

MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on November 5, 1997 at 8:00 P.M.

PRESENT:

EDWARD B. DUNN, Mayor  
JAMES K. BURKE  
EDWARD J. COLLINS  
CAROLYN C. CUNNINGHAM  
ROBERT H. HUTCHINGS  
JOSEPH L. LATWIN  
KATHLEEN E. WALSH  
Councilmen

ABSENT: None

1. Roll Call

Mayor Dunn called the meeting to order; a quorum was present to conduct official City business.

2. Old Business

A. Mayor Dunn extended congratulations to Mr. Steven Otis, Mrs. Rosamond W. Larr, Mrs. Roberta D. Downing and Mr. Arthur H. Stampleman upon their election to the office of mayor and councilmen, respectively.

B. Councilwoman Cunningham formally requested that the amnesty period for obtaining Building Permits be extended. This matter will be placed on the agenda of the next regular City Council meeting scheduled for November 19, 1997.

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

There were no residents who had matters to discuss.

4. Consideration of requests of RYCares as part of *First Night Rye* to:

- put up a “general assembly” tent on the Village Green or in Car Park No. 1 in case of inclement weather;
- to close Haviland Lane from 6:00 p.m. until midnight;

- to close Purchase Street from the railroad station to City Hall from 6:30 p.m. until 7:30 p.m. for a parade;
- to display a banner approximately 3' x 12' across Purchase Street from December 21 to 31; and
- to use the W.W.I flagpole across from the Village Green for the midnight finale on December 31<sup>st</sup>.

Mayor Dunn suggested the items be addressed in order:

*Put up a "general assembly" tent on the Village Green or in Car Park No. 1 in case of inclement weather:*

City Manager Culross commented that if such a tent was utilized, RYCares would need to have appropriate insurance naming the City as additional insured and agree to restore the area to its original form. This matter would also have to be coordinated with the Fire Department. It was the consensus of the Council that a floor be placed in the tent if the Village Green is used.

*To close Haviland Lane from 6:00 p.m. until midnight:*

Councilman Latwin expressed concern that closing Haviland Lane may interfere with emergency services. This matter would have to be coordinated with the Fire Department.

*To close Purchase Street from the railroad station to City Hall from 6:30 p.m. until 7:30 p.m. for a parade:*

The Council agreed upon this request because of the short period of time that Purchase Street would be closed.

*To display a banner approximately 3' x 12' across Purchase Street from December 21 to 31:*

After a brief discussion, the Council agreed that it would be reluctant to approve this request. Many organizations have made similar requests in the past; none has been approved. City Manager Culross suggested that the City not set a precedent by approving this request.

Councilwoman Walsh requested that the Council leave some flexibility for RYCares to submit another type of signage to promote this event.

*To use the W.W.I flagpole across from the Village Green for the midnight finale on December 31<sup>st</sup>:*

Councilman Latwin suggested that the chairs find an alternative to using the W.W.I flagpole for the midnight countdown using a "ball".

The consensus of the Council was to ask City Manager Culross to discuss the aforementioned concerns with the chairs of RyCares. Approval of this request is delegated to the City Manager and contingent on satisfying the addressed concerns.

5. Application for a permit to install a wireless telecommunication facility at Blind Brook Lodge, 66 Milton Road

Leslie Snyder, Esq., attorney for Bell Atlantic Mobile, apprised the Council that the antenna would be installed on the face of Blind Brook Lodge and would be finished to match the brickface of the building. She added that the FCC sets requirements for the various frequencies and considers such questions as exposure to the general public and interference with other services. The report from Bell laboratories shows that the exposure levels from the facility will be well below the applicable FCC guidelines even when all the channels of the system are operating simultaneously, which is not usually the case. Building Inspector, Vincenzo Tamburro sent this report to the Department of Health (DOH). Ms. Snyder submitted the response letter dated November 4, 1997 from the DOH which indicates that they are well below the FCC guidelines. In addition, Bell Atlantic Mobile is required to remove equipment at the termination of the lease. Ms. Snyder said that Bell Atlantic Mobile will supply a performance bond subject to the Corporation Counsel's approval.

Councilman Collins made a motion, seconded by Councilman Latwin, to adopt the following resolution:

**RESOLVED**, that the City Council of the City of Rye hereby approves the application of Bell Atlantic Mobile to install a wireless telecommunication facility at Blind Brook Lodge, 66 Milton Road.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Cunningham,  
Hutchings, Latwin and Walsh

NAYS: None

ABSENT: None

The resolution passed.

6. Consideration of proposal to sell a parcel of City-owned property pursuant to Section 183-19 of the Rye City Code for \$5,000

Councilman Burke made a motion, seconded by Councilman Collins, to adopt the following resolution:

**WHEREAS**, a small parcel of property, approximately .08 acres, owned by the City of Rye abuts property owned by Ellen and Ian Blance at 508 Brevoort Lane; and

**WHEREAS**, said property was taken in 1947 as part of an In Rem foreclosure action;  
and

**WHEREAS**, the City Comptroller, Corporation Counsel, and City Assessor have established the price for the parcel at \$5,000.00 pursuant to Section 183-19 of the Rye City Code; and

**WHEREAS**, it is in the best interests of the City to sell the subject property at the price set pursuant to Section 183-19; now, therefore, be it

**RESOLVED**, that the City Manager is authorized to convey the subject property to Ellen and Ian Blance for \$5,000.00 pursuant to Section 183-19 of the Rye City Code.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Cunningham,  
Hutchings, Latwin and Walsh

NAYS: None

ABSENT: None

The resolution passed.

7. Resolution endorsing the application of Rye Town Park for a grant under the Clean Water/Clean Air Bond Act of 1996 and the Environmental Protection Act of 1993

Councilwoman Walsh explained that restoring the duck pond to its original size is one of several improvements included in the plan for Rye Town Park. She added that the plan could use some fine tuning regarding runoff and drainage of the parking area.

Mr. George Ilse apprised the Council that the Rye Town Park Commission never discussed this plan. He questioned whether there are sufficient funds for this project and how many parking spaces would be lost as a result.

Mayor Dunn said that the general concept of the plan is good; he would support the idea of funding through the Clean Water/Clean Air Bond Act of 1996 and the Environmental Protection Act of 1993. He added that this project should be discussed in the future in more detail and suggested that the City of Rye's Planning Commission review this plan.

Councilwoman Walsh said in fairness to the Commission, the plan was prepared by the Friends of Rye Town Park. She expressed the hope that the Rye Town Park Commission will have the opportunity to review and address the actual plan if funds are granted. She strongly suggested that a SEQRA and a waterfront consistency review be completed before it is acted upon.

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

**RESOLVED**, that the City Council of the City of Rye hereby supports the application of Rye Town Park for a grant under the Clean Water/Clean Air Bond Act of 1996 and the Environmental Protection Act of 1993 with the understanding that this plan will be reviewed by the Planning Commission.

8. Three appointments to the Rye Cable Television Committee for three-year terms, two appointments for two-year terms, and two appointments for one-year terms, by the Council

Mayor Dunn appointed Councilman Hutchings as City Council liaison to the Rye Cable Television Committee.

Councilwoman Cunningham commended Councilman Hutchings for the fine job he did in finding very capable and professional candidates for the RCTV Committee. She respectfully suggested that one or two former members of the previous commission be appointed for at least a one year term. Both Mrs. Doris Blank, who was very involved with the negotiation of the franchise, and Mrs. Charlotte Schneider, who has programming experience, are two members of the previous commission who would be willing to serve for at least a year's term. They would be the continuity people with the institution memory for the new group. She suggested that appointment of the one year candidates be postponed for a year to allow former members with experience to continue.

Councilman Hutchings addressed the concept of continuity by saying the function of the commission in the past was negotiating with TCI and literally doing the management aspect of RCTV. He said the charge that Mayor Dunn gave him was to recruit individuals with special programming talent because that would be the focus of the Committee. He said that members of the former commission are now becoming very involved in the Friends of RCTV. That is very healthy, he said because the Friends of RCTV and this newly formed RCTV Committee are not very far apart. One will look for methods of financing the studio while the other will address the rules and regulations for producers.

Councilman Hutchings made a motion, seconded by Councilman Collins, to appoint the following to the Rye Cable Television Committee:

Mr. David White, Mrs. Peg Allen, and Mrs. Lauren Miscimarra for three-year terms; Mr. John Bush and Mr. Charles Mascari for two-year terms, and Mrs. Ann Marcato and Mrs. Beverly Penberthy for one year terms, with terms expiring the year 2001, 2000 and 1999 respectively.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins,  
Hutchings, Latwin and Walsh

NAYS: Councilwoman Cunningham

ABSENT: None

The resolution passed.

Councilwoman Cunningham voted nay for the reasons she mentioned previously.

9. Designation of the Chairman of the Rye Cable Television Committee by the Mayor

Mayor Dunn designated Mr. David White as chairman of the Rye Cable Televisions Committee.

10. Bids for Rear-Loading Refuse Trucks

City Manager Culross explained that the City is buying seven new trucks and trading in five, which means that the City will have nine trucks instead of eight.

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

**RESOLVED**, that the City Council hereby awards Contract #97-11, Rear-Loading Refuse Trucks, to Gabrielli Mack, the sole bidder in the amount of \$549,830.69 meeting specifications.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins,  
Cunningham, Hutchings, Latwin and Walsh

NAYS: None

ABSENT: None

The resolution passed.

11. Draft unapproved minutes of the regular meeting of the City Council held October 22, 1997

Motion was made by Councilwoman Walsh, seconded by Councilman Latwin and unanimously carried, to approve the minutes of the regular meeting of the City Council held October 22, 1997 as submitted.

12. Miscellaneous communications and reports

Councilwoman Walsh reported that a special meeting of the Planning Commission will be held on November 6, 1997, for the purpose of reviewing and accepting, for completeness and distribution to the public, the consultant's report on the Village Green. She added that this meeting will be open to the public.

13. New Business

There was no new business to be discussed.

14. Adjournment

There being no further business to discuss, Councilwoman Walsh made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn into executive session to discuss existing litigation at 8:50 P.M.

The Council reconvened at 9:45 P.M.

There being no further business to discuss, the meeting was adjourned at 9:50 P.M.

Respectfully submitted,

Alice K. Conrad  
City Clerk