

MINUTES of the Regular Meeting of the City
Council of the City of Rye held in City Hall on June
17, 1998 at 8:00 P.M.

PRESENT:

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

ABSENT:

KATHLEEN E. WALSH

1. Roll Call

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

Mayor Otis congratulated and expressed his appreciation to the City Manager and the City staff for being selected to participate in *Project Impact*, the Federal Emergency Management Agency's (FEMA) initiative to assist communities in becoming more disaster resistant. He said it was a distinct honor for the city to have been one of two in the New York State FEMA region to be accepted.

2. 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 that did not appear on the agenda.

3. Public hearing on proposed local law amending Chapter 133, Noise, of the Rye City Code by adding a new Section 133-3a

Mayor Otis stated that currently the City Rye has regulations governing the hours of operation for lawn mowers and decibel readings. However, enforcement is difficult. When several pieces of lawn equipment are operating simultaneously, it violates the current decibel ceiling level. This has been and is a source of many complaints. In 1990, the City Council adopted a voluntary set of guidelines for the use of power blowers in the City of Rye. The Mayor indicated that there would be no Council action on this proposed local law because the Council wanted input from residents and landscapers on this subject. The possible outcomes from this meeting could be :

to maintain the status quo,
to adopt a local law,

to impose a seasonal ban on leaf blowers, or
to initiate a new proposal.

In response to Mrs. Ann Goering's question, Mayor Otis said that most of the seasonal bans in other communities have been in effect for at least three years.

Mr. William Lawyer, 15 Hillside Place, supported a seasonal ban because noise and pollution are the basic problems. He also said there are quieter gas powered machines on the market.

Mrs. Loretta Rapisardi, 11 Oneida Street, read a statement into the record noting her support of a seasonal ban on leaf blowers from May through September. In her opinion, the voluntary guidelines have not worked. She expressed concern that this is a health and quality of life issue.

Mr. Curtis Spacavento, landscaper, said that the modern technology of blowers has decreased the noise level. He objected to a seasonal ban because of the impact it would have on the residents of Rye. He expressed the hope that the Rye guidelines would remain as they are.

In response to questions posed by the Council, Mr. Spacavento said:

- all leaf blowers being sold today are quieter,
- there is a need to use leaf blowers to clear driveways and patios,
- blowers are also used by landscapers, carpenters, painters, and tree services, and
- when problems arise with landscapers using too many machines at one time, Mr. Spacavento discusses the issues with them.

In response to Councilman Stampleman's query, Mr. Spacavento offered to send literature and a description of the newer, quieter leaf blowers to the Council.

Former Councilwoman Beth Griffin Matthews, Lea Place, supported a seasonal ban since the guidelines are unenforceable. She also recommended that the City mandate the use of mufflers or new quieter equipment.

Mr. David Strousse, Lavender Lane, supported a seasonal ban for the summer because the present regulations are unenforceable and the noise is intolerable.

Mr. Edward Tortorici, 100 Halstead, Port Chester, NY, objected to a seasonal ban on leaf blowers. He recommended that landscapers work with the community to resolve any problems. He demonstrated an Echo PB2400, hand held gas powered blower which operates at 69 decibels which, he said, was very quiet and powerful. He supported self-regulation. In response to Councilwoman Cunningham, Mr. Tortorici said that many times the landscaper has to use high powered machines to clear off the pool area and patios; the problem is not the grass.

Councilman Hutchings said perhaps the New York Turf and Landscape Association, Inc., could make suggestions on how to resolve these problems.

Former Mayor Mary Ann Ilse, 720 Milton Road, stated that her property could not be kept as beautiful if a seasonal ban is imposed. She requested a copy of the current guidelines.

Mr. Anthony Girardi, 26 Chestnut Street, questioned how large private roads would be cleaned if a ban were placed on power blowers. He suggested that perhaps a time limit would be appropriate.

Mrs. Marybeth Weiner, 36 Brevoort Lane, said noise is deafening from the middle of March to the end of November.

Mrs. Ann Goering, Fairway Avenue, strongly supported a ban on leaf blowers. Since Rye has control of noise from air conditioners, Playland, and music from outdoor parties then it should have control over leaf blowers. She said noise is an infringement on life and pursuit of happiness.

Mr. John Rapisardi, 11 Oneida Street, said he has witnessed landscapers using several pieces of equipment at one time. He said the voluntary guidelines are not working; therefore, a seasonal ban is in order.

Mr. George Ilse, 720 Milton Road, said he is proud of the 110 unit complex where he lives. If there is a ban, the entire City of Rye will suffer. He asked if the City will provide street sweepers to do the private roads if there is a ban. He suggested using smaller leaf blowers, reducing the number of pieces of equipment, and enforcing the current law.

Mr. Lawrence Wilson, president, New York Turf and Landscape Association, Inc., said it is very difficult to evaluate a seasonal ban. The Association's position has always been to look for a compromise. Modern blowers are quieter and there is less pollution. The Association would like to see an ad hoc group work with the Council to resolve these issues.

Mr. John Rossini, Highland Road, said leaf blowers are unnecessary for grass because the lawn mower bags do not leave any residue.

A discussion focused on:

- complaints received about noise
- intensity of noise in densely populated areas
- enforcement of the noise ordinance
- communities which have adopted a seasonal ban on power mowers
- threat of loud noise to the serenity and quality of life
- use of modern technology to lessen the impact of noise

Councilman Hutchings said he spent some time during the past week researching the power blower controversy on the Internet. He expressed the hope that the Council might find the following comments helpful.

“There will be a cost to the City of Rye if we impose this seasonal restriction on power blowers. When we take away the freedom to use a productive and useful tool from our citizens, it leaves the City open to litigation challenges.

‘For example, in 1994 Scarsdale passed an ordinance against the use of power blowers. The ordinance was challenged in court and it was declared unconstitutional because it did not require the City, the Schools, or the Golf Courses to comply. The Judge’s reason was that laws must be even handed and equally imposed on everyone. The challenge was later overturned but, only after additional litigation costs by Scarsdale taxpayers.

‘In another case the courts imposed a six months moratorium on White Plains’ plan to ban power blowers. This was not without legal payment for defense.

‘The same thing is happening in Los Angeles where the challenges are still being made on their ban of power blowers.

‘With so many court challenges on laws that are passed by other municipalities in response to a community controversy, I believe Rye takes a big risk in banning power blowers.

‘The City Council in Burbank, CA felt the same pressure from an activist minority. They called for a general election to permit the entire community to make a decision on banning power blowers. The ban was defeated by a large majority. The city was saved from the anticipated expenditures of legal challenges.

‘The bottom line is - there is a strong chance that if an ordinance banning power blowers is passed by the City Council, the law will be challenged. I don’t think it is wise for us to invite an opportunity for more litigation. When litigation starts, it potentially effects our property tax rate. It seems to me, Rye has burden enough in our current litigation costs.

‘Some of the supporters of this proposed legislation would have you believe that there is a stampede by communities around Rye to ban power blowers. The fact is, Westchester County has 46 Cities, Towns, and Villages. Only five have seasonally banned the power blower. One other village has taken a more reasonable approach and banned the blower only on Sundays and Holidays.

‘To my knowledge, the other 40 municipalities have no ‘seasonal ban’ restrictions.

‘I’ve been told that there is a ground swell of complaints about power blowers in Rye. If so, I haven’t seen nor heard about them until recently when this activist campaign started. I’ve been on the City Council for two and one-half years. During that time, I have not received a single complaint about power blowers.

‘The power blower is a cost cutting and productive tool for gardeners, maintenance people, and home owners. Keep in mind that banning the power blowers effects not just maintenance people and gardeners. Rye homeowners, who have made a substantial investment in power lawn equipment, are also effected.

‘Containing costs is a major part of running a household, a business, or a city. People rely on power tools to help them do that.

‘Our City Manager has informed the members of the City Council that the proposals to ban power blowers would have a significant operational impact on several Rye City Departments. It will effect the level of maintenance that can be accomplished with current resources. If enacted, the ordinance could require the City to expend additional tax payer dollars to purchase alternative and perhaps less efficient equipment. I don’t believe my colleagues on the City Council want to spend more of the taxpayers money than is necessary.

‘Unfortunately, the stories you hear about power blowers don’t convey how practical these machines are for people like our City Manager who must contain costs and count on them to get the job done. Most of the stories you hear about power blowers, deal with the impact they have on the tranquillity of the community and the perceived threat they pose to clean air.

‘If the power blower made no noise, I suspect it would be accepted by everyone because of its usefulness. The good news is that manufacturers today have made great strides in reducing the level of sound of the power blowers below 70 decibels.

‘As for air pollution, I learned from my surfing the Internet that a well known company (Heiden & Associates) did an analysis of the Governments EPA data on pollution sources. They found that volatile organic compound emissions on a yearly basis from all portable lawn and garden equipment (not just power blowers) is less than 0.8%. The other 99.2% of air pollution comes from other sources. The point is, it’s impossible to place the total responsibility for bad air quality on the power blower. It plays only a microscopic role in the source of air pollution.

‘I have a concern about our ability to enforce a law that would ban power blowers. Our Police Commissioner indicated to me that a noise offense is of such short term duration that the offense is over before the police arrive. In Princeton, NJ, the City Council reversed its action on banning power blowers after they learned from their police chief that the city was not equipped to enforce the new law. Their Council preferred to cancel the law rather than keep an unenforceable one on the books.

‘I believe it is true that much of the unacceptable employment of power blowers is coming from gardeners who have not been properly educated to our current city restrictions. A self regulation program by gardeners and maintenance people would be the preferred approach to solving the disturbance problem. And, it would be in their best interest to do so. Perhaps, one of our enforcement remedies could certify that lawn and maintenance people are aware of, and understand, our current noise restrictions.

‘I believe that if we ban power blowers in Rye, we will be changing the character of Rye. If a banning ordinance could be enforced, there would be no more neatly manicured lawns, no more clean parking lots, and no more fast putting greens for Rye golfers.

'I believe we currently have an effective ordinance to control power blowers for those who are offended by them. Our current Code has all the restrictions that are necessary. We can identify what education and enforcement programs are needed to make it work better.

'I recommend to my City Council colleagues that we tear up these unwise alternative proposals that have been presented to the members of the City Council in the last few weeks, and focus attention on our current noise ordinance to make it work better.'

Mayor Otis closed the public hearing.

4. Informal review of Rye Country Day School's proposed relocation of approximately 880 feet of Grandview Avenue

Jonathan Kraut, Esq., representing Rye Country Day School (RCDS), respectfully requested an informal review by the City Council on the proposed relocation of approximately 880 feet of Grandview Avenue. He said that RCDS is planning on-campus improvements to both the athletic and academic facilities to meet current standards. As a result, circumstances present a unique opportunity to reduce pedestrian-vehicle conflict and improve traffic conditions through the modification of Grandview Avenue.

An informal review of the proposed Master Plan was heard by the City of Rye's Planning Commission on October 21, 1997 and June 9, 1998. The Planning Commission withheld taking any official position on this plan until a formal application has been made and reviewed. Since the proposed modification of a public roadway requires City Council action, Mr. Kraut said it seemed imprudent to proceed to a formal application before the Planning Commission without prior input from the City Council.

Mr. Kraut noted that the legal requirement to accomplish this is the abandonment of an existing City roadway. There is precedent for this, since Cedar Street used to run through the School's property. He indicated that in 1957, the Council moved Cedar Street outbound to its present location. Mr. Kraut said that before RCDS proceeded with a formal application, it wanted to get some feedback from the Council.

Mr. Allan Anderson, architect for RCDS, illustrated the existing and proposed Master Plan. He said that the proposal to move Grandview Avenue to the west side of the campus on school property would allow for safer pick up and drop off; it would also make the road safer. He indicated that the intersection with Cedar Street would be improved and more attractive. The proposed plan has a landscaped buffer and a parking lot. The Plan also calls for some additional parking across from Grandview Avenue for the staff.

In response to Councilman Stampleman's questions, Mr. Kraut said that RCDS would pay the cost of relocating Grandview Avenue. Mr. Kraut also responded that some of the neighbors objected to this change in the road. He noted there are issues which would need to be addressed. However, there are many neighbors who support this proposal.

Councilman Stampleman expressed concern about drainage, traffic, and aesthetics. He also stated that there should be a public hearing before the City Council takes any action.

Mr. James Noone, 50 Grandview Avenue, expressed the feeling that the Planning Commission was approving this proposal without a public hearing and that the residents of the street were being ignored.

Mayor Otis explained that it is normal procedure for the Planning Commission to have an informal review. He also said there would be a formal application and a public hearing. After the Planning Commission's formal review, this proposal will be formally presented to the Council. Legal notice of a public hearing will be published and residents would be given the opportunity again to voice their opinions. This would also be referred to the Traffic and Transportation Committee for study.

Mr. Noone expressed concern that this informal application would provide momentum to the proposal. He felt that more notice should be given to the residents and expressed concern about paving of such a large area. He suggested that this matter be referred back to the Planning Commission before it is acted upon by the Council.

Mayor Otis indicated that there is no approval before the Council and that the proper studies would be done as a matter of course. The Planning Commission will arrange for independent studies on drainage and traffic.

Councilman Stampleman suggested that the comments made this evening be referred to the Planning Commission.

Councilwoman Cunningham suggested having a traffic analysis done before making any decision on this matter.

Dr. Michael Klemens, chairman of the Planning Commission, indicated that a traffic consultant would probably be hired at the expense of the applicant.

Former Mayor Frederick Hunziker, 216 Purchase Street, indicated that his complex has had a serious water problem for years and that the proposed parking lot would just compound the issue.

Mr. John Rossini, Highland Road, questioned whether the reconfiguration of Grandview would alleviate the traffic congestion at dismissal time.

The Council indicated that it had no objection to further study of this matter, as long as it was not construed as approval in any way.

5. Further discussion of the New York State Thruway Authority's noise abatement program and authorization for the Mayor to file an application for participation in the program

Mayor Otis initiated a discussion of the New York State Thruway Authority's noise abatement program and authorization for the Mayor to file an application for participation in this program. He stated that for the purpose of keeping options open as long as possible, the City of Rye should consider requesting concrete barriers allowing that at some time in the future, we could switch our request to wood. He indicated that there seems to be greater noise relief with the concrete barriers and more information should be sought.

Councilwoman Downing said that the residents preferred the wood fencing to the concrete barriers.

Mayor Otis said that based on information from professional engineers, the wood fencing would not provide noise relief at some locations.

The majority of the Council recommended wooden fences.

After a brief Council discussion, Councilman Stampleman made a motion, seconded by Councilwoman Larr, to adopt the following resolution:

RESOLVED, that Mayor Otis, is authorized and directed to file an application on the forms provided by the New York State Thruway Authority for wooden fencing under its noise abatement program.

ROLL CALL:

AYES: Councilman Cunningham, Downing, Hutchings,
Larr, Stampleman.

NAYS: Mayor Otis

ABSENT: Councilwoman Walsh

The resolution passed.

6. Authorization for the City Manager to enter into an agreement with Peter Gisolfi Associates for a fixed fee of \$425,000 for architectural and related services for the renovation and restoration of Whitby Castle.

In response to Councilman Stampleman, City Manager Culross stated there is no legal impediment to authorize the City Manager to enter into an agreement with Peter Gisolfi Associates for a fixed fee of \$425,000 for architectural and related services for the renovation and restoration of Whitby Castle before having a contract with a restaurant. Mr. Culross noted that the City is very close to an agreement with a restaurant service.

After a brief council discussion on the contracts, Councilwoman Cunningham made a motion, seconded by Councilman Hutchings, to adopt the following resolution:

RESOLVED, that the City Manager is authorized to enter into an agreement with Peter Gisolfi Associates for a fixed fee of \$425,000 for architectural and related services for the renovation and restoration of Whitby Castle.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Walsh

The resolution passed.

7. Authorization for the City Manager to enter into an agreement with Calgi Construction Company for a fixed fee of \$182,800 to serve as Construction Manager for the renovation and restoration of Whitby Castle

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

RESOLVED, that the City Manager is hereby authorized to enter into an agreement with Calgi Construction Company for a fixed fee of \$182,000 to serve as Construction Manager for the renovation and restoration of Whitby Castle.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Walsh

The resolution passed.

8. Resolution authorizing the filing of an application for a State Grant-in-Aid for a Municipal Waste Reduction and/or Recycling Project and authorizing the City Manager to act in connection with said application and to sign the resulting contract with the State of New York.

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

RESOLVED, that the City Manager is hereby authorized to file an application for a State

Grant-In-Aid for a Municipal Waste Reduction and/or Recycling Project and authorizing the City Manager to act in connection with said application and to sign the resulting contract with the State of New York.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Walsh

The resolution passed.

9. Authorization for the City Manager to enter into an agreement with the County of Westchester for the operation of the Enhanced 911 system for the five-year term commencing July 11, 1998

In response to Councilman Stampleman, City Manager Culross said that the City will receive funding and resources by participating in the Enhanced 911 system program.

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

RESOLVED, that the City Manager is authorized to enter into an agreement with the County of Westchester for the operation of the Enhanced 911 System for the five year term commencing July 11, 1998.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Walsh

The resolution passed.

10. Appointment of Nominating Committee for the Boat Basin elections and designation of the Chairman

Councilman Stampleman made a motion, seconded by Councilwoman Larr, to approve the appointment of Mr. Ted Konopka, Mr. Richard Dempsey, and Mr. James K. Burke to the Boat Basin Commission Nominating Committee for the 1998 Boat Basin Commission Elections.

ROLL CALL:

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

The motion carried.

Mayor Otis designated Mr. Ted Konopka as chairman.

11. Consideration of the request from residents of Garden Drive for controlled traffic on June 20, 1998 for a "Block Party"

Councilman Stampleman made a motion, seconded by Councilwoman Larr, to approve the request from residents of Garden Drive for controlled traffic on June 20th, 1998 for a "Block Party."

ROLL CALL:

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

The motion carried.

12. Bids for Police Body Armor

The following bid was received:

Bid No. 3-98
BODY ARMOR

NAME OF BIDDER	SECURITY	TOTAL BID
K UNIFORMS 113-19 Jamaica Avenue Richmond Hill, New York 11418	Certified Check \$100.00	\$485.00 Unit Price

Councilwoman Larr said she heard there is money available for Police Body Armor from a federal program. Mr. Culross indicated that he would refer this matter to the Police Commissioner.

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

RESOLVED, that the bid for Police Body Armor be and is hereby awarded to K Uniforms, Inc., the sole bidder meeting specifications, in the amount of \$16,975 for 35 vests at \$485.00 each.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Walsh

The resolution passed.

13. Bids for Annual Street Resurfacing

The following bids were received:

STREET RESURFACING
Contract No. 9802

NAME OF BIDDER	BID SECURITY	AMOUNT BID
Graceway Development Corp. P.O. Box 895 Bronx, NY 10465	Bid Bond	\$256,705.00
E.L.Q. Industries 531 Fayette Avenue Mamaroneck, NY 10543	Bid Bond	\$212,610.00
Columbus Construction Corp. 711 So. Columbus Avenue Mt. Vernon, NY 10550	Bid Bond	\$248,000.00
Bilotta Construction Corp. 162 Crotona Avenue Harrison, NY 10528	Bid Bond	\$255,660.00

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

RESOLVED that the bid for Annual Street Resurfacing be and is hereby awarded to ELQ Industries Inc., the low bidder meeting specification, in the amount of \$212,610.00.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Walsh

The resolution passed.

14. Bids for Minor Drainage Repairs and Improvements City-Wide for 1998

The following bids were received:

**Minor Drainage Repairs & Improvements City Wide For 1998
 Contract No. 9803**

NAME OF BIDDER	BID SECURITY	AMOUNT BID
ELQ Industries 531 Fayette Avenue Mamaroneck, NY 10543	Bid Bond	\$ 64,800.00
Joseph Carducci Excavating 505 Concord Avenue Mamaroneck, NY 10543	Bid Bond	\$159,500.00
Hudson Canyon Construction 16 Schuman Road Millwood, NY 10546	Bid Bond	\$ 81,000.00
Joken Development Corp. 8 Belway Place White Plains, NY 10601	Bid Bond	\$117,000.00
Bilotta Construction Corp. 162 Crotona Avenue Harrison, NY 10528	Bid Bond	\$ 73,050.00
Frank Triarico Larchmont, NY 10538	Bid Bond	\$ 95,000.00
Tucci Equipment Box 741 Larchmont, NY 10538	Bid Bond	\$ 91,575.00
Delvito Contracting 615 Fenimore Road Mamaroneck, NY 10543	Bid Bond	\$ 52,160.00

Lorono Construction 27 Nursery Lane Rye, New York 10580	Certified Check \$3,300.00	\$ 66,000.00
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Councilwoman Downing made a motion, seconded by Councilman Hutchings, to adopt the following resolution:

RESOLVED, that the bid for Minor Drainage Repairs and Improvements City-Wide for 1998, be and hereby awarded to Delvito Contracting Company, Inc., the low bidder meeting specifications, in the amount of \$52,160.00

ROLL CALL:

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

The resolution passed.

15. Bids for One Reel Sharpener for the Rye Golf Club

The following bid was received:

Bid No. 2-98
ONE REEL SHARPENER FOR THE RYE GOLF CLUB

NAME OF BIDDER	SECURITY	TOTAL BID
Turf Products Corporation 157 Moody Road P.O. Box 1200 Enfield, CT 06083	Cashier Check \$895.50	\$17,910.00

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

RESOLVED, that the bid for a One Reel Sharpener for the Rye Golf Club be and is hereby

awarded to Turf Products Corporation, the sole bidder meeting specifications, in the amount of \$17,910.00.

ROLL CALL:

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

The resolution passed.

16. Draft unapproved minutes of the regular meeting of the City Council held May 13, 1998 and the special meeting held May 27, 1998

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the regular meeting of the City Council held May 13, 1998 as amended.

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the special meeting of the City Council held May 27, 1998 as amended.

17. Miscellaneous communications and reports

Councilman Stampleman reported that the Audit Committee was very complementary about the City's financial condition, as well as the way finances are managed. The auditors discovered areas for longer-term investment and Councilman Stampleman said this will be researched.

18. Old Business

A. Mayor Otis apprised the Council that he will draft legislation with regard to the grandfathering of fence heights.

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

WHEREAS, a proposed local law entitled "a local law grandfathering certain existing fences which are legally nonconforming as to height" has heretofore been introduced at this meeting and placed before the Mayor and each Councilman, and

WHEREAS, it is now desired to call a public hearing on such proposed local law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on July 15, 1998 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed law.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on Proposed Law
Grandfathering Certain Fences
which are Legally Nonconforming as to Height**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 15th day of July, 1998, at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law entitled "A local law grandfathering certain fences which are legally nonconforming as to height". Said local law would grandfather certain pre-existing fences.

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

Dated: _____ City Clerk

B. Mayor Otis made a motion, seconded by Councilwoman Cunningham and unanimously carried to adopt the following resolution:

WHEREAS, a proposed local law entitled "a local law regulating the siting of wireless Telecommunications Facilities, including towers, antennae, and related facilities" has heretofore been introduced at this meeting and placed before the Mayor and each Councilman, and

WHEREAS, it is now desired to call a public hearing on such proposed local law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on July 15, 1998 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed law.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on Proposed Law
regulating the siting of Wireless Telecommunications Facilities,
including towers, antennae, and related facilities**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 15th day of July, 1998, at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law entitled "A local law regulating the siting of wireless Telecommunications Facilities, including towers, antennae, and related facilities". Said local law would provide a new chapter covering the siting of telecommunications facilities.

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

City Clerk

Dated:

C. In response to Councilman Stampleman's question regarding Floor Area Ratio (FAR), Mayor Otis said that the open space issue is part of the Master Plan discussion.

D. Councilman Hutchings asked if his remarks on power blowers could be sent to Councilwoman Walsh. He also requested that his comments on the leaf blowers be recorded in the minutes.

19. New Business

Mayor Otis indicated that some of the New York State Department of Environmental Conservation materials on coyotes was not totally accurate. The Mayor did a public service announcement about this issue.

City Manager Culross asked the Council to notify him about any specific sightings of coyotes in the City of Rye.

20. Adjournment

There being no further business to discuss, Councilwoman Downing made a motion, seconded by Councilwoman Larr and unanimously carried to adjourn the meeting at 11:20 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk