

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on August 11, 2010 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor  
RICHARD FILIPPI  
PAULA J. GAMACHE  
PETER JOVANOVIICH  
SUZANNA KEITH (Left at 9:25 p.m.)  
CATHERINE F. PARKER (Arrived at 8:04 p.m.)  
JOSEPH A. SACK  
Councilmembers

ABSENT: None

1. Pledge of Allegiance

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

2. Roll Call

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

3. General Announcements

- New voting machines will be used beginning with the September 14<sup>th</sup> Primary. Councilman Sack filmed an “Eye on Rye” with the City Clerk about the new machines and how they will work.
- The “stop sign test” in the Central Business District started this week. The feedback is positive.
- The City is continuing with its hazing and harassment policy toward coyotes.

4. Draft unapproved minutes of the regular meeting of the City Council held July 21, 2010 and the special meeting of the City Council held July 26, 2010

Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on July 21, 2010.

Councilwoman Keith made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the special meeting of the City Council held on July 26, 2010, as amended.

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

*Robin Jovanovich, 647 Milton Road*, said that the news about the stop sign test is terrific, but if the City is looking to raise cash immediately, about 40% of drivers seem to be talking on their cell phones.

Agenda Items 9, 10, 12, 6A and 8 were taken out of order.

6. Mayor's Management Report

- Legal update

Interim Corporation Counsel Kristen Wilson provided the following update on pending litigation:

- RB Conway breach of contract action - both parties have made a motion for summary judgment and opposition papers are due later this week.
  - Schubert matters: (1) Schubert v. City of Rye (Federal Civil Rights action) – motions to dismiss are pending. (2) Schubert v. Planning Commission, et al, (Article 78 Proceeding) – a motion to dismiss was filed and served this week. (3) Schubert v. Gates – a trespass and nuisance case that the City is not a party to. Some City employees have received subpoenas and it could impact the Federal litigation.
  - Beaver Swamp Brook Administrative Action – the City's consultants are reviewing the most recent application by the Town of Harrison.
  - Shew v. City of Rye – a breach of contract and defamation case is still pending.
  - Panetta v. Planning Commission (Article 78 proceeding) – Petitioner is seeking to overturn a decision of the Planning Commission. A motion to dismiss part of the complaint is pending.
  - The Molloy Cottage (Article 78 proceeding) – Petitioner is also seeking to overturn a decision of the Planning Commission. The matter is fully submitted. A matter pending in Rye City Court is held in abeyance pending a decision in the Article 78 proceeding.
  - Delli Paoli v. City of Rye (Article 78 proceeding) – Petitioner is seeking to overturn a decision of the Zoning Board of Appeals. The City is waiting to receive Reply papers from the petitioner.
  - Townsend v. City of Rye (Article 78 action) - pending in the Appellate Division, Second Department. A date for oral argument is awaited.
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- Status of Labor Contracts update

City Manager Pickup updated the Council on the status of labor negotiations with the City's four bargaining units:

Police Unit (PBA) – There have been two sessions with the State appointed mediator and a third is scheduled for September. If there is no resolution at that point, it will probably move forward to arbitration. Arbitration usually covers two years.

Uniformed Services (Fire Fighters Association) – The contract expired 1/1/10. They have not initiated negotiations at this point. In past negotiations, this unit has waited until there is a settlement with the Police Unit before they become active in negotiations.

CSEA (DPW) – The contract expired 1/1/10. They have held numerous bargaining sessions and are making some progress. This is the largest bargaining unit by membership and in many instances that contract is a pattern setting contract for other groups.

CSEA (Clerical) – The contract is not up until the end of this year. Negotiations have not been initiated.

- United Water Rate case update

City Manager Pickup said that the current round of negotiations goes back to 2007 when United Water purchased the assets of Aquarian Water in Westchester and agreed not to file for any base rate increase until 2009. A request was received for an increase in November 2009. The City of Rye and Village of Rye Brook combined with a water rates case attorney Joel Dichter, Esq. who presented a series of proposals to drive down the initial requested rate increase. The base rate was dropped from a 15% proposed increase to 10%. An additional piece, covering the years 2011, 2012 and 2013, mandates that United Water meet system investment targets in order to gain additional increases in base rates. Meeting these targets should drive down the amount of lost water in the system and ultimately benefit all rate payers in the system. There will be a hearing on the water rates case held in City Hall Council Chambers on August 26<sup>th</sup> at 4:00 p.m. Anyone in the United Water system can come and comment on the record.

Council comments and questions included:

- If the first year increase is 10% what would the total increase be over the next four years? (It would fluctuate depending upon the amount of investment in infrastructure that is certified, but could be up to an additional 5% per year.)
- Can water bills go up based on the amount of water used? (If the company has to go out and purchase excess water from the New York City system, it is purchased at a higher rate and is passed on to the rate payers.)
- What is the purpose of the August 26<sup>th</sup> public hearing? (It is part of the Public Service Commission (PSC) process for rate setting. It offers an opportunity for people impacted by the rates to comment on the record.)
- Are other communities going before the PSC to challenge their rate increases? (Nyack and New Rochelle, where the rates were substantially higher.)
- When was the last base rate increase? (2004)
- Can United Water go back to the PSC for another increase if the infrastructure is improved and water usage is reduced? (Mr. Pickup is not aware of the PSC issuing a rate increase based on reduced consumption.)

- What would have happened if the City did not settle? (The initial rate increase would have probably been 15% and there probably have been larger increases in the additional years without any incentive for United Water to meet investment targets.)

6A. Presentation by the Finance Committee on City debt limitations

Chairman David Mullane presented a report of a sub-committee of the Finance Committee made up of himself, Norman McMasters and Arthur Stampleman that was formed in response to a request from the Mayor to explore the Charter Bond Limitations. A memorandum prepared by the Committee represents the majority view of the full Finance Committee, which recommends that the Charter Bond Limitations not be amended. He offered an overview of the memo, which also reflects the minority view of the Committee. The Charter statute requires that (1) any bond issuance that exceeds 10% of the City's average annual budget for the past three years must be approved by taxpayer vote. (2) Anything between 5% and 10% of the three-year average can be approved with a Council majority vote on two conditions: (a) that the vote can be challenged by permissive referendum, and (b) the amount is reduced by the aggregate amount of unretired debt issued that way in the past. (3) Any debt up to 5% of the three-year average can be approved solely by Council vote, with prior debt also taken into consideration. Mr. Mullane likened it to a line of credit that must account for draw downs. Currently only \$18,000 remains of the amount the Council can approve. There are exceptions outside the Charter where the Council can act solely by majority vote, such as for judgments, assessment district capital improvements, environmental infrastructure needs and public safety improvements. The Committee offered a proposal for an amendment to the Charter that would allow for the bonding for the City's share of public improvements subject to at least the receipt of 50% or more of matching funds where the City Manager determines those matching funds will be received in a reasonable time frame. This should be subject to a \$400,000 annual cap and \$1 million aggregate cap. He said that minority arguments included: (1) the Charter limitations are too complex; (2) it is illogical to consider some of the aggregate funding limitations, so the Council should limit the deductions to debt issued in the past few years or the life of a Council; (3) Permissive Referendums should be done away with because Councils view them the same as Mandatory Referendums; (4) Rye can tolerate more debt; and (5) Charter limitations restrict the ability of the Council to make capital improvements. Mr. Mullane said that the majority of the Committee believes that the Charter is very flexible and provides a "best of both worlds" scenario because the Council has a great deal of authority to issue bonds subject to their own vote; there are many types of bond issuances that are not subject to the Charter; and, it provides a system of checks and balances that allows the taxpayers to weigh in when significant debt is incurred. The Council can issue \$5 million of debt subject to its own vote; another \$2 million subject to permissive referendum; \$2.5 million under the public safety exception; and unlimited amounts to pay for the various exceptions. Charter debt limitations only apply to bond issuance and do not address any borrowing done outside of the Charter. The City's ability to issue debt subject to taxpayer approval is not restricted and, therefore, the majority of the Committee does not think there is a compelling need to change the Charter Bond Limitations.

Council comments and questions included:

- Debt is mortgaging your future and the Charter is designed so that it is up to the public to make the larger decisions on what to pay for.
- Should the City consider refinancing everything at one lump sum since the interest rates are still low? (Mr. Mullane said that personally he believed that as a general matter the Council should consider any opportunity to refinance debt to free up flexibility or reduce debt service. He said the Finance Committee would be happy to look into that issue.)
- The Charter is not fool proof. Part of the reason for the City's cash crisis is that it has to pay for property that was bought outside of the Charter limitations.

7. Public Hearing to amend local law, Chapter 144, Peddling and Soliciting, of the Rye City Code, to revise the law on solicitation

Interim Corporation Counsel Wilson summarized the proposed changes to the law:

- The time frame for solicitors to go door-to-door has been changed from dawn to dusk to 9:00 a.m. to 8:00 p.m. In researching case law, 7:00 p.m. has been found to be unconstitutional in restricting the time when solicitors can go door to door and 9:00 p.m. has been found to be constitutional. The City is trying to use 8:00 p.m. as a reasonable time.
- Solicitors will be required to have a photo attached to their permits.
- Organizations using children under the age of 16 as solicitors will be required to provide parental consent.
- A criminal background check will be required for commercial solicitors.
- A "No Knock Registry" will allow residents to register their property on line. Solicitors will be required to download the most recent list from the registry each day they solicit.
- There are enforcement provisions for violating the law that allow for fines of up to \$250.
- There are exemptions from the licensing procedure for certain organizations such as the Girl Scouts and Boy Scouts, people ordered by the Court to sell certain items or war veterans. Not-For-Profit Organizations would be required to get a permit but will not be charged for it.
- Religious Groups not seeking money and politicians are exempt from the law.

Ms. Wilson said that when the adopted law goes into effect is up to the Council. It could be effective upon filing with the Secretary of State or at a future date that the Council designates. She said that other communities have put a Frequently Asked Questions (FAQ) section on their websites explaining what the law actually does and doesn't do. The City can also reach out to the organizations that solicit in the City on a regular basis and advise them of the changes.

Councilwoman Gamache made a motion, seconded by Councilwoman Parker and unanimously carried, to open the public hearing.

*Linda Wells, 27 Radcliffe Avenue*, asked if there was a charge for the permit and what would be the cost to the City for administering the procedure. Ms. Wilson said that the permit fee would be set annually by the City Council as part of the budget process. Registering for the "No Knock Registry" would be done by the residents themselves by going to the City website and signing up, similarly to the way they sign up for City list serves. They would also be able to remove themselves from the list if they want to.

The public hearing was left open until the next City Council meeting to allow for additional public comment.

8. Public Hearing to repeal Chapter 87, Environmental Quality Review, and add new Chapter 87, Escrow Provisions, of the Rye City Code to assign the costs of any experts utilized by a City Board or Commission to the applicant

Interim Corporation Counsel Wilson said that the proposed local law will repeal the existing Chapter 87, which has become obsolete, and replace it with a new Chapter 87 called Escrow Provisions. This will allow any City Department employee who needs to hire experts, to do so at the applicant's cost by using funds put in an escrow fund by the applicant for that purpose. This will update a similar provision in the City Code that expired several years ago.

Councilwoman Gamache made a motion, seconded by Councilman Jovanovich and unanimously carried, to open the public hearing.

*Ray Targaglione*, said he believed this law would save the City thousands of dollars and that it was a "no brainer."

The public hearing was left open until the next City Council meeting to allow for additional public comment.

9. Resolution authorizing the City Comptroller to seek Revenue Anticipation Notes (RAN) for specific capital projects  
Roll Call.

Comptroller Jean Gribbins said that these were the Revenue Anticipation Notes (RANs) that she had briefed the Council about at the July 26<sup>th</sup> meeting. They will help keep the City whole on a cash basis while money is awaited from reimbursement grants. She would like to immediately borrow the money for the Bird Homestead grants that it expects will be received and wait on borrowing for the Bowman Avenue Sluice Gate, Central Avenue Bridge and Theodore Fremd Avenue Retaining Wall projects until construction begins on the projects and the City has to start laying out the money.

Council questions and comments included:

- Why are we only borrowing \$550,000 for the Bird Homestead when we laid out \$1 million? (We are confident we will receive the \$550,000. The Comptroller is not confident to borrow against the other \$450,000 at this time. Additionally, the City must provide documentation that it will receive the grant money to issue the RAN's and only has it for the Historic Preservation Grant and a Member Item Grant at this time.)
- What happens if the City does not get the money it anticipates getting? (The City has up to a year to borrow and then can roll it over for one more year. After that it would have to be paid back.)
- If the City received additional contracts on the remaining \$450,000 would more RAN's be issued? (The Comptroller would come back to the Council for approval.)

- When will we expect to receive the money for the other three projects? (The project closest to reimbursement to the City is the Central Avenue Bridge, followed by the Theodore Fremd Avenue Wall project and then the Bowman Avenue Sluice Gate project. However, the City has not laid out money on those projects yet.)
- Revenue Anticipation Notes are like a band aid to help the City work on its cash flow problems.
- Are more municipalities using RAN's? (More and more municipalities do this on a fairly regular basis for cash flow management.)

Councilwoman Keith Made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

**REVENUE ANTICIPATION NOTE RESOLUTION, DATED AUGUST 11, 2010, AUTHORIZING THE ISSUANCE OF A \$550,000 AGGREGATE PRINCIPAL AMOUNT REVENUE ANTICIPATION NOTE OF THE CITY OF RYE, LOCATED IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, IN ANTICIPATION OF THE RECEIPT OF MONEYS TO BE RECEIVED IN AND FOR THE CITY IN ITS FISCAL YEAR ENDING DECEMBER 31, 2011.**

**WHEREAS**, the City of Rye (the "City"), a municipal corporation of the State of New York (the "State"), located in the County of Westchester, pursuant to the Local Finance Law, desires to issue a revenue anticipation note in anticipation of the receipt of revenues from the NYS Office of Parks & Historic Preservation (\$350,000) and the Westchester County Legacy Program (\$200,000) expected to be received by the City for their respective share of the costs of the acquisition of the bird Homestead to be received in and for the City in its fiscal year ending December 31, 2011; and

**WHEREAS**, the receipt of such moneys is expected to be received prior to the close of the City's fiscal year ending December 31, 2011; and

**WHEREAS**, none of such moneys to be received in such fiscal year has been received by the City as of the date hereof, leaving \$550,000 of such moneys not yet received in such fiscal year; and

**WHEREAS**, during the fiscal year ending December 31, 2011, the actual amount of such moneys received by the City is expected to be \$550,000; and

**WHEREAS**, no revenue anticipation notes have been authorized or issued in anticipation of the receipt of such moneys in such fiscal year; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rye, located in the County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued a revenue anticipation note of the City in the aggregate principal amount of up to \$550,000, pursuant to the Local Finance Law, in anticipation of the receipt of moneys from the NYS Office of Parks & Historic Preservation and from the Westchester County Legacy Program expected to be received by the City for their respective share of costs of the acquisition of the Bird Homestead to be received in and for the City in its fiscal year ending December 31, 2011; provided, however, that no such note as authorized herein shall be issued under this Resolution at any time in an amount which exceeds the "cumulative cash-flow deficit" within the meaning of the applicable Internal Revenue Code regulations with respect to such note. Such note shall be designated the "City of Rye, New York Revenue Anticipation Note, Series 2010" (the "Note").

Section 2. The Note shall be dated, shall mature, shall be in a denomination and series and shall bear interest at the rate of interest per annum, as determined at the time of the sale of the Note by the City Comptroller at a private sale in accordance with the provisions of the Local Finance Law of the State and Chapter 2 of the New York Code of Rules and Regulations.

Section 3. The City Council of the City has ascertained and hereby states that (a) \$550,00 of such anticipated moneys referred to herein remain unreceived as of the date hereof for the fiscal year of the City ending December 31, 2011; (b) no revenue anticipation notes have heretofore been authorized or issued in anticipation of the receipt of such moneys for such fiscal year, except the Note; (c) no amount has been included in the annual budget of the City for such fiscal year to offset, in whole or in part, any anticipated deficiency in the receipt during such fiscal year of such moneys to be received for such fiscal year; (d) the Note is to be issued in anticipation of the receipt of revenues other than real estate taxes and assessments; (e) the date of maturity of the Note and any renewals thereof, shall not be extended beyond December 31, 2013, which is the close of the applicable period provided in Section 25.00 of the Local Finance Law for the maturity of the Note; and (f) all earnings from the proceeds of the Note, if any, shall be applied to the payment of interest on the Note when due and payable, or for the payment of other governmental purposes of the City within the meaning of the United States Treasury Regulations or other such regulations in effect or proposed on the date of the Note.

Section 4. Pursuant to the provisions of the Local Finance Law, including Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to sell, issue and deliver the Note and the power to prescribe the terms, form and contents of the Note, including any renewals thereof, are hereby delegated to the City Comptroller, as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute the Note on behalf of the City and the City Clerk is hereby authorized to impress the seal of the City on the Note (or to have imprinted a facsimile thereof) and to attest such seal. The City Comptroller is hereby authorized to deliver the Note to the purchaser thereof upon payment and receipt in full of the purchase price thereof.

Section 5. The Note shall be a full faith and credit obligation of the City pursuant to Article VIII, Section 2 of the New York Constitution and the Local Finance Law payable first from moneys for which the Note is issued in anticipation of the receipt thereof.

Section 6. The City Comptroller is hereby directed to file with the City Council of the City, a certificate or certificates reporting the date of the Note, the date the Note matures, the rate of interest payable on the Note, the purchaser of the Note, and a statement to the effect that the power of the City Comptroller to sell, issue and deliver the Note is in full force and effect and has not been modified, amended or revoked prior to the delivery of and payment for the Note, and such other certificates as may be delivered to the purchaser of the Note.

Section 7. In the absence of the City Comptroller, the Deputy Comptroller is hereby authorized to exercise the powers referred to in Sections 4 and 6 of this Resolution.

Section 8. The City covenants for the benefit of the holders and beneficial owners of the Note that it will not make any use of the proceeds of the Note, any funds reasonably expected to be used to pay the principal of or interest on the Note, or any other funds of the City, which would cause the interest on the Note to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to the Note or the proceeds thereof, if such action or omission would cause the interest on the Note to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the Note or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the Note may be applied to reimburse expenditures or commitments made prior to the issuance of the Note on or after a date which is not more than sixty (60) days prior to the date of adoption of this Resolution by the City Council of the City.

Section 9. For the benefit of the holders and beneficial owners from time to time of the Note, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the "Rule") promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as May be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose and thereby implement that agreement, including provisions for enforcement,

amendment and termination, the City Comptroller of the City is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Note in accordance with the Rule, with any changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet the costs the City would be required to incur to perform thereunder. The City Comptroller, acting on behalf of the City, is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, the City attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This Resolution shall take effect immediately upon its adoption by a majority vote of the voting strength of the City Council of the City.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,  
Keith and Parker  
NAYS: Councilman Sack  
ABSENT: None

The Resolution was adopted by a 6-1 vote.

Councilwoman Keith made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

**REVENUE ANTICIPATION NOTE RESOLUTION, DATED AUGUST 11, 2010, AUTHORIZING THE ISSUANCE OF A \$1,500,000 AGGREGATE PRINCIPAL AMOUNT REVENUE ANTICIPATION NOTE OF THE CITY OF RYE, LOCATED IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, IN ANTICIPATION OF THE RECEIPT OF MONEYS TO BE RECEIVED IN AND FOR THE CITY IN ITS FISCAL YEAR ENDING DECEMBER 31, 2011.**

**WHEREAS**, the City of Rye (the "City"), a municipal corporation of the State of New York (the "State"), located in the County of Westchester, pursuant to the Local Finance Law, desires to issue a revenue anticipation note in anticipation of the receipt of revenues from New York State (\$400,000) and Westchester County (\$1,100,000) expected to be received by the City for their respective share of the costs of the acquisition, construction and reconstruction of the Bowman Avenue Sluice Gate to be received, in and for the City, to be received in its fiscal year ending December 31, 2011; and

**WHEREAS**, the receipt of such moneys is expected to be received prior to the close of the City's ending December 31, 2011; and

**WHEREAS**, none of such moneys to be received in such fiscal year has been received by the City as of the date hereof, leaving \$1,500,000 of such moneys not yet received in such fiscal year; and

**WHEREAS**, during the fiscal year ending December 31, 2011, the actual amount of such moneys received by the City is expected to be \$1,500,000; and

**WHEREAS**, no revenue anticipation notes have been authorized or issued in anticipation of the receipt of such moneys in such fiscal year; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rye, located in the County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued a revenue anticipation note of the City in the aggregate principal amount of up to \$1,500,000, pursuant to the Local Finance Law, in anticipation of the receipt of moneys from New York State and Westchester County expected to be received by the City for their respective share of the costs of the acquisition, construction and reconstruction of the Bowman Avenue Sluice Gate in its fiscal year ending December 31, 2011; provided, however, that no such note as authorized herein shall be issued under this Resolution at any time in an amount which exceeds the "cumulative cash-flow deficit" within the meaning of the applicable Internal Revenue Code regulations with respect to such note. Such note shall be designated the "City of Rye, New York Revenue Anticipation Note, Series 2010" (the "Note").

Section 2. The Note shall be dated, shall mature, shall be in a denomination and series and shall bear interest at the rate of interest per annum, as determined at the time of the sale of the Note by the City Comptroller at a private sale in accordance with the provisions of the Local Finance Law of the State and Chapter 2 of the New York Code of Rules and Regulations.

Section 3. The City Council of the City has ascertained and hereby states that (a) \$1,500,000 of such anticipated moneys referred to herein remain unreceived as of the date hereof for the fiscal year of the City ending December 31, 2011; (b) no revenue anticipation notes have heretofore been authorized or issued in

anticipation of the receipt of such moneys for such fiscal year, except the Note; (c) no amount has been included in the annual budget of the City for such fiscal year to offset, in whole or in part, any anticipated deficiency in the receipt during such fiscal year of such moneys to be received for such fiscal year; (d) the Note is to be issued in anticipation of the receipt of revenues other than real estate taxes and assessments; (e) the date of maturity of the Note and any renewals thereof, shall not be extended beyond December 31, 2013, which is the close of the applicable period provided in Section 25.00 of the Local Finance Law for the maturity of the Note; and (f) all earnings from the proceeds of the Note, if any, shall be applied to the payment of interest on the Note when due and payable, or for the payment of other governmental purposes of the City within the meaning of the United States Treasury Regulations or other such regulations in effect or proposed on the date of the Note.

Section 4. Pursuant to the provisions of the Local Finance Law, including Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to sell, issue and deliver the Note and the power to prescribe the terms, form and contents of the Note, including any renewals thereof, are hereby delegated to the City Comptroller, as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute the Note on behalf of the City and the City Clerk is hereby authorized to impress the seal of the City on the Note (or to have imprinted a facsimile thereof) and to attest such seal. The City Comptroller is hereby authorized to deliver the Note to the purchaser thereof upon payment and receipt in full of the purchase price thereof.

Section 5. The Note shall be a full faith and credit obligation of the City pursuant to Article VIII, Section 2 of the New York Constitution and the Local Finance Law payable first from moneys for which the Note is issued in anticipation of the receipt thereof.

Section 6. The City Comptroller is hereby directed to file with the City Council of the City, a certificate or certificates reporting the date of the Note, the date the Note matures, the rate of interest payable on the Note, the purchaser of the Note, and a statement to the effect that the power of the City Comptroller to sell, issue and deliver the Note is in full force and effect and has not been modified, amended or revoked prior to the delivery of and payment for the Note, and such other certificates as May be delivered to the purchaser of the Note.

Section 7. In the absence of the City Comptroller, the Deputy Comptroller is hereby authorized to exercise the powers referred to in Sections 4 and 6 of this Resolution.

Section 8. The City covenants for the benefit of the holders and beneficial owners of the Note that it will not make any use of the proceeds of the Note, any funds reasonably expected to be used to pay the principal of or interest on the Note, or any other funds of the City, which would cause the interest on the Note to become subject to federal income taxation under the Internal Revenue Code of

1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to the Note or the proceeds thereof, if such action or omission would cause the interest on the Note to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the Note or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the Note may be applied to reimburse expenditures or commitments made prior to the issuance of the Note on or after a date which is not more than sixty (60) days prior to the date of adoption of this Resolution by the City Council of the City.

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

Section 10. This Resolution shall take effect immediately upon its adoption by a majority vote of the voting strength of the City Council of the City.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,  
Keith, Parker and Sack  
NAYS: None  
ABSENT: None

The Resolution was adopted by a 7-0 vote.

Councilwoman Keith made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

**REVENUE ANTICIPATION NOTE RESOLUTION, DATED AUGUST 11, 2010, AUTHORIZING THE ISSUANCE OF A \$1,400,000 AGGREGATE PRINCIPAL AMOUNT REVENUE ANTICIPATION NOTE OF THE CITY OF RYE, LOCATED IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, IN ANTICIPATION OF THE RECEIPT OF MONEYS TO BE RECEIVED IN AND FOR THE CITY IN ITS FISCAL YEAR ENDING DECEMBER 31, 2011.**

**WHEREAS**, the City of Rye(the “City ”), a municipal corporation of the State of New York (the “State”), located in the County of Westchester, pursuant to the Local Finance Law, desires to issue a revenue anticipation note in anticipation of the receipt of revenues from the Federal Highway Administration of \$1,400,000 expected to be received by the City for their respective share of the costs of acquisition, construction and reconstruction of the Central Avenue Bridge, in and for the City, to be received in its fiscal year ending December 31, 2011; and

**WHEREAS**, the receipt of such moneys is expected to be received prior to the close of the City’s year ending December 31, 2011; and

**WHEREAS**, none of such moneys to be received in such fiscal year has been received by the City as of the date hereof, leaving \$1,400,000 of such moneys not yet received in such fiscal year; and

**WHEREAS**, during the fiscal year ending December 31, 2011, the actual amount of such moneys received by the City is expected to be \$1,400,000; and

**WHEREAS**, no revenue anticipation notes have been authorized or issued in anticipation of the receipt of such moneys in such fiscal year; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rye, located in the County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued a revenue anticipation note of the City in the aggregate principal amount of up to \$1,400,000, pursuant to the Local Finance Law, in anticipation of the receipt of moneys from the Federal Highway Administration expected to be received by the City for their respective share of the costs of the acquisition, construction and reconstruction of the Central Avenue Bridge in its fiscal year ending December 31, 2011; provided, however, that no such note as authorized herein shall be issued under this Resolution at any time in an amount which exceeds the "cumulative cash-flow deficit" within the meaning of the applicable Internal Revenue Code regulations with respect to such note. Such note shall be designated the "City of Rye, New York Revenue Anticipation Note, Series 2010" (the "Note").

Section 2. The Note shall be dated, shall mature, shall be in a denomination and series and shall bear interest at the rate of interest per annum, as determined at the time of the sale of the Note by the City Comptroller at a private sale in accordance with the provisions of the Local Finance Law of the State and Chapter 2 of the New York Code of Rules and Regulations.

Section 3. The City Council of the City has ascertained and hereby states that (a) \$1,400,000 of such anticipated moneys referred to herein remain unreceived as of the date hereof for the fiscal year of the City ending December 31, 2011; (b) no revenue anticipation notes have heretofore been authorized or issued in anticipation of the receipt of such moneys for such fiscal year, except the Note; (c) no amount has been included in the annual budget of the City for such fiscal year to offset, in whole or in part, any anticipated deficiency in the receipt during such fiscal year of such moneys to be received for such fiscal year; (d) the Note is to be issued in anticipation of the receipt of revenues other than real estate taxes and assessments; (e) the date of maturity of the Note and any renewals thereof, shall not be extended beyond December 31, 2013, which is the close of the applicable period provided in Section 25.00 of the Local Finance Law for the maturity of the Note; and (f) all earnings from the proceeds of the Note, if any, shall be applied to the payment of interest on the Note when due and payable, or for the payment of other governmental purposes of the City within the meaning of the United States Treasury Regulations or other such regulations in effect or proposed on the date of the Note.

Section 4. Pursuant to the provisions of the Local Finance Law, including Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to sell, issue and deliver the Note and the power to prescribe the terms, form and contents of the Note, including any renewals thereof, are hereby delegated to the City Comptroller, as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute the Note on behalf of the City and the City Clerk is hereby authorized to impress the seal of the City on the Note (or to have imprinted a facsimile thereof) and to attest such seal. The City Comptroller is hereby

authorized to deliver the Note to the purchaser thereof upon payment and receipt in full of the purchase price thereof.

Section 5. The Note shall be a full faith and credit obligation of the City pursuant to Article VIII, Section 2 of the New York Constitution and the Local Finance Law payable from moneys for which the Note is issued in anticipation of the receipt thereof.

Section 6. The City Comptroller is hereby directed to file with the City Council of the City, a certificate or certificates reporting the date of the Note, the date the Note matures, the rate of interest payable on the Note, the purchaser of the Note, and a statement to the effect that the power of the City Comptroller to sell, issue and deliver the Note is in full force and effect and has not been modified, amended or revoked prior to the delivery of and payment for the Note, and such other certificates as May be delivered to the purchaser of the Note.

Section 7. In the absence of the City Comptroller, the Deputy Comptroller is hereby authorized to exercise the powers referred to in Sections 4 and 6 of this Resolution.

Section 8. The City covenants for the benefit of the holders and beneficial owners of the Note that it will not make any use of the proceeds of the Note, any funds reasonably expected to be used to pay the principal of or interest on the Note, or any other funds of the City, which would cause the interest on the Note to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to the Note or the proceeds thereof, if such action or omission would cause the interest on the Note to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the Note or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the Note may be applied to reimburse expenditures or commitments made prior to the issuance of the Note on or after a date which is not more than sixty (60) days prior to the date of adoption of this Resolution by the City Council of the City.

Section 9. For the benefit of the holders and beneficial owners from time to time of the Note, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the "Rule") promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify

certain terms of the City's continuing disclosure agreement for that purpose and thereby implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller of the City is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Note in accordance with the Rule, with any changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet the costs the City would be required to incur to perform thereunder. The City Comptroller, acting on behalf of the City, is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, the City attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This Resolution shall take effect immediately upon its adoption by a majority vote of the voting strength of the City Council of the City.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,  
Keith, Parker and Sack  
NAYS: None  
ABSENT: None

The Resolution was adopted by a 7-0 vote.

Councilwoman Keith made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

**REVENUE ANTICIPATION NOTE RESOLUTION, DATED AUGUST 11, 2010, AUTHORIZING THE ISSUANCE OF A \$1,100,000 AGGREGATE PRINCIPAL AMOUNT REVENUE ANTICIPATION NOTE OF THE CITY OF RYE, LOCATED IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, IN ANTICIPATION OF THE RECEIPT OF MONEYS TO BE RECEIVED IN AND FOR THE CITY IN ITS FISCAL YEAR ENDING DECEMBER 31, 2011.**

**WHEREAS**, the City of Rye (the “City”), a municipal corporation of the State of New York (the “State”), located in the County of Westchester, pursuant to the Local Finance Law, desires to issue a revenue anticipation note in anticipation of the receipt of revenues from the Federal Highway Administration of \$1,100,000 expected to be received by the City for their respective share of the costs of the acquisition, construction and reconstruction of the Theodore Fremd / Blind Brook Retaining Wall, in and for the City, to be received in its fiscal year ending December 31, 2011; and

**WHEREAS**, the receipt of such moneys is expected to be received prior to the close of the City’s year ending December 31, 2011; and

**WHEREAS**, none of such moneys to be received in such fiscal year has been received by the City as of the date hereof, leaving \$1,100,000 of such moneys not yet received in such fiscal year; and

**WHEREAS**, during the fiscal year ending December 31, 2011, the actual amount of such moneys received by the City is expected to be \$1,100,000; and

**WHEREAS**, no revenue anticipation notes have been authorized or issued in anticipation of the receipt of such moneys in such fiscal year; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rye, located in the County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued a revenue anticipation note of the City in the aggregate principal amount of up to \$1,100,000, pursuant to the Local Finance Law, in anticipation of the receipt of moneys from the Federal Highway Administration expected to be received by the City for their respective share of the costs of the acquisition, construction and reconstruction of the Theodore Fremd / Blind Brook Retaining Wall in its fiscal year ending December 31, 2011; provided, however, that no such note as authorized herein shall be issued under this Resolution at any time in an amount which exceeds the “cumulative cash-flow deficit” within the meaning of the applicable Internal Revenue Code regulations with respect to such note. Such note shall be designated the “City of Rye, New York Revenue Anticipation Note, Series 2010” (the “Note”).

Section 2. The Note shall be dated, shall mature, shall be in a denomination and series and shall bear interest at the rate of interest per annum, as determined at the time of the sale of the Note by the City Comptroller at a private sale in accordance with the provisions of the Local Finance Law of the State and Chapter 2 of the New York Code of Rules and Regulations.

Section 3. The City Council of the City has ascertained and hereby states that (a) \$1,100,000 of such anticipated moneys referred to herein remain unreceived as of the date hereof for the fiscal year of the City ending December

31, 2011; (b) no revenue anticipation notes have heretofore been authorized or issued in anticipation of the receipt of such moneys for such fiscal year, except the Note; (c) no amount has been included in the annual budget of the City for such fiscal year to offset, in whole or in part, any anticipated deficiency in the receipt during such fiscal year of such moneys to be received for such fiscal year; (d) the Note is to be issued in anticipation of the receipt of revenues other than real estate taxes and assessments; (e) the date of maturity of the Note and any renewals thereof, shall not be extended beyond December 31, 2013, which is the close of the applicable period provided in Section 25.00 of the Local Finance Law for the maturity of the Note; and (f) all earnings from the proceeds of the Note, if any, shall be applied to the payment of interest on the Note when due and payable, or for the payment of other governmental purposes of the City within the meaning of the United States Treasury Regulations or other such regulations in effect or proposed on the date of the Note.

Section 4. Pursuant to the provisions of the Local Finance Law, including Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to sell, issue and deliver the Note and the power to prescribe the terms, form and contents of the Note, including any renewals thereof, are hereby delegated to the City Comptroller, as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute the Note on behalf of the City and the City Clerk is hereby authorized to impress the seal of the City on the Note (or to have imprinted a facsimile thereof) and to attest such seal. The City Comptroller is hereby authorized to deliver the Note to the purchaser thereof upon payment and receipt in full of the purchase price thereof.

Section 5. The Note shall be a full faith and credit obligation of the City pursuant to Article VIII, Section 2 of the New York Constitution and the Local Finance Law payable from moneys for which the Note is issued in anticipation of the receipt thereof.

Section 6. The City Comptroller is hereby directed to file with the City Council of the City, a certificate or certificates reporting the date of the Note, the date the Note matures, the rate of interest payable on the Note, the purchaser of the Note, and a statement to the effect that the power of the City Comptroller to sell, issue and deliver the Note is in full force and effect and has not been modified, amended or revoked prior to the delivery of and payment for the Note, and such other certificates as May be delivered to the purchaser of the Note.

Section 7. In the absence of the City Comptroller, the Deputy Comptroller is hereby authorized to exercise the powers referred to in Sections 4 and 6 of this Resolution.

Section 8. The City covenants for the benefit of the holders and beneficial owners of the Note that it will not make any use of the proceeds of the Note, any funds reasonably expected to be used to pay the principal of or interest on the Note, or any other funds of the City, which would cause the interest on the

Note to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to the Note or the proceeds thereof, if such action or omission would cause the interest on the Note to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the Note or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the Note may be applied to reimburse expenditures or commitments made prior to the issuance of the Note on or after a date which is not more than sixty (60) days prior to the date of adoption of this Resolution by the City Council of the City.

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

other qualified independent special counsel in determining whether a filing should be made.

Section 10. This Resolution shall take effect immediately upon its adoption by a majority vote of the voting strength of the City Council of the City.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich, Keith, Parker and Sack

NAYS: None

ABSENT: None

The Resolution was adopted by a 7-0 vote.

10. Resolution authorizing the City Comptroller to reallocate the Recreation Bond to be used for debt service  
Roll Call.

City Manager Pickup said that City Comptroller Gribbins has been working hard to identify money to reduce the City's 2011 budget exposure. This is an additional strategy. The City looked at balancing out additional investment in the Recreation facility, including an additional \$125,000 of projects that are included in the current budget, while at the same time giving the Council flexibility in 2011 and 2012 to prioritize projects or look at other sources of revenues for capital projects.

Council questions and comments included:

- During the budget discussions last year the Council asked if the bond funds could be spent on anything other than recreation capital improvements and was told that they could not be. Why is there a change in direction? (When a project is finished you are allowed to use the left over money to pay back the debt. That is the point the City is at now.)
- Are we reallocating the money for debt service because we were advised that we could not last year and now know that it is acceptable? (The discussion of how the money could be used might have been held prior to the discussion of using it to pay back the debt.)
- Is bond counsel now saying it is alright to use the money for debt service? (Yes)
- This would be undoing a vote of a prior Council.
- This would be using a non-recurring source to pay an ongoing expense, which is not right.
- \$124,500 is almost the \$115,000 amount that the Building Department is up in building permits this year. That money could be used for debt service.
- If the Council had known last year that the money could be used to pay off debt, it would have done so.
- The voters wanted the money spent on Damiano. If it cannot be spent on Damiano, it should be used to pay back the debt.

Councilman Jovanovich made a motion, seconded by Councilwoman Keith, to adopt the following Resolution:

**RESOLVED**, that the City Council hereby authorizes City Comptroller Jean Gribbins to allocate the remaining proceeds from the 2002 Recreation Bond as follows:

<b>Unspent Balance before adoption of 12/16/09 Resolution:</b>	<b>\$476,000</b>
Less : 12/19/09 Resolution to Reallocate Funds for	
Damiano Bldg Improvements	(126,500)
Gagliardo Park Restrooms	(100,000)
Friends Meeting House	(125,000)
<b>Unspent Balance after adoption of 12/16/09 Resolution:</b>	<b>124,500</b>
Less:	
Attorney and Actuary Fees for Arbitrage Calculation and 12/09 Repurpose Resolution	(14,223)
Arbitrage Penalty	(10,814)
<b>Unspent Balance before adoption of 8/11/10 Resolution:</b>	<b>99,463</b>
Add: 8/11/10 Resolution to Cancel the following Capital Projects	
Gagliardo Park Restrooms	100,000
Friends Meeting House	125,000
<b>Unspent Balance after adoption of 8/11/10 Resolution to cancel projects</b>	<b>324,463</b>
Less:	
Unspent Proceeds Applied to Debt Service - 2011	(150,000)
Unspent Proceeds Applied to Debt Service - 2012	(174,463)
<b>Unspent Balance after adoption of 8/11/10 Repurpose Resolution:</b>	<b>0</b>

**ROLL CALL:**

AYES: Mayor French, Councilmembers Filippi, Jovanovich, Keith, and Sack  
 NAYS: Councilmembers Gamache and Parker  
 ABSENT: None

The Resolution was adopted by a 5-2 vote.

11. Resolution authorizing the City Manager to sign the settlement agreement, Memorandum of Understanding, between 151 Purchase Street Associates, LLC and the City of Rye Roll Call.

This agenda item was deferred.

12. Authorization for City Manager to seek an RFP for the City of Rye Corporation Counsel position

Mayor French said that the Request for Proposal (RFP) before the Council is a revision based on comments made at the last Council meeting. City Manager Pickup said that the process will allow the Council to be directly involved and will use existing staff to manage the process. Special thanks were offered to Councilman Sack and Eleanor Militana, the City Manager's Assistant, for their work on the project.

Councilman Sack made a motion, seconded by Councilwoman Gamach, to adopt the following Resolution:

**RESOLVED**, that the City Council hereby authorizes the City Manager to seek a Request for Proposals (RFP) for the position of Corporation Counsel.

**ROLL CALL:**

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich, Keith, Parker and Sack  
 NAYS: None  
 ABSENT: None

The Resolution was adopted by a 7-0 vote.

13. Resolution establishing a standard workday for elected and appointed officials as per new reporting requirements of the New York State and Local Employees' Retirement System

City Manager Pickup said that this was a regulatory change that grew out of State Retirement reporting requirements. It is a record keeping activity that will include himself and the Corporation Counsel and will require them to keep track of their work days so they will be in compliance with the standard reporting requirements outlined by the State.

Councilman Jovanovich made a motion seconded by Councilman Filippi, to adopt the following Resolution:

**BE IT RESOLVED**, that the City of Rye hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/Day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
<b>Appointed Employees</b>					
City Manager	Scott D. Pickup	7	7/1/10 -	Y	20
Corporation Counsel	Kristen Wilson	4.375	1/1/10 -	N	10

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,  
and Sack  
NAYS: Councilwoman Parker  
ABSENT: Councilwoman Keith

The Resolution was adopted by a 5-1 vote.

14. Appointments to the Rye Town Park Advisory Committee by the Mayor with Council approval

Mayor French said that the role of this Committee would be similar to the Rye Playland Advisory Committee and would provide feedback to the Council. There would be representation from the dog group, the Friends of Rye Town Park and the neighbors of the park.

Mayor French made a motion, seconded by Councilwoman Gamache and unanimously carried, to appoint Ann Moller, Dan Mathisson and Michael Corbett to the Rye Town Park Advisory Committee for three-year terms, expiring on January 1, 2013.

Mayor French made a motion, seconded by Councilwoman Gamache and unanimously carried, to appoint Anne McCarthy and Russell Gold to the Rye Town Park Advisory Committee for two-year terms, expiring on January 1, 2012.

Mayor French made a motion, seconded by Councilwoman Gamache and unanimously carried, to appoint Stephanie W. Vroom to the Rye Town Park Advisory Committee for a one-year term, expiring on January 1, 2011.

15. Discussion of and appointments to the Rye Playland Strategic Planning Working Group

Councilwoman Parker said that the County wants to take a new look at Playland, which she likened to the City's Enterprise Funds in that it is expected that revenues will meet expenses. Playland has fallen short of this goal over the last several years. The County is looking at short-term solutions for the park. The City has asked to be part of the discussion. Westchester County is putting out two RFPs that would look at an outside group coming in to run Playland. The City wants to review the RFPs as well as the responses that come back. The short term strategy for the Group would be to create a list of desirable additions or changes that may positively enhance revenue at Playland and also represent the interests of the City. Mayor French, Charles Dorn, County Legislator Myers and Ms. Parker met with former Councilman Doug McKean, who wrote his graduate thesis on Playland. That plan would utilize much of what is already there and look at other uses that are more recreation based such as fields and an amphitheater. The group would like to use Mr. McKean's plan as another option to bring to the County; create a public outreach plan of action; hold public workshops on the options; and, possibly create a survey on keeping Playland as an amusement park or creating a recreation park. Councilwoman Parker will serve as the Council Liaison for the Group.

Council comments and questions included:

- It would make sense to have a member of the Planning Commission in this group. (The City Planner will be the staff liaison.)
- The Committee should not just consider finances. It should take quality of life issues into consideration.
- The group might help to expedite a decision on the Children's Museum by the County.
- Playland is doomed as a ride park. Its revenue is too low. It is too difficult to come up with the capital necessary to maintain a successful park.
- What is currently in place is not working, and a fresh look should be taken to determine if there are other ways to use the recreational space.
- Mayor French should be thanked for his efforts to address issues at Playland and Rye Town Park.

Mayor French noted that this was not an official City Committee, but was more of a working group. Councilwoman Parker said she felt the group would probably need about a year or so to accomplish their goals.

Councilwoman Parker made a motion, seconded by Councilwoman Gamache and unanimously carried, to establish the Rye Playland Strategic Planning Working Group.

Councilwoman Parker made a motion, seconded by Councilwoman Gamache and unanimously carried to appoint Charles Dorn, Eva Mallis Fisher, Mayor Douglas French, Sean Janski, Councilman Peter Jovanovich, Lisa Liese, Douglas McKean, Susan Morison, Hugh Robertson, Angela Sculti and Caroline Walker to the Rye Playland Strategic Planning Working Group, with Charles Dorn serving as the Chair.

16. Adoption of the 2010/2011 tax levy and tax rate for the Rye Neck Union Free School District Roll Call.

Councilwoman Gamache made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

**WHEREAS**, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of \$9,717,222 to be raised on property within the District located in the City of Rye, with the established tax rates of \$672.755231 per \$1,000 of taxable assessed value on homestead property and \$871.849078 per \$1,000 taxable assessed value on non-homestead property, for the fiscal year beginning July 1, 2010 and ending June 30, 2011, now, therefore, be it

**RESOLVED**, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect said taxes,

subject to any further amendments or approvals required by the Rye Neck  
Union Free School District.

**ROLL CALL:**

**AYES:** Mayor French, Councilmembers Filippi, Gamache, Jovanovich,  
Parker and Sack  
**NAYS:** None  
**ABSENT:** Councilwoman Keith

The Resolution was adopted by a 6-0 vote.

17. Resolution to declare certain equipment and vehicles as surplus  
Roll Call.

Councilwoman Gamache made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

**WHEREAS**, The City has been provided with lists by the Police Department, Fire Department and Rye Golf Club of City equipment and vehicles identified as being obsolete or will become obsolete during 2010, and

**WHEREAS**, these Departments have recommended that said equipment and vehicles be declared surplus, now, therefore, be it

**RESOLVED**, that said equipment and vehicles are declared surplus, and, be it further

**RESOLVED**, that authorization is given to the City Comptroller to sell or dispose of said equipment and vehicles in a manner that will serve in the best interests of the City.

Police Department Surplus

Global Electric Motors (GEM) Car – all-electric vehicle purchased in 2002 for us by  
Parking Enforcement Officers

Fire Department Surplus

Motorola MT 100	546AQG0659
5 Channel Portable Radio	546AQG0660
42.0 – 50.0 Mhz Freq.	546AQW0528
	546AQW0529
	546ATC0166
	546ATC0167
	546ATJ0709
	546AVU0082 X

546AVU0084 X  
546AWW0152 X  
546AWW0154 X  
546AWW0155 X  
546AWW0156 X  
546TZE0364  
546TZE0487  
546TZE0743  
546TZE0750

Motorola Radius P200  
6 Channel Portable Radio  
42.0 – 50.0 Mhz Freq.

No Serial Number  
126TUN0056  
126TXS0943

Motorola Minitor II  
33.0 – 50.0 Mhz Freq.

No Serial Number  
646BZL2446  
MD5BQJ2888  
MD5XTQ29GB  
MD5XTQ29GJ  
MD5XTQ29GR  
MD5XVS2B8H  
MD5XXX27QC  
MD5XXX27QD  
MD5XXX28NS  
MD5XXX28NX  
MD5XYL22LW

Golf Club Surplus

1996 Ford Pickup Truck  
2003 Ford Police Car

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,  
Parker and Sack

NAYS: None

ABSENT: Councilwoman Keith

The Resolution was adopted by a 6-0 vote.

18. Consideration of request for permission to close a section of Purchase Street for the 58<sup>th</sup> annual celebration of the Halloween Window Painting Contest

Councilman Filippi made a motion, seconded by Councilwoman Gamache and unanimously carried, to adopt the following Resolution:

**RESOLVED**, the City Council hereby approves the request of the Recreation Department for permission to close a section of Purchase Street for the 58<sup>th</sup> Annual Halloween Window Painting Contest on Sunday October 17, 2010 (rain date October 24) from 8:00 A.M. to 3:00 P.M.

19. Miscellaneous Communications and Reports

Councilwoman Parker said that the Shore Walkway at Playland is closed on Monday through Friday until 3:00 p.m. due to a County fence replacement capital project, but it is open on Saturday and Sunday. Ms. Parker also reported about "Midlandia." City residents Sue Seitz and Chris Cohen have been working with Con Edison regarding the area around the Midland Avenue substation. Chris Cohen suggested native species plantings for the area and Sue Seitz created a series of bird houses depicting Playland, Kelly's, Greek's Pizza, the Damiano Center, Belluscio's, and the Yellow House, which have been placed on top of trees that had been cut down by Con Ed at the location.

Mayor French said there has been a great deal of comment about the Duck Pond and yellow ropes in Rye Town Park. He said the pumps that were originally installed in the pond were not sufficient and will be replaced and the yellow ropes around the trees were the recommendation of the Friends of Rye Town Park.

20. Old Business

There was no old business to be discussed.

21. New Business

Councilman Sack suggested that the City save the old street signs that are being replaced by Federal mandate and sell them in order to raise some money.

22. Adjournment

There being no further business to discuss Councilman Sack made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the meeting at 10:31 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk