

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on December 17, 2008 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor  
ANDREW C. BALL  
MACK CUNNINGHAM  
PAULA J. GAMACHE  
CATHERINE F. PARKER  
GEORGE S. PRATT  
JOSEPH A. SACK  
Councilmembers

ABSENT: None

The Council convened at 7:00 p.m. Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried to adjourn into Executive Session to discuss personnel issues regarding the Administrative Pay Group. Mayor Otis made a motion, seconded by Councilwoman Gamache and unanimously carried to close the Executive Session at 8:20 p.m. No decisions were made. The Council reconvened at 8:23 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.

Mayor Otis sadly noted the passing of two members of the Rye community, the widow of former Mayor Clay Johnson and Nan Hackett. The Mayor described Mrs. Johnson as a “great lady” and called Nan Hackett a “saint” for her charity work especially with the “P.O.T.S” (Part of the Solution) soup kitchen program at Resurrection Church.

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

*Arthur Stampleman, 720 Milton Road*, said that in May he had inquired about the reduced number of mailboxes around the City and wondered what the Post Office’s response had been. City Manager Shew said that he had learned that Post Offices around the country have been reducing the number of mailboxes as part of a cost/efficiency move for the Post Office. Mr. Stampleman suggested the City make a strong request to the Post Office to put boxes back.

*Robert Schubert, 980 Forest Avenue*, said he was not here to discuss his pond but to ask where his water was going, which has been running through his property for at least 100 years?

4. Resolution to adopt the 2009 Budget and establish the 2009 tax levy and 2009 tax rate Roll Call

Mayor Otis said the Council has been working since November 5<sup>th</sup> to take the tentative budget proposal and make changes to it leading to its adoption tonight. He offered a summary of the changes being considered. The initial budget cut expenditures about 1% and had a tax increase of 5.9%. The goal of the Council was to reduce the tax increase and the City Manager and City Departments were asked to come up with additional cuts to those previously proposed prior to the budget presentation in November. Some cuts will reduce the tax increase and others will not but are good cuts to have.

- Additional cuts to City Departments: \$51,500;
- Budgeted amount for Rye Town Park reduced by \$90,000 from \$140,000 (the amount is for calendar year 2008 but it impacts the 2009 budget);
- \$64,000 cut from estimates for energy costs based on more accurate information from NY Power Authority and reduced fuel prices;
- Building fees increased by 1% to net an additional \$25,000 in revenues;
- Taking the year-end balance in the Contingency Account and transferring \$140,000 of that account into the 2009 Contingency Account rather than adding it to the Undesignated Fund Balance, which will alleviate taxing residents for the full \$300,000 needed for that account;
- Reducing by over 40% the amount in the pool for the Administrative Pay Group (non union employees under the jurisdiction of the City Manager), bringing the amount down to a 2% increase. It is hoped this will become a model for other increases for City staff.
- The amount for police uniforms in reduced by \$30,000.

The total amount of these cuts and/or increases is \$425,000. The total expense level is \$30,682,131.

Other changes, which are not reflected in the tax rate include:

- Deferring \$134,000 in vehicle replacements for another year;
- Deferring \$85,200 in police equipment for another year or pay part of it with existing funds;
- \$120,000 will be transferred from the Peck Avenue intersection widening project, which will be put on hold, in order to do flood related projects (\$100,000 for repairing the Orchard Avenue Bridge and \$20,000 for a study of the Peck Avenue Bridge). The Mayor added that the adopted budget would include detailed information about existing and future flood projects.
- The Recreation Commission has come up with a proposal to provide a senior option for a limited number of seniors at Rye Golf Club to be paid for by the Recreation Department budget.

- The Golf Commission will lower their rate increase by retooling numbers based on suggestions made at a budget workshop.

Mayor Otis said that the budget proposal would increase funding for the Rye Free Reading Room (RFRR) under the principal that the RFRR is treated no better or worse than City Departments. The budget process started off system-wide with a 1% cut and Departments have been asked to cut more resulting in a 1 ½% cut. The City Manager's budget proposal suggested funding the RFRR at \$1 million. The current proposal for the RFRR is a 1 ½% reduction from last year's funding amount of \$1,173,000, which restores \$155,000 to the suggested amount for a total of \$1,155,000. The Mayor said that if the Council adopts these changes, the tax rate would be reduced from 5.9% to 4.48%. The Council will continue to look for additional ways to reduce costs in the New Year but changes must be made carefully. He added that the City of Rye's level of municipal taxation is among the lowest of municipalities in Westchester County.

The Mayor offered the floor to Councilmembers for their comment:

Councilman Cunningham had questions regarding public safety expenditures. He said that his analysis of 2007, 2006 was that there were positive variances each year under those line items and asked if, even with a buffer of a 10% positive variance in 2007 and 5% in 2006 would it be possible to cut back 1% for these areas? He also asked if part of this expense budget was taken from the Undesignated Fund Balance? City Comptroller Genito said that the policy is that Fund Balance funds any item that is a capital item because they are not normal operating expenses. Capital items that appear in the Operating Budget fall below the threshold that would provide for them to be considered major projects. When you reduce the costs in those areas, Fund Balance is preserved but the tax rate is not lowered. Reducing recurring expenditure lines such as salaries and benefits impacts the tax rate. Mr. Cunningham said that the Finance Committee has recommended a Recession Task Force and he believes they should look into the public safety budget to find additional areas for savings.

Councilman Pratt said that he believed one of the best things to come out of this year's budget process was that the Council and City Administration recognized early in the process that this would be a challenging year. He said we are living in extraordinary times and the Council should take up the offer of the Finance Committee to start the budget process much earlier in the year. In order to do this the Finance Committee must coordinate with the workflow schedule of the Finance Department. The object would be that prior to Manager/Department budget discussions that take place in August, there would be a better idea on the part of the Council of where the money goes in departments, because most money is spent to support service levels. The Council is given the fiduciary responsibility by the people to deliver the best budget possible. Mr. Pratt said he wanted to commend both the City Manager and City Comptroller in how they dealt with the issue of elastic revenues by recognizing that economic trends were changing.

Councilwoman Parker said she had started the budget process believing that there would be a 0% tax increase but has learned that would not be possible in order to maintain the services that "keep Rye, Rye". She added that it has been a difficult budget process and believes the Council has done their best to balance quality of life issues with reductions.

Councilman Sack said that the original budget started at 12%, which was reduced to 5.9% by the time it was presented to the Council and has now been reduced to 4.4% by making actual cuts by City Departments, reworking of estimates of exposure from Rye Town Park, utility costs reductions, increasing fees, an accounting reworking of the Contingency Fund and an actual reduction in personnel costs. He said he believes everyone on the Council feels they can do better and this can be done by starting the budget process on January 1<sup>st</sup>. He said he has learned that the budget process is very compressed, starting the day after Election Day and ending in the middle of December. He believes if the process was started sooner more could be done in terms of adding revenues or reexamining services.

Councilman Ball commended Comptroller Genito for his hard work during the budget process and congratulated the other members of the Council for their work in finding solutions in a difficult year. He said that until there is an “appetite” in the City for reduction in services it would be difficult to get the increase any lower. He said he understood that the RFRR is not receiving the amount they wanted and hopes they understand that the Council did what they could. He added that he was opposed in principle to the proposed 1% increase in Building Department fees because he believes that it is unwise to do anything in the approvals and fees chain that people go through to develop anything in Rye, which is already relatively hostile to development compared to other communities. He said he believed the City could benefit from more development than it is likely to have in this climate.

Councilwoman Gamache said she believed the budget process was a cooperative effort between the Council and staff who were all looking for a fair process. The City has not cut services but it might need to consider it next year if things don't get better.

Mayor Otis asked Karen Bresolin, President of the Rye Free Reading Room Board of Trustees and Kurt Haedler, RFRR Director to respond to Council questions regarding the RFRR.

Councilman Cunningham thanked them for the information they had provided to the Council in the last few weeks regarding their operations. He asked what the RFRR Board had been doing to prepare for the Council's decision on funding for 2009? (The RFRR has prepared three budget scenarios with three hypothetical levels of funding from the City in order to determine the number of hours they could remain open, how much would have to be cut from collection development and also looked to see if there were any areas where they could cut their own costs.) Mr. Cunningham said he wanted to make sure there is a plan going forward regarding what the City can afford for the RFRR and there must be a long-term model for operations. (After the decision on funding is made, the RFRR Director will determine the number of hours the RFRR will be able to remain open, the amount of collections and what reductions in staffing will be made. With \$155,000 given back, the RFRR should be able to be open 49 to 50 hours a week. The RFRR also understands the need to develop a plan for long-term sustainability and has begun internal discussions on how they can come up with a sustainable budget for future years.)

Councilman Sack said the proposal from the City would restore the RFRR almost to the funding level they received last year in order to lessen the impact on library hours and services that the original proposal would have created. He referred to a memorandum from the RFRR Director that indicated that even with the same funding as last year the library would have to

reduce its hours of operation by 16% as a result of other pressures on their budget such as a reduction in donations. (Director Haedler said that presently the RFRR is down about 30% in private fundraising, which could continue even more in 2009; there could also be a 20% cut in New York State aid; the value of their endowment has shrunk, which impacts the amount that can be transferred each year; and the value of investment income should be lower.) Mr. Sack said he was trying to determine what hours of operation would be included in the contract the City will enter into with the RFRR for services next year. If it costs \$200+ an hour to keep the doors open but \$600+ an hour to keep the doors open and do everything else, in times of trouble where do they place the emphasis? (Ms. Bresolin said the challenge is to balance everything, because there is no point in having the doors open if there is nothing to read or no programs to attend. They will try to get as many hours as they can out of the money given to them and still have a budget for books and programs.)

Councilman Pratt said he would support \$1,155,000 in funding for the RFRR in 2009 but said he would rather they budgeted conservatively relative to elastic revenues when calculating the number of hours of operation. The RFRR has been treated like other City Departments in this budget and should expect that they will be treated the same way in future budgets. He advised them to do the best they can with what they get.

Mayor Otis said he would make a motion to change the Budget based upon the amounts in the Budget Modification Memorandum he circulated to Councilmembers and the new page 3.3 tax computation table provided by Comptroller Genito reflecting the changes. The Mayor said that unless there was an objection by a Member of the Council he would propose they vote on the whole package of changes with one vote and at the same time adopt the tax rate of 4.48%. Mr. Genito said that adjusting the Administrative Pay Group salaries affects other funds and another page has been added to reflect those changes. He suggested the Council adopt a sum total Resolution. He said the Council would be adopting the tax levy, which is \$19,138,895 with a tax rate of 137.38 per \$1,000 assessed valuation, a 4.48% increase over 2008. Councilman Ball said that since no one had rallied to his suggestion of eliminating the 1% increase in Building Department fees, he would consent to voting for all the suggested changes in a group.

Mayor Otis made a motion, seconded by Councilman Pratt, to adopt the following Resolution adopting the 2009 Budget package as proposed:

**WHEREAS**, on November 5, 2008 the 2009 Tentative Budget was presented to the City Council, and,

**WHEREAS**, since November 5, 2008 the City Council has discussed several possible amendments to the 2009 Tentative Budget, now, therefore be it

**RESOLVED**, that the tentative budgets and fee schedules as presented in the 2009 Tentative Budget be amended as follows:

Decrease General Fund appropriations:  
City Manager \$5,000;  
City Clerk \$5,449

Public Works \$16,000  
Recreation \$11,315  
Rye Town Park \$90,000  
Electric Utility \$64,000  
Administrative Pay Group Salaries \$25,000  
Police Equipment \$85,200  
Police Uniforms \$39,500  
Transfers to Building and Vehicle Fund for: Recreation Mower (\$30,000); Recreation Staff Vehicle (\$24,000); Fire Chief Vehicle (\$30,000) and DPW Chipper (\$50,000)

Increase General Fund appropriations \$155,000 for Rye Free Reading Room

Increase General Fund Revenues \$25,000 for building permits and increase building permit fees as determined by the Building Inspector, and increase Recreation revenues \$4,236.

Fund \$140,000 of the Contingent Account with undesignated fund balance.

Decrease Administrative Pay Group salaries in the following funds and amounts:

Cable TV Fund \$985  
Golf Club Fund \$2,758  
Building and Vehicle Fund \$769

Decrease appropriations of the Building and Vehicle Fund to reflect the elimination of the following vehicle acquisitions proposed in the Tentative Budget: Recreation Mower (\$30,000); Recreation Staff Vehicle (\$24,000); Fire Chief Vehicle (\$30,000) and DPW Chipper (\$50,000)

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, are hereby adopted as amended for the fiscal year ending December 31, 2009, and be it further

**RESOLVED**, that the City Council does hereby certify to the City Comptroller the 2009 City of Rye tax rate of \$137.38 per \$1,000 taxable assessed valuation and the 2009 City of Rye tax levy of \$19,138,895; and be it further

**RESOLVED**, that the City Council does hereby direct the City Comptroller to apportion and extend against each taxable property listed upon the assessment roll at the tax rate certified in this resolution to produce the tax levy certified in this resolution, and to render tax notices for, and receive and collect, the several sums so computed and determined, with interest as provided by law, and any special assessments heretofore authorized and approved.

ROLL CALL:

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

5. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers  
Roll Call

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

**RESOLVED**, that the City Comptroller is hereby authorized to make the necessary 2008 fiscal year-end budget transfers in City accounts, provided a list of such transfers is furnished to the City Council after completion of such transfers.

ROLL CALL:

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

6. Resolution to authorize participation in Westchester County contracts  
Roll Call

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

**WHEREAS**, by Act No. 8-1983, The County Board of Legislators authorized the County Purchasing Agent to act as Purchasing Agent for any city, town, village, school district or other unit of local government within the County of Westchester County, provided that said unit of local government by act, ordinance or resolution authorizes the County Purchasing Agent to act as its Purchasing Agent for items purchased by the County, and empowering designated officers and employees to sign requisitions, and further directing the proper official of local government to audit and pay County bills for the cost of County services within thirty (30) days after the receipt of said bill by the local government, and to provide the County with such insurance coverage as may be required by the County's Director of Risk Management, NOW, THEREFORE, be it

**RESOLVED**, that the County Purchasing Agent is hereby authorized to act as Purchasing Agent for the City of Rye, New York on a continuing basis, and be it further

**RESOLVED**, that the City Manager, the Assistant City Manager, the City Comptroller, and/or the City Engineer are hereby authorized to sign appropriate requisitions, and be it further

**RESOLVED**, that the City Comptroller is hereby authorized and directed to audit and pay County bills for the cost of County services within thirty (30) days after receipt of said bills, and be it further

**RESOLVED**, that the City Comptroller is hereby authorized to secure and provide to the County of Westchester any and all insurance required by the County's Director of Risk Management, in Accordance with County Act No. 8-1983.

ROLL CALL

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

7. Resolution to accept donation of undeveloped land on Brevoort Lane  
Roll Call

Mayor Otis said the City had been approached by a property owner who owns environmentally sensitive land, with the interest of donating parcels to the City before the end of the year. The motion would be to authorize the City Manager and Corporation Counsel to accept those donations pending their satisfaction related to issues raised by the City Council. Councilman Sack said he would be opposed to accepting this donation if the City has any exposure as a result of any environmental review to be conducted.

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

**RESOLVED**, that the City Manager and Corporation Counsel are authorized to accept the donation of undeveloped land on Brevoort Lane (Sheet 155.20, Block 1, Lot 15 and Sheet 155.20, Block 1, Lot 24 on the Tax Assessment Map of the City of Rye) pending the satisfactory resolution of issues raised by the Council and a determination that there is no exposure to the City as a

result of any environmental review  
conducted.

ROLL CALL

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

8. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2009  
Roll Call

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

**RESOLVED**, that the Mayor be and hereby is authorized to execute an agreement with the Rye Free Reading Room to furnish library services for 2009.

ROLL CALL

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

9. Acceptance of \$400,000 in Federal Grant funds for the Flood Mitigation  
Roll Call

Mayor Otis said that this item was for \$400,000 in State grant funding that has been secured by Assemblyman George Latimer for flood mitigation. It was the intention of the City to use the money towards our local match for the Sluice Gate project.

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

**RESOLVED**, that the City accept \$400,000 in capital funds from the New York State Budget through the Empire State Development Corporation, to be used for flood mitigation.

ROLL CALL

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

NAYS: None  
ABSENT: None

10. Resolution to authorize the submission of a joint application with the Village of Rye Brook for Westchester County Flood Action Program funding  
Roll Call

Mayor Otis said that this was the Sluice Gate application. The City is applying for the Sluice Gate Project as well as funding toward the Upper Pond Resizing geological work. The amount for the project is \$2,471,100 of which the County program will hopefully pay 50%. Twenty percent will come from the Village of Rye Brook and the rest will be funded locally or with outside grants.

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

**RESOLVED**, that the City Council authorizes the submission of a joint application with the Village of Rye Brook for Westchester County Flood Action Program funding.

ROLL CALL

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

11. Discussion to grant authority to bond for the Rye/Rye Brook Flood Mitigation project

This item was deferred to January.

12. Resolution to accept the \$62,500 local share of the FEMA Pre-Disaster Grant (PDM)  
Roll Call

Mayor Otis said this would be the City's share of the Upper Pond Resizing Geological Study. If we also receive money from the County, this could be used as part of the City's share of the County grant.

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

**RESOLVED**, that the City Council authorizes \$62,500 as the local share of the FEMA Pre-Disaster Grant (PDM).

ROLL CALL

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

13. Resolution fixing January 7, 2009 as the first regular meeting and the organizational meeting of the City Council for 2009

Mayor Otis said that due to scheduling purposes, he was proposing that the organizational meeting of the City Council be held on the January 14<sup>th</sup> rather than January 7<sup>th</sup>.

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

**RESOLVED**, that January 14, 2009 is hereby fixed as the first regular and the organizational meeting of the City Council.

- 13A. Request of the Rye Football Association to close a portion of Purchase Street on December 20, 2008 from 9:00 a.m. to 10:00 am

Councilman Ball said this request was being made in order to honor the State Champion Varsity Football and Girls Varsity Soccer Teams. He said he hoped that as many in the community as possible will turn out, not only to support the teams but also to support the merchants who have always supported Rye sports.

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

**RESOLVED**, that the request of the Rye Football Association to close a portion of Purchase Street on December 20, 2008 from 9:00 a.m. to 10:00 a.m. is hereby granted.

14. Consideration to set a public hearing to adopt changes amending local law Chapter 191, Vehicles and Traffic, of the Rye City Code by amending Section 191-18, Subsection D (2) prohibiting all-night parking except that parking will be allowed on the westerly side of Theall Road, off the travel portion of said road from a point approximately four hundred thirty-five 435 feet north of its intersection with Osborn Road and running north for a distance of three hundred fifteen 315 feet. The legislation will become effective after all off-street parking modifications are completed

Mayor Otis said that the public hearing should be set for the second meeting in January but asked if a meeting could be set with the City Manager's Office and representatives of Rye Manor prior to that date in order to discuss any issues relating to the matter.

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

**WHEREAS**, the Council wishes to amend Chapter 191, Vehicle and Traffic, Section 191-18, Subsection D (2) of the Code of the City of Rye prohibiting all-night parking except that parking will be allowed on the westerly side of Theall Road, off the travel portion of said road from a point approximately four hundred thirty-five (435) feet north of its intersection with Osborn Road and running north for a distance of three hundred fifteen (315) feet; 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 January 28, 2009 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 191 of the Code of the City of Rye, Vehicles and Traffic, by amending Section 191-18, Subsection D (2), prohibiting all-night parking except that parking will be allowed on the westerly side of Theall Road, off the travel portion of said road from a point approximately four hundred thirty-five (435) feet north of its intersection with Osborn Road and running north for a distance of three hundred fifteen (315) feet.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 28<sup>th</sup> day of January, 2009 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 191, Vehicles and Traffic, by amending Subsection 191-18 D (2) of the Code of the City of Rye.

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

Dawn F. Nodarse  
City Clerk  
Dated: January 15, 2009

15. Consideration to set a public hearing to adopt a Local Law rescinding Chapter A201 “rules adopted by the Building Inspector with the Consent of Council” and amending Chapter 68 “Building Construction” of the City Code of the City of Rye.

Mayor Otis said the purpose of this local law was to bring the City Code into compliance with the State Building Code. The Mayor asked for a memorandum giving the Council more background on the proposed changes.

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

**WHEREAS**, the Council wishes to rescind Chapter A201, Rules Adopted by the Building Inspector with the Consent of Council, and replace Chapter 68 of the Code of the City of Rye, Building Construction, with a new version which reflects the standards set by New York State 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 January 28, 2009 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 rescind Chapter A201, Rules Adopted by the Building Inspector with the Consent of Council, and replace Chapter 68 of the Code of the City of Rye, Building Construction, with a new version to reflect the standards set by 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 28<sup>th</sup> day of January, 2009 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 rescind Chapter A201, Rules Adopted by the Building Inspector with the Consent of Council, and replace Chapter 68 of the Code of the City of Rye, Building Construction, with a new version to reflect the standards set by New York State.

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

Dawn F. Nodarse  
City Clerk  
Dated: January 15, 2009

16. Authorization for Corporation Counsel to commence proceedings to dispose of abandoned boats at the Boat Basin/Marina

City Manager Shew said that City staff have repeatedly attempted to have the abandoned boats removed on a voluntary basis, with only limited success, and this will provide an additional tool to get the boats removed.

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

**RESOLVED**, that the Corporation Counsel is authorized to commence proceedings to dispose of abandoned boats at the Boat Basin/Marina.

ROLL CALL

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

17. Miscellaneous communications and reports

Councilman Cunningham referred to a response from Westchester County to an email he had sent to the Coordinator of New York State Department of Transportation requesting information as to why the City was turned down for an application for Safe Routes to School funding. He said that the application emphasized that any costs incurred prior to the application, such as work on the Boston Post Road, were ineligible for reimbursement and he found it troubling that that information did not come to the Council, when many hours were put into the application process by members of the community. He said he has communicated with the County Planning Commissioner that he wants to meet with him again in January in order to know what the rules are going forward if there is another round of applications being considered.

Councilman Ball acknowledged the presence of Bill Weeks, a City employee and long-time Rye resident in the audience.

18. Old Business

Councilman Cunningham referred to a letter from a Philips Lane resident regarding people going through their yards and vandalizing their property after they have been fishing on the rocks off the beach and asked the City Manager for an update on the situation. City Manager Shew said it appears that many years ago there was a fence above the wall at the end of Cornell Place. There is enforcement in areas of private property but there have been discussions about what rights people have to access to the ocean. Councilman Cunningham suggested that it could be a safety issue and suggested the Marine Patrol cover the area. He asked that a plan of action to deal with the situation be in place by next Summer. Councilman Pratt added that there are many public access points to water in Rye and it is unacceptable for people to go over private property.

19. New Business

Councilman Pratt said that leaf blower use reports and a discussion of the law were due to be reviewed by the Council in January and he wanted to make sure that ample notice was sent to all who were affected by the law. He suggested setting a date for that discussion at the January 14, 2009 meeting.

20. Draft unapproved minutes of the Budget Workshop held on December 1, 2008, and the Regular Meeting/Budget Workshop of the City Council held on December 3, 2008

Mayor Otis made a motion, seconded by Councilman Pratt and unanimously carried, to approve the minutes of the Budget Workshop held on December 1, 2008 and the Regular Meeting/Budget Workshop of the City Council held on December 3, 2008.

21. Adjournment

There being no further business to discuss, Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried, to adjourn the meeting at 10:24 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk