the presentation over to City Comptroller Genito who said that Government is here to provide services and that the 2009 budget is the most challenging he has had to prepare in his 12 years as City Comptroller. In the past year the federal funds rate has dropped from 4½% to 1%, which will have a significant impact on interest earnings. The collapse of major banks and lending institutions will affect mortgage tax receipts and building permit revenues. The Finance Department must remain vigilant to ensure that an unexpected change in bank ownership does not place City deposits in any jeopardy. State aid may also be cut as the State seeks to close its 2009-2010 budget deficit of \$12.5 billion. 2008 has been an unusually active year for budget adjustments due to unanticipated appropriations of \$644,000 (\$280,000 to fund capital projects; \$221,500 for legal services and \$143,000 for the City's share of the Rye Town Park, although the actual amount of that deficit has yet to be determined). If these amounts had been know at the time the 2008 budget was adopted the tax rate would have been 5.4% rather than 3.3%. As revenues decrease, expenses increase for such items as wage and benefit obligations related to collective bargaining agreements; rising costs of fuel for

vehicles or the impact of oil costs on the price of commodities, and the City's electricity rates will rise 42% in 2009. Long-term impacts will be caused by the disruption of municipal lending markets, which has caused a lack of confidence in municipal bonds and the companies that insure them resulting in Aaa 20-year municipal bond rates rising from 4% to 5%. This could affect the ability of the City to borrow, and the cost of borrowing would influence projects that would otherwise be funded by debt.

Mr. Genito said that all the news was not bad. Our municipal deposits are safe and sound and those not insured by FDIC are insured by third-party collateral in the form of U.S. Treasury securities. The City continues to hold its stand-alone Aaa rating, the Enterprise funds continue to meet their obligations to fund all their costs and reduce the burden on the taxpayer by approximately \$890,000 in the form of debt service payments and reimbursement of administrative overhead. Recently negotiated insurance agreements resulted in premium reductions of \$200,000 for property, casualty and workers compensation insurance. The City's conservative and responsible approach to budgeting in 2008 minimized the financial shocks that were experienced this year. The City Manager's recommended 2009 budget provides for a tax increase of 5.95% over the 2008 tax rate. In dollar terms this means an increase of \$177 a year or less than \$15 per month on a median taxable assessed value home having a market value of \$1.3 million. In another context, the City's 16 cents of the property tax dollar remains the smallest piece of the pie.

Fiscal 2009 represents serious challenges. It is anticipated that interest earnings will drop from \$750,000 budgeted in 2008 to \$300,000, down \$450,000 or a 60% decrease. It is estimated that 2009 mortgage taxes will be \$1.1 million, down \$475,000 or 30% from what was budgeted in 2008. The next year's budget assumes that our \$1.3 million in State aid will remain in tact but that may change as the States wrestles with its projected budget deficit. The hotel occupancy tax will remain flat budget to budget at \$170,000 and the utility gross receipts tax will increase 11% from \$360,000 budgeted in 2008 to \$400,000 in 2009. A 1.5% decrease in sales and use tax is anticipated from \$1,980,000 to \$1,950,000 and the City is budgeting the same \$900,000 for building permits in 2009 as in 2008. Revenue estimates are based on historical experience and consideration of the economic news available. On the expenditure side, salaries and wages will increase 2% reflecting contracted salary increases that are off-set by a reduction through attrition of full-time positions in the Finance, Information Technology function, a full-time support position in Engineering and one police officer position. Benefits will decrease \$192,000 (3% from 2008), which is the net result of the aforementioned reductions combined with a \$165,000 reduction in workers compensation costs. Equipment purchases are budgeted to be \$116,000 less than 2008, materials and supplies increase by \$17,000 (less than 7/10%) and contractual costs will to be decreased by \$167,000 (2%). In order to make the most use of available fund balance, \$1.6 million has been budgeted for infrastructure, buildings and facilities, and vehicles and equipment. By not incurring debt, the City's ability to deliver essential services is preserved.

Mr. Genito said that the proposed 2009 budget adheres to the adopted financial policies. Operating expenses are covered by operating revenues. Recreation revenues return 47% of their expenditures, which is above the target levels expected by the City Council. A Contingency of \$300,000 represents at least 1% of the expenditures and is included in the appropriations. Available fund balance is used for capital and equipment costs and the fund balance after these purchases, is projected to remain well above the 5% of appropriations mandated by our financial

policies. Mr. Genito cautioned that, at this time, there are still many unknowns that could affect the assumptions and estimates made in the development of the proposed budget, including changes in State Aid; actions by the Federal Reserve that could require the City to recalculate projected interest earnings; the volatility of the commodities markets that could change the costs of materials and supplies, and market liquidity, interest rates and consumer confidence that could affect the outlook for sales and use taxes, mortgage taxes and building permit revenues. 2009 is a year that requires deep reflection and responsible planning for 2010 and beyond, with an eye toward maintaining core services and preserving capital for future needs.

City Manager Shew concluded the budget presentation with what he said was a “bit of optimism” going forward. The City has exciting things going on including flood projects and recycling projects and he believes that even in the most dismal times, things can be learned that will allow the City not only to survive but also prosper.

Mayor Otis thanked City Manager Shew and Comptroller Genito for their presentation and announced that budget workshops would be held on November 10th, 12th, 17th and 19th (prior to the City Council meeting). He said the biggest question to focus on was “what is going on with the economy and how is it affecting us”. The Mayor encouraged Council Members to get their questions to Mr. Genito in writing prior to the workshops. Mr. Genito said there would be a special place on the website for 2009 budget information, which would include the questions posed by Council Members as well as the answers.

5. Set public hearing on 2009 Budget for December 3, 2008

Mayor Otis made a motion, seconded by Councilman Cunningham to adopt the following Resolution to set a Public Hearing on the 2009 Preliminary Budget for December 3, 2008:

WHEREAS, it is now desired to call a public hearing on the proposed 2009 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 December 3, 2008 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 Monday, the 3rd day of December, 2008, 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, 2009 through December 31, 2009, 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	\$30,993,095
Rye Cable TV Special Revenue Fund	258,998
K.T. Woods Permanent Fund	0
Debt Service Fund	139,356
Capital Projects Fund	995,000
Boat Basin Enterprise Fund:	682,093
Rye Golf Club Enterprise Fund:	7,778,531
Risk Retention Internal Service Fund	720,300
Building and Vehicle Maintenance Internal Service Fund:	<u>5,330,616</u>
TOTAL - All Funds	\$46,897,989

Dawn F. Nodarse
City Clerk
Dated: November 21, 2008

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Gamache, Parker,
Pratt and Sack
NAYES: None
ABSENT: None

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

Sis D'Angelo, 90 Wappanocca Avenue, came to speak to the Council about the Schubert's pond. She questioned why the City Naturalist and Planning Commission were not called to look into the situation and issue a permit. She urged the Council to look into the situation, study up on the Watercourse Law, find out where the water from the Schubert's pond is going and solve the problem. Mayor Otis reiterated that the Council has obeyed the law; that a determination was made by City staff that a permit was not required and that Mr. Schubert's remedy lies with his neighbors and not the City Council. Councilman Pratt stated that the Council does understand the Watercourse Law and has been dealing with this situation, that of a resident who is not happy with an answer, for three years. *Robert Schubert, 980 Forest Avenue*, again stated that he disagrees with the position of the City Council; that there is an old watercourse on his property dating back to the 19th Century; that his neighbor's drywell should drain to his property but doesn't and that he cannot force his neighbors to fix his problem. (See discussion under Old Business.)

John Carey, 860 Forest Avenue, urged the Council to object to the Cablevision proposal to raise rates at the beginning of December. Mayor Otis recommended that Mr. Carey get information on the time to comment on the proposal to the City's Cable TV Coordinator, Nicole Levitsky.

Sean Kennelly, 13 Wainwright Street, and Louise Iannarelli, 30 Wainwright Street, came to update the Council on the situation regarding the cottages on Beck Avenue and Wainwright Street. On October 22nd a fire took place in the center cottage between Beck and Wainwright that required the efforts of 75 firefighters to extinguish. They thanked the Fire Department for putting out the fire and for saving their homes. Mr. Kennelly thanked City Manager Shew for speaking with him about the situation and asked when the Building Department would inspect the remaining cottages. He said that people were still living in houses on Beck Avenue and he was concerned about oil tanks and gas lines that remain on the property. Ms. Iannarelli presented photographs of the cottages taken from her home and said that in the 40 years she has lived there she has watched the property deteriorate, especially under the current owner. City Manager Shew said that the City is currently working in three areas relating to this situation: a Court action in Rye City Court for property violations, an In Rem proceeding for tax foreclosure and working with the owner's attorney to come to an agreement wherein the Building Department will be allowed to inspect all the buildings and the burned building will be boarded up with demolition to follow after it has been inspected by the owner's insurance company.

7. Resolution to set a public hearing to adopt a local law amending Chapter 108-27 'Heating' of the Rye City Code to reflect the heating requirements of the New York State Building Code

Mayor Otis said that the law was being amended in order to reconcile the Rye City Code with the State Code in connection with the dates and temperatures required for providing heat to residential buildings. Councilwoman Parker added that she was disappointed that the State Code set the required temperatures so high. Councilman Ball noted that the law called for equipment that was designed to maintain, not required to maintain, a certain temperature.

Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously to adopt the following Resolution:

WHEREAS, the Council wishes to amend Chapter 108, Housing Standards, Article V, Chapter 108-27, Heating, 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 December 3, 2008 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 108, Housing Standards, Article V, Section 108-27, Heating, of the Code of the City of Rye in order to bring it into compliance with the Property Maintenance Code of New York State

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 3rd day of December, 2008 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 108, Housing Standards, Article V, Section 108-27, Heating, of the Code of the City of Rye in order to bring it into compliance with the Property Maintenance Code of New York State.

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

Dawn F. Nodarse
City Clerk

Dated: November 21, 2008

8. Resolution to amend changes to local law Chapter 191, Vehicles and Traffic, of the Rye City Code by amending Section 191-21, "Parking, standing, or stopping", to include the northeast side of Franklin Avenue from a point approximately eighty (80) feet north of Sonn Drive and erecting a "No Parking Here to Corner" sign
Roll Call

City Manager Shew said that this proposed change to the Vehicle and Traffic law was brought to the attention of the Police Department by a resident who has difficulty getting into and out of her driveway when vehicles are parked in the subject area and the department agreed with the suggestion.

Matt Fahey, 36 Franklin Avenue (who said he was speaking on behalf of another resident who was unable to attend due to professional obligations), said that the concerns of the neighbor who instigated the proposed change had been addressed by the Traffic & Transportation Committee and rejected and questioned why the proposed change in the Vehicle and Traffic Law was coming directly to the City Council without a public hearing and asked if the Council would consider either setting a public hearing or reducing the proposed “no parking” area from 80 feet to 30 feet. The Council decided to defer this item and asked that they receive something in writing from the Traffic and Transportation Committee in connection with the request. Assistant City Manager Pickup said that the Traffic and Transportation Committee had reviewed and discussed the request and requested a modification to the proposal. The Vehicle and Traffic Law already prohibits parking within 30 feet of a stop sign. Traffic and Transportation Committee Chairman Brian Dempsey supports the idea of extending the ban an additional 30 feet and Mr. Pickup said he would refer the proposal back to the Committee to get their recommendation in writing for future Council action.

9. Resolution to accept Federal funding for the Hewlett Avenue Pump Station
Roll Call

Mayor Otis said that the money (\$191,000) was coming to the City via a grant from Congresswoman Nita Lowey. City Manager Shew said that the Pump Station has two pieces, a force main, which has broken three times in the last few years and will be replaced and the second, which is the station itself.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to accept a U.S. Environmental Protection Agency Fiscal Year 2008 Appropriations Act Grant in the amount of \$191,000 for the Hewlett Avenue Pump Station project.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Gamache, Parker,
Pratt and Sack
NAYES: None
ABSENT: None

10. Resolution to authorize expenditure of police donation funds for the purchase of police boots or shoes
Roll Call

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

WHEREAS, the City Manager and Police Commissioner have approved a request of the Rye Police Association (“RPA”) dated October 14, 2008 to purchase dress boots/shoes in the amount of \$4,000 for the Rye Police Department with funds available in the police donations account, and,

WHEREAS, sufficient funds exist in the police donations account to comply with the aforementioned request of the RPA;

NOW, THEREFORE BE IT RESOLVED, that \$4,000 be appropriated from the police donations account to increase 2008 General Fund appropriations for Police uniforms.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Gamache, Parker,
Pratt and Sack

NAYES: None

ABSENT: None

11. Acceptance of Grant Award from Governor’s Traffic Safety Committee in the amount of \$8,745 for participation in the “Buckle Up New York” program
Roll Call

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to accept a Grant Award from the Governor’s Traffic Safety Committee in the amount of \$8,745 for participation in the “Buckle Up New York” program.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Gamache, Parker,
Pratt and Sack

NAYES: None

ABSENT: None

12. Acceptance of Grant Award from Governor’s Traffic Safety Committee in the amount of \$3,500 for participation in the “Child Passenger Safety” program
Roll Call

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

WHEREAS, the City of Rye has been awarded a New York State grant in the amount of \$3,500 for participation in the statewide 2008 “Child Passenger Safety” program; now, therefore, be it

RESOLVED, that the City of Rye accepts the aforementioned grant.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Gamache, Parker,
Pratt and Sack

NAYES: None

ABSENT: None

13. Request of Rye Merchants Association to close a portion of Purchase Street on November 23, 2008 from 9:00 a.m. to 3:00 p.m.

Councilwoman Parker made a motion, seconded by Councilman Cunningham 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 23, 2008 from 9:00 a.m. to 3:00 p.m. be approved.

14. Miscellaneous communications and reports

Councilman Cunningham complimented Councilman Ball on his memo to the Council regarding the discussions between the Recreation Commission and Golf Commission in connection with creating a program that would allow seniors access to the golf course and pool. He also noted that the dredging at Milton Harbor was originally not to take place on Saturdays and Sundays but, due to reasons outside the control of the City of Rye, it appears that that will not be possible in order to meet the Federal deadlines for completing the project.

City Manager Shew said that City Assessor Noreen Whitty had provided a memo about the New York State Star Program refund amounts which would be put on the City website and television station.

15. Old Business

Councilman Pratt made a recommendation to City staff that a fact sheet be created relative to the now three-year old issue of Robert Schubert’s pond. He said he felt it would be helpful to offer information to people who are new to the discussion and might not have all the facts, especially the number of staff and City Council hours that have been devoted to the situation. *Tom Fendler, 27 Radcliff Avenue*, said that he was a friend of Mr. Schubert’s and believes the basic problem is that no permit was issued and feels the Council should have compassion for Mr. Schubert. Members of the Council again pointed out that a permit was not issued because a determination was made that the project in question did not meet the threshold

to require one. They also stressed that both the present Council, as well as the last, has extended every courtesy to Mr. Schubert but many people in the community only get their information from him.

16. New Business

Councilman Pratt questioned comments posted by Councilman Sack on the blog Myrye.com relative to the recent work session held with the consultants the City has hired to evaluate the best location for a Police/Court facility. A spirited discussion followed regarding the appropriateness of possible locations for the facility that had been mentioned at the work session and referred to in post-meeting blog entries by Councilman Sack and Mayor Otis.

17. Draft unapproved minutes of the regular meeting of the City Council held October 15, 2008

Mayor Otis made a motion, seconded by Councilman Pratt and unanimously carried, to approve the minutes of the October 15, 2008 meeting, as amended.

18. Adjournment

There being no further business to discuss, Mayor Otis made a motion, seconded by Councilman Pratt and unanimously carried, to adjourn the meeting at 11:05 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk