

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in
City Hall on March 18, 1998 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
CAROLYN C. CUNNINGHAM
ROBERTA DOWNING
ROBERT H. HUTCHINGS
ROSAMOND LARR
ARTHUR STAMPLEMAN
KATHLEEN E. WALSH
Councilmen

ABSENT: None

1. Roll Call

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

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

There were no residents who wished to be heard.

3. Continuation of public hearing on proposed local law amending Section 108-18 of Article III of the Rye City Code by adding Subsection D concerning retaining walls

Mayor Otis continued the March 4, 1998 public hearing on proposed local law amending Section 108-18 of Article III of the Rye City Code by adding Subsection D concerning retaining walls. The Mayor apprised the Council that a vote could not be taken at this meeting because the Council did not receive the final form of the new draft ten days prior to its consideration.

Councilwoman Cunningham informed the Council that she had a follow-up discussion with the chairman of the Board of Architectural Review (BAR) concerning this proposed local law. She explained that the original intent was that viewing from another property would apply to both retaining and single walls. She said that a major area of concern regarding retaining walls is the aesthetic impact on neighborhoods.

Councilman Stamp leman said the use of the words "when so viewed" clarified the proposed section.

Councilwoman Cunningham clarified for Mr. John Rossini, 164 Highland Road, that if the retaining wall of a certain height is viewable from another property or public right of way, the BAR wants to review it.

Councilman Hutchings added the proposed local law is not a restriction; it means that anything over two feet in height would need to be reviewed.

Since there would be no Council action at this meeting, Mayor Otis said the public hearing would remain open until the April 1, 1998 Council meeting.

4. Public hearing on proposed local law establishing a moratorium on applications for telecommunications antennae installations

Mayor Otis opened the public hearing.

Mayor Otis said that proposed additional changes of a technical nature were not circulated to the Council in the weekly packet. Therefore, the Mayor explained that this law cannot be voted upon because the final form was not submitted to the Council ten days prior to this meeting.

This public hearing will be continued at the April 1, 1998 Council meeting.

5. Resolution authorizing the City Manager to enter into an agreement with Monroe Telecom Associates for consulting services in conjunction with the review of Chapter 196 and regulation of wireless telecommunications facilities

Mayor Otis said that the Council could authorize the City Manager to enter into an agreement with Monroe Telecom Associates for consulting services, in conjunction with the review of Chapter 196 and regulation of wireless telecommunications facilities, before the moratorium is enacted.

Councilwoman Cunningham said that she and former Councilman Latwin spent much time and worked very diligently on the existing ordinance. Part of their motivation for doing this was to save the City money. Having researched various model laws and federal changes, she expressed the feeling that they had done a relatively good job on this ordinance. She agreed the existing law has problems with definitions and other areas which were pointed out by Mr. Lawrence Monroe at the February 27, 1998 Special Council meeting. She suggested determining whether the current code could be amended without incurring a consultant's fee.

Mayor Otis said the proposed fee for the consulting services is \$3,000 which could be recouped through application fees. The Mayor said there are fourteen different potential problems with our current ordinance; one relates to the application fees. This is a very fast moving area of law and there are a number of issues in our current code that are deficient and need to be corrected. He said our experience with AT&T's application identified some of these issues. We could amend our present code but it is a highly specialized area where we would benefit from the professional assistance of Mr. Lawrence Monroe and Mr. Richard Comi who are knowledgeable of technical changes and law.

Councilman Hutchings commended Councilwoman Cunningham and former Councilman Latwin for their outstanding work in drafting Rye's current wireless telecommunications law. He said the consultants should have the opportunity to review the law; not necessarily change it.

Councilwoman Walsh expressed concern about the scope of the consultant's project rather than the cost. She did not want the consultants to rewrite the law at this point; she preferred that they just focus on the deficiencies in the law.

Mayor Otis said that the consultants might accomplish what needs to be done within the existing structure or it might be easier to write a new ordinance. However, from the previous Council discussion, the goal would be to revise the existing law.

For the record, Councilwoman Cunningham said much work was done on evaluating the appropriate zones for the location of wireless telecommunication's facilities within the City of Rye.

Both Councilwoman Walsh and Councilwoman Cunningham did not want the consultants to presume the City Council wanted a new ordinance. Therefore, the proposed resolution was amended by adding "to review and revise the City's existing ordinance to correct any deficiencies."

Councilman Stampleman made a motion, seconded by Councilwoman Downing, to adopt the following resolution:

RESOLVED, that the City Manager be and is hereby authorized to enter into an agreement with Monroe Telecom Associates for consulting services, in conjunction with the review of Chapter 196 and regulation of wireless telecommunications facilities, to review and revise any deficiencies in this existing section of the code of the City of Rye or other alternatives at a cost not to exceed \$3,000.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,
Hutchings, Larr and Walsh
ABSTAIN: Councilman Stampleman
NAYS: None
ABSENT: None

The resolution passed.

6. Schedule a joint meeting for the City Council and the Rye City School District Board of Education for Saturday, April 25, 1998, at 10:00 A.M. in the Mayor's Conference Room at City Hall

Councilman Stampleman suggested that shared services be included as an agenda item for this meeting.

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to schedule a joint meeting of the City Council and the Rye City School District Board of Education for Saturday, April 25, 1998, at 10:00 A.M. in the Mayor's Conference Room at City Hall.

Councilwoman Downing summarized the March 17, 1998 School Board meeting. She said a discussion ensued on some alternatives in terms of the overflow in Midland School. It was suggested that the children residing south of Apawamis Avenue attend Milton School. Parents are concerned about the impact this will have on their children.

Councilman Hutchings suggested having open discussions on this type of issue with the Rye City School Board.

7. Designation of official polling places of the City of Rye for all elections and authorization for the City Clerk to request a waiver of accessibility requirements for Milton School Gymnasium which does not meet the accessibility standards for the disabled

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to adopt the following resolution:

RESOLVED, that the Council of the City of Rye hereby designates the following locations as the official polling places for all the elections.

District No. 1	-	The Osborn, main lobby
District No. 2	-	The Osborn, main lobby
District No. 3	-	City Hall, Lobby, 1051 Boston Post Road
District No. 4	-	City Hall, Lobby, 1051 Boston Post Road
District No. 5	-	Milton School Gymnasium, Hewlett Avenue
District No. 6	-	Milton Firehouse, Milton Road
District No. 7	-	Damiano Recreation Center, Midland Avenue
District No. 8	-	Damiano Recreation Center, Midland Avenue
District No. 9	-	Disbrow Park, Public Works Building, (Old Garage) Oakland Beach Avenue
District No. 10	-	Rye Middle School Gymnasium
District No. 11	-	City Hall, Lobby, 1051 Boston Post Road
District No. 12	-	Osborn School Gymnasium, Osborn Road
District No. 13	-	Disbrow Park, Public Works Building, (Old Garage) Oakland Beach Avenue
District No. 14	-	Milton School Gymnasium, Hewlett Avenue

RESOLVED, that the Council of the City of Rye hereby authorizes the City Clerk to request a waiver of the accessibility requirements for Milton School Gymnasium which does not meet the accessibility standards for individuals with disabilities.

8. Appointment of one member to the Emergency Medical Services Committee for a three-year term ending June 30, 2001

Councilwoman Cunningham made a motion, seconded by Councilwoman Walsh, to approve the appointment of Mr. Michael Borrelli to the Emergency Medical Services Committee for a three-year term ending June 30, 2001.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,

Hutchings, Larr, Stampleman and Walsh

NAYS: None

ABSENT: None

The motion carried.

9. Consideration of request of American Legion Rye Post 128 to hold Memorial Day services on Monday, May 25th, on the Village Green

Councilwoman Cunningham made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the request of American Legion Rye Post 128 to hold Memorial Day services on Monday, May 25th, on the Village Green.

Councilman Hutchings suggested that the City provide a microphone and a platform for the Memorial Day Services. He added that more respect should be given to this day than has been in the past. City Manager Culross agreed to provide whatever assistance is needed for these services.

10. Bids for Gagliardo Park Amenities

City Manager Culross explained that a portion of this project is being funded by a Community Development Block Grant. He outlined several key areas of the ongoing project:

- erection of an I-95 “noise” barrier fence,
- new subsurface in the play area,
- new equipment in the playground area,
- new gravel nature walk area, and
- new pathways and walkways throughout the park

In response to an inquiry from Councilwoman Larr, the City Manager explained that the City is obligated by law to accept the lowest responsible bid.

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

RESOLVED, that Bid #9801, Gagliardo Park Amenities, be awarded to Peter J. Landi, Inc., the lowest responsible bidder meeting specifications in the amount of \$60, 620.00.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing, Hutchings, Larr, Stampleman and Walsh

NAYS: None

ABSENT: None

The resolution passed.

The following agenda items were taken out of order:

13. Old Business

A. Mayor Otis presented the following update on the Home Depot litigation:

- Last week, the City's rezoning case was argued in the Appellate Division and we are awaiting a decision.
- We have filed our notice of appeal in connection with the Midland Avenue road widening part of the controversy.
- There will be a new site approval process in Port Chester and we are taking steps to participate in that process to make sure our traffic concerns are heard by Port Chester.

Additionally, Mayor Otis reported that he and Council members Stampleman and Larr attended a meeting on March 16, 1998 with the co-founder of Home Depot to share Rye's concerns about traffic and to explain why the City has opposed those project impacts.

B. Councilwoman Larr acknowledged the March 12, 1998 article in the Daily Item about the traffic circle near the Firemen's Memorial. She expressed her appreciation for the very informative coverage. A Council discussion focused on public education, regulatory signs, and safety.

C. Councilman Hutchings reported that the RCTV schedule is compiled by Mr. James Kenny, Cable TV coordinator, who will now include *Eye on Rye* in the Channel 14 schedule. He also complimented the Police Department for their new program on RCTV and urged other departments to do similar programs.

D. Councilman Stampleman reported that the Council joined the Planning Commission in visiting the library. He said there was a demonstration of different construction alternatives.

11. Draft unapproved minutes of the special meeting of the City Council held February 27, 1998 and the regular meeting held March 4, 1998

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the special meeting of the City Council held February 27, 1998 as submitted.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the regular meeting of the City Council held March 4, 1998 as amended.

12. Miscellaneous communications and reports

A. Councilman Stampleman informed the Council that there will be a musical program at the Friends Meeting House on March 21, 1998, at 4:30 P.M. Anyone interested in attending could contact Mrs. Nancy Stampleman.

B. Councilwoman Walsh suggested the National Maritime Heritage Grant might be useful for Rye Town Park improvements.

C. Councilwoman Walsh informed the Council that Pace University School of Law has scheduled a Critical Strategies for Coastal Community Leaders seminar for April 8, 1998 from 7:30 P.M. to 9:30 P.M. at Pace University, White Plains campus. She urged everyone to attend.

D. Councilwoman Walsh reported that a Master Plan Task Force meeting was held on March 16, 1998. It was decided that this Task Force will try to meet on the first Thursday of each month.

E. Councilman Hutchings suggested that an American flag be used as a background for the *Eye on Rye* television programs. The City Manager will honor this request.

F. Mayor Otis reported that on March 13, 1998, he and County Legislator George Latimer attended a meeting with Playland's new director, Mr. Joseph Montalto, to review the neighborhood's complaints about Playland. The Mayor said that Playland's response was favorable in terms of their willingness to work with the surrounding community on various issues, such as Rye's concern regarding Playland's fireworks display. A subsequent meeting will be scheduled with the members of the former Playland Advisory Committee. Additionally, the Mayor informed the Council that there will be a ribbon-cutting ceremony for the Playland pier on the morning of April 15, 1998.

G. Councilman Stampleman reported that the Purchase College Environmental Newsletter was an excellent resource for anyone interested in the environment.

H. In response to an inquiry from Councilman Stampleman regarding a letter from Consolidated Edison relating to fossil fuel electricity, City Manager Culross explained that it concerns the deregulation of electrical power suppliers.

I. In response to an inquiry from Councilman Stampleman regarding the receipt of two proposed local laws from Rye Brook, City Manager Culross explained that the law requires the Village of Rye Brook to inform neighboring communities within 500 feet of any changes in legislation which may impact them.

J. Councilwoman Walsh acknowledged the receipt of the March 6, 1998 memo from Ms. Sally Rogol, Recreation Supervisor, regarding the Rye Youth Council's annual Block Party/ fundraiser scheduled for June 6, 1998.

14. New Business

There was no new business to be discussed.

15. Adjournment

Councilwoman Cunningham made a motion, seconded by Councilwoman Walsh and unanimously carried, to adjourn into executive session to discuss Home Depot litigation at 9:15 P.M.

The Council reconvened at 10:05 P.M.

There being no further business to discuss, the meeting was adjourned at 10:10 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk