

MINUTES of the Regular Meeting of  
the City Council of the City of Rye held in  
City Hall on April 7, 1999 at 8:00 P.M.

PRESENT:

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

ABSENT:

ROSAMOND LARR

1. Pledge of Allegiance

Mayor Otis invited the audience to join the Council in the Pledge of Allegiance.

2. Roll Call

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

The Mayor introduced and welcomed the new Corporation Counsel, J. Henry Neale, Jr., Esq., and the Council Members added their warm wishes for success in his new position.

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

Mrs. Mary Chappell, representing the residents of Grapal Street, apprised the Council that Grapal Street has a very serious drainage problem because the street is very low and only one drain pipe receives all of the storm water from Grapal Street and the run-off from Grace Church Street. She respectfully requested that the City Council address this drainage issue and consider repaving the street also.

City Manager Culross responded that the drainage project was added to the Capital Improvement Program as a result of Mrs. Chappell's first letter and is scheduled for the year 2000. He said that City Engineer Mottarella will contact her. He also noted that paving would not be done until the drainage issue is settled.

4. Discussion of the use of leaf blowers

Mayor Otis referred to his March 30, 1999 memo which included copies of the June 6, 1998 memo explaining bans in other communities, a proposed local law, the June 11, 1998 report of the Conservation Commission, and the 1994 City of Rye Guidelines for the Use of Lawn Maintenance Equipment.

Mayor Otis stated that rather than a seasonal ban on leaf blowers, he asked the Council to consider discussing a seasonal restriction from June through September that prohibits the use of power blowers when other machinery is being operated.

Councilwoman Cunningham added that she has received complaints primarily from people who live in densely populated areas. She amended Mayor Otis' statement by suggesting that only a single backpack blower be allowed.

Councilman Hutchings disagreed with the aforementioned comments and stated that the materials received by the Council failed to include opposing comments. He stated that he was a proponent of self-regulation; the problem is noise, not the equipment. He mentioned that new leaf blowing equipment has mufflers which cut the noise level by one-third. He supported the concept that landscapers have an opportunity to apply some self-policing efforts because legislation cannot be enforced. He distributed the following comments which are hereby made a part of the minutes.

“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 month 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.'

Councilwoman Downing suggested changing the time for operating equipment.

Mr. Ed Tortiorici, Port Chester, N.Y., a landscaper, suggested that the complainants communicate with the homeowner who is employing the landscaper.

Councilman Stampleman indicated from his personal experience that this is not a viable solution.

Councilwoman Walsh indicated that she would like to consider an approach that would make more effective use of the City's current legislation. She was uncomfortable with legislation which exempts City departments and suggested considering reasonable performance standards.

There was some general discussion on the possibility of requiring landscapers to register with the City and/or having identification on the outside of their trucks. Councilman Stampleman asked that Corporation Counsel research whether the City can require registration of landscapers and identification.

Councilwoman Cunningham noted that voluntary policies have not been successful. She expressed the feeling that legislation could provide the support necessary for the neighbors to talk to the gardeners or the homeowners.

Mr. Larry Wilson, president of the New York State Turf and Landscape Association, Inc., expressed his appreciation to the Council members for their patience. He explained that at this time of the year, landscapers are deluged with requests for clean up. He explained that spring and fall are noisy seasons. Last fall, he had submitted a postcard (in English and Spanish) which the residents could use to ask landscapers to minimize noise. Mr. Wilson indicated that in June, July, August, and September one back blower per truck would probably be acceptable. He cited various court cases and the vote by the residents of Menlo Park where the issue of leaf blowers was placed on the ballot. The voters chose by a ten percent majority not to have a ban. He noted that Rye is a beautiful city and people want to keep their properties clean. He felt that the vast majority of the people in Rye were not aware that this issue is being discussed.

Mayor Otis noted that even in the winter there were many complaints. He also stated that there will be a public hearing for input on this issue.

Mr. Curtis Spacavento, landscaper, asked if an exemption could be made for larger properties because residents frequently entertain and want their property in a pristine condition. Mayor Otis questioned if the landscapers thought that a workable solution might be to have restrictions on the smaller lots.

Councilman Stampleman suggested exempting larger properties.

Mayor Otis indicated that there was sufficient discussion to draft a proposal for a public hearing which will be scheduled for the May 5, 1999 City Council meeting.

Master Andrew Baldwin, Valleyview Avenue, stated that it might be more difficult for the average homeowner, who does his own yard, to comply with the restrictions. They may have the bigger or noisier blowers and may not be able to afford a new model.

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

**WHEREAS**, a proposed local law amending Chapter 133, Noise, of the Code of the City of Rye, 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 May 5, 1999 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 local 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 a proposed local law  
amending Chapter 133, Noise, of the Rye City Code**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 5<sup>th</sup> day of May, 1999 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 amending Chapter 133, Noise, of the Rye City Code.

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

Dated:

City Clerk

5. Discussion of enacting a law requiring owners to clean up after their pets

Mayor Otis referenced his March 30, 1999 memo which explained the rationale for the possible enactment of a law requiring owners to clean up after their pets. The Mayor explained that there have been numerous complaints from dog owners about other owners who do not pick up after their dog. He mentioned that in the past, the City rejected such legislation because of the difficulty of enforcement. However, the dog owners feel that legislation would give them some leverage.

Councilman Hutchings opposed legislation. He suggested educating residents to cooperate to make the City more sanitary and aesthetically appealing.

Councilwoman Cunningham agreed with the need for education on this issue. She noted that since signs have been placed along the strip of Boston Post Road from Soundview to the Rye Golf Club, there has been noticeable improvement. She stated that the City might consider investing in more signs as a part of this education process.

Councilwoman Walsh stressed the difficulty of enforcement. She too preferred the educational approach.

City Manager Culross noted that as a general principle it would be difficult to have effective enforcement. He suggested that perhaps the Council could pass a resolution in support of picking up after your dog.

Mayor Otis noted that there are many complaints about the Village Green and Rye Town Park which are used by people who do not live in Rye. He noted that there is a \$50.00 fine in Rye Town Park, however, tickets are not issued. He mentioned that a number of years ago, the City Council asked to use the dog owner registration to do mailings on this issue.

Mention was made of the run-off into the Long Island Sound and the health issues involved in not picking up after dogs. It was also suggested that people could be given a notice about picking up after their dogs when they enter the park.

It was decided to try educating residents about the importance of responsible dog ownership.

6. Consideration of the Planning Commission's Request for Lead Agency Designation for Rye Free Reading Room Expansion and Related Actions

Mayor Otis acknowledged the receipt of several documents on the Environmental Quality Review SEQR Request for Lead Agency Designation for the City of Rye with regard to the expansion of the Rye Free Reading Room.

In response to Councilman Hutchings' question about a Lead Agency, City Manager Culross explained that it provides the vehicle to make determinations for environmental significance when there is more than one agency involved.

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the designation of the Planning Commission as Lead Agency in the Environmental Review of the proposed expansion of the Rye Free Reading Room.

7. Consideration of the Planning Commission's recommendation that a new zoning district for the Village Green not be created at this time

Mayor Otis acknowledged the March 30, 1999 Planning Commission Memorandum No. 5-99. It stated the Planning Commission's position is not to undertake the creation of a new Zoning District for the Village Green at this time. However, the members of the Commission would like to reserve that decision for some time in the future.

Councilman Stampleman agreed with the Planning Commission's recommendation. He noted the prior night's discussion of the landscaping proposals for the Village Green and pointed out that there were a number of interesting alternatives presented by the landscaping consultant. He mentioned that there was no representative from the Arcade Building and that Mrs. Pulverman, the owner, should be invited to these meetings in the future.

Councilwoman Downing expressed concern about the location of the proposed ramp and its substantial encroachment on the Village Green. She stated she would vote against the proposal with the ramp as it is currently designed. She said that the integrity of the Village Green would have been maintained if the addition to the library was to the north. She apologized for bringing this issue up late in the process. However, she expressed the feeling that the northern exposure would have been the better choice. She also expressed concern about the parking lot and the possible loss of parking spaces.

Councilman Hutchings endorsed Councilwoman Downing's position and expressed similar concerns.

Councilwoman Walsh explained that the proposed actions are Type 1 actions and a coordinated environmental quality review is required. The purpose of the Planning Commission's transmittal was to obtain agreement from all the involved agencies on the Commission's designation as lead agency of the Environmental Quality Review.

Mayor Otis said there has been a comprehensive planning process and decisions were not made in haste. A public hearing was scheduled for the purpose of dialogue. He said the process is still open and issues about the ramp can still be addressed. Last night, the consultants offered to provide different suggestions about materials and landscaping for the ramp. If there are inadequacies, then it should be reviewed. He acknowledged that people very much value the open space. Therefore, the design of the ramp needs to accommodate those concerns.

Councilwoman Downing noted that when the addition was proposed to be toward the north, the ramp was less conspicuous.

Mayor Otis stated that if there is reconsideration of the site plan, the process will be significantly delayed. This will also effect the proposed extension for the YMCA. He noted that the consultant felt that the positioning of the ramp separated the parking lot from the Village Green.

Councilman Stampleman stated that he would oppose any building to the north.

Councilwoman Cunningham concurred, but agreed that the ramp needs to be re-examined.

Mayor Otis indicated that there will be a review of the site plan with regard to the ramp.

Councilwoman Cunningham made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve the Planning Commission's recommendation that a new zoning district for the Village Green not be created at this time.

8. Consideration of Planning Commission's recommendation that the Council pursue a modification of the Citibank parking lot driveways

Mayor Otis acknowledged the March 30, 1999 Planning Commission Memorandum No. 4-99 which explained the background of Citibank's entrance and exit driveways, the request by Citibank for a site plan modification, and the Planning Commission's recommendation that the Council pursue a modification of the Citibank parking lot driveways. The safety problem stems from the unnecessary crisscrossing of traffic entering and exiting the parking area.

Mayor Otis advised the Council that he scheduled a meeting with a representative of the Corporate Real Estate Services Unit of Citibank to discuss this matter.

Councilwoman Cunningham asked the Corporation Counsel if these changes can be required if Citibank is not willing to do them voluntarily. Corporation Counsel Neale responded that if the site plan approval expires, any conditions would also expire.

Councilwoman Downing apprised the Council that the Board of Architectural Review objects to removing the tree in the Citibank's parking lot.

City Manager Culross noted that there is a traffic flow problem; not necessarily a traffic safety problem.

9. Consideration of application of Nextel of New York, Inc., d/b/a Nextel Communications for a Special Use Permit for 66 Milton Road

Mayor Otis made reference to the March 24, 1999 letter from Snyder & Snyder, attorneys for Nextel Communications, regarding a proposal to co-locate nine small panel antennas and an equipment

shelter on the roof of the building located at 66 Milton Road. The Mayor mentioned that this was the first application under the new city law. He recommended that it be officially referred to Monroe Telecom Associates, consultants for the City.

Councilman Stampleman recommended that it also be referred to the Board of Architectural Review (BAR). The Mayor explained that the BAR would see all such applications.

Councilwoman Cunningham asked that the consultants review the interior wiring to ascertain if it meets the NIER standards.

Mayor Otis made a motion, seconded by Councilwoman Walsh and unanimously carried, to refer the application of Nextel Communications for a Special Permit for 66 Milton Road, to Monroe Telecom Associates, the City consultants and to the BAR.

10. Proposed resolution authorizing the City Manager to participate and represent the City of Rye in the New York State Environmental Facilities Corporation's FAB Dry Cleaner Program designed to help dry cleaners comply with the new state air pollution regulations set forth in 6NYCRR Part 232

City Manager Culross explained that the New York State Environmental Facilities Corporation has launched a new 1996 Clean Water/Clean Air Bond Act Program called the Financial Assistance to Business (FAB) Dry Cleaner Program. The Program is designed to help dry cleaners comply with new state air pollution regulations set forth in 6NYCRR part 232. This state law explicitly requires that dry cleaners can only receive Bond Act funds through the municipalities in which they are located. The City Manager stated that the City will circulate information on this program to dry cleaners in the City.

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

**RESOLVED**, that the City of Rye authorizes the City Manager to participate and represent the City of Rye in the New York State Environmental Facilities Corporation's FAB Dry Cleaner Program designed to help dry cleaners comply with the new state air pollution regulations set forth in 6NYCRR Part 232.

11. Acceptance of a grant to the Rye Nature Center in the amount of \$2,370 from the Long Island Sound Study for the Rye/Harrison Brook Fest and approval of an amendment to the 1999 Rye Nature Center Special Revenue Fund budget to that amount

Mayor Otis acknowledged the January 25, 1999 letter from Ms. Kimberly Zimmer, Public Outreach Coordinator, U. S. Environmental Protection Agency, Long Island Sound Office, announcing the grant award to the Rye Nature Center in the amount of \$2,370 from the Long Island Sound Study and the March 23, 1999 memo from City Naturalist Chantal Speglevin requesting the City Council's approval to accept this grant.

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

**RESOLVED**, that the City Manager be and is hereby authorized to accept a grant to the Rye Nature Center in the amount of \$2,370 for the Long Island Sound Study for the Rye/Harrison Brook Fest, and be it further,

**RESOLVED**, that the 1999 Rye Nature Center budget be amended by increasing revenues and increasing appropriations in the amount of \$2,370 to the 1999 Rye Nature Center Special Revenue Fund Budget.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Larr

The resolution passed.

12. Authorization for the City Manager to enter into a license agreement between the City of Rye and Stanislav Kotyza for a sewer lateral extending approximately 600 feet on Martin Road

Mayor Otis acknowledged the April 2, 1999 memo from the City Manager recommending that he be authorized to enter into a license agreement between the City and the owner of 7 Martin Road, to permit the installation of a private sanitary sewer for 600 feet on Martin Road and Heritage Lane.

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

**RESOLVED**, that the City Manager be and is hereby authorized to enter into a license agreement between the City of Rye and Mr. Stanislav Kotyza for a sewer lateral extending approximately 600 feet on Martin Road.

13. Authorization for the City Manager to enter into an agreement with the County of Westchester for the 1999-2000 calendar years for the reimbursement of prisoner transportation services

Mayor Otis acknowledged the receipt of the County of Westchester' s proposed Prisoner Transportation Zone Rate Agreement.

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

**RESOLVED**, that the City Manager be and is hereby authorized to enter into a Prisoner Transportation Reimbursement Agreement with the County of Westchester for the 1999-2000 calendar years.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Larr

The resolution passed.

14. Adoption of County tax rate for 1999

The Mayor acknowledged the March 18, 1999 memo from City Comptroller Michael Genito requesting that the City Council adopt a resolution setting the 1999 Westchester County Tax Levies.

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

**RESOLVED**, that the tax rates for the amounts of County, Blind Brook Sewer District, Mamaroneck Valley Sewer District, Refuse Disposal District and Water District No. 4 charges for the fiscal year beginning January 1, 1999, shall be as follows:

<u>County</u>	
Levy	\$11,973,910
Taxable Assessed Value	130,278,348
Taxable Rate per \$1,000 Assessed Value	91.910
<u>Blind Brook Sewer District</u>	
Levy	\$1,876,585
Taxable Assessed Value	135,713,742
Taxable Rate per \$1,000 Assessed Value	13.828
<u>Mamaroneck Valley Sewer District</u>	
Levy	\$335,754
Taxable Assessed Value	19,146,331
Taxable Rate per \$1,000 Assessed Value	17.536
<u>Refuse Disposal District No. 1</u>	
Levy	\$1,689,382
Taxable Assessed Value	133,826,523
Taxable Rate per \$1,000 Assessed Value	12.624
<u>Water District No. 4</u>	
Levy	-0-
Taxable Assessed Value	125,563,994
Taxable Rate per \$1,000 Assessed Value	-0-

and it is further

**RESOLVED**, that the Council does hereby certify to the City Comptroller the above stated levies and tax rates for the County, Blind Brook Sewer District, Mamaroneck Valley Sewer District, and Refuse Disposal District charges, and the City Comptroller is hereby directed to apportion and extend against each taxable property listed upon the assessment roll of the City of Rye for 1999 at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums computed and determined, and, it is further

**RESOLVED**, that the tax warrant of the County be signed by the Mayor and directed to the City Comptroller to collect the amount of said taxes with interest as provided by law and any special assessment heretofore authorized and approved.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Larr

The resolution passed.

15. Schedule regular meeting of the City Council held annually at Square House for May 5, 1999

Mayor Otis made a motion, seconded by Councilwoman Cunningham and unanimously carried, to hold the regular meeting of the City Council of the City of Rye at Square House on May 5, 1999.

16. Consideration of the request of the National Multiple Sclerosis Society to use city streets for their MS Walk on Sunday, April 18, 1999

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the request of the National Multiple Sclerosis Society to use City streets for the MS Walk on Sunday, April 18, 1999.

17. Consideration of the request of the School of the Holy Child to use city streets for a three-mile "Fun Run" on Wednesday, April 21, 1999

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request of the School of the Holy Child to use City streets for a three-mile "Fun Run", on Wednesday, April 21, 1999.

18. Consideration of the request of the Recreation Department to use the Village Green for the Annual Pops Concert on Sunday, June 27, 1999

Mayor Otis acknowledged the March 23, 1999 memo from Mr. William Rodriguez, Recreation Superintendent, about holding the Annual Pops Concert on the Village Green rather than on the Rye High School grounds.

Councilman Stampleman asked if it could be held at Rye Recreation or the Rye Town Park. He was concerned about traffic, noise, and crowds on the Village Green.

City Manager Culross noted that the Village Green has been used by the Library for concerts in the past and there has not been a problem.

Councilman Stampleman made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the use of the Village Green for the Annual Pops Concert which will be held on Sunday, June 27, 1999 at 7:00 P.M.

- 19A. Consideration of the request of the Rye Chamber of Commerce d/b/a The Rye Merchants Association to hold its annual sidewalk sale from Thursday, July 29, 1999 to Saturday, July 31, 1999

Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the request of the Rye Chamber of Commerce, d/b/a The Rye Merchants Association, to hold a sidewalk sale from Thursday, July 29, 1999 to Saturday, July 31, 1999.

- 19B. Request from American Legion Post #128 to have the Memorial Day Ceremony at 9:45 A.M. on Monday, May 31, 1999

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the request of American Legion Post #128 to have a Memorial Day Ceremony on May 31, 1999 on the Village Green.

20. Bids for a Speed Monitoring Trailer

The following bids were received for a speed monitoring trailer:

**Bid #4-99**  
**Speed Monitoring Trailer**

<b>NAME OF BIDDER</b>	<b>SECURITY</b>	<b>AMOUNT BID</b>
Applied Concepts, Inc. 730 F Avenue, Suite 200 Plano, Texas 75074	Certified Check \$100.00	\$10,715.00
Kustom Signals, Inc. 9325 Pflumm Lenexa, Kansas 66215	Certified Check \$100.00	\$10,440.00

City Manager Culross referenced the March 25, 1999 memo from Police Commissioner William Pease recommending that the Smart Trailer from Kustom Signals, Inc. be awarded the bid because it was the low bid meeting specifications. He mentioned that this was the model that had been on loan to the City.

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

**RESOLVED**, that the City Council of the City of Rye approves the bid of Kustom Signals, Inc., the low bid meeting specifications, in the amount of \$10,440.00.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Larr

The resolution passed.

21. Draft unapproved minutes of the regular meeting held March 17, 1999

Councilwoman Walsh made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the minutes of the regular meeting of the City Council of March 17, 1999, as amended.

22. Miscellaneous communications and reports

A. Councilwoman Downing apprised the Council that the Board of Architectural Review suggested researching an alternate choice for the retaining wall along the Boston Post Road.

City Manager Culross noted that the contract has not been signed and that the BAR could look at alternate materials. He said that the Council will make the final approval for the retaining wall.

B. Councilwoman Downing informed the Council that the owner of the Sand Bar has expressed concern about the inadequacy of space to accommodate the bathroom facilities at the Rye Town Park for persons with disabilities and other patrons.

Mayor Otis noted that the Commission would like to see the new vendor pay for installing the bathrooms at the Rye Town Park.

C. City Manager Culross apprised the Council that equipping the Council Chambers for cable broadcasting is halfway finished. He said that the Rye Cable Committee has asked for approval to mount the cameras on the walls of the Council Chambers.

Councilman Hutchings stated that the Rye Cable Committee was impressed with the way Eastchester mounted its TV cameras without shelves. He said when the City's cameras are mounted on the wall, they can remain in the Chambers and be operated from the upstairs control room. It is their intention to have a member of the Committee act as a producer for each of the shows.

Councilman Stampleman made a motion, seconded by Councilman Hutchings and unanimously carried, to approve mounting the TV cameras on the walls of the Council Chambers.

Mayor Otis complimented City Manager Culross, city staff, Councilman Hutchings and the members of RCTV Committee for all their hard and industrious work.

D. City Manager Culross informed the Council that the joint meeting with the Rye City School District Board of Education and the Rye City Council is scheduled for Saturday, April 24, 1999 at 9:00 A.M. in the Council Chambers of the Rye City Hall. Council members suggested the following agenda items:

- use of the athletic fields,
- update on student enrollment and projections,
- cost sharing opportunities for the Board of Education and the City of Rye,
- traffic and safety issues which impact both agencies, and
- summer camp at the school facilities.

E. Mayor Otis informed the Council that he attended a meeting of the Westchester County Council of Governments on the proposed New York State legislation regarding the siting of wireless telecommunications equipment. In attendance were representatives from the cellular industry who supported the legislation. Mayor Otis explained that the City Council passed a resolution at its March 3, 1999 meeting opposing S.2113 regarding the siting of wireless telecommunications equipment. The County Executive is circulating information on this and seeking other municipalities to pass similar resolutions.

## 23. Old Business

A. Councilman Hutchings asked to withdraw his support for the resolution passed at the January 6, 1999 Council meeting to ask New York State Legislature to condemn "hate crimes" and enact a bill. Councilman Hutchings explained his reasons for his position on this legislation by requesting that the following letter dated March 26, 1999 be made part of these minutes:

**Bob Hutchings**  
4 Topsail Lane  
Rye, NY 10580

### **“Human Rights” Bill in Westchester**

**Friday, March 26, 1999**

#### **Honorable Mayor and City Council Members**

Recently, the Rye City Council was presented with a resolution to support the adoption of “Anti-Hate Crime Legislation”. How could one not support legislation described as “Anti-Hate”? I certainly endorse legal protection for the fundamental human rights of all and I do not oppose legislation that protects those rights.

However, I must confess I was uninformed about the total content of that legislation when I voted my support.

Upon further investigation, I feel the full content of the bill in New York State and the bill currently before the Westchester Board of Legislators advances an agenda that would undermine the integrity of traditional marriage and family life.

The bills include “sexual orientation” as a protected class along with race and religion. There’s no doubt that homosexual persons are entitled to the same basic human rights as the rest, including the right to work, the right to housing and the right of freedom from violence. However, the bill before the Westchester Legislature goes beyond basic human rights. It is so broadly written, in its present form that *anyone*, Ministers, Priests, and myself included, can be cited and potentially prosecuted and fined for “inciting” discrimination or “an act of hate”. It would stigmatize as prejudiced or biased anyone who expresses a reservation about another’s sexual behavior.

These bills present protected status to “sexual orientation” and imply that homosexual acts are equivalent to heterosexual activity. As a result these bills violate the rights of many who embrace traditional moral values.

These bills are not just about human rights. They are an attempt to advance a controversial political agenda. The content is in violation of my religious convictions and I am confident many others share my view..

For these reasons, I withdraw my support of this legislation.

Councilman Stampleman indicated that the resolution passed was on hate crimes and did not take a position with regard to the current consideration of a County Human Rights Commission.

Mayor Otis noted that the intent of Councilman Hutchings' memo is the same on both items.

B. Councilwoman Cunningham requested a status report from the Police Department about the number of speeding tickets issued in 1998 and 1999 to use as base line data to help determine the effectiveness of the new police officers when they are added to our patrol.

C. Referencing Councilman Hutchings' comments to have underground wiring for utilities in the Village Green area, Councilwoman Walsh suggested exploring the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), the son of the Intermodal Surface Transportation and Efficiency Act (ISTEA) for possible funding for this project. She said that this might be an alternative funding source, however, the application deadline is July 1, 1999.

Mayor Otis mentioned that there is a possibility that this project might be included in the *Project Impact* activities. He also said underground wiring may not be in the City's best interest because of our water table. This is something that will be studied under *Project Impact*.

City Manager Culross noted that if there was a Village Green master plan, it might be appropriate for a fund of this kind.

Councilman Stampleman asked for a status report for the next meeting.

#### 24. New Business

A. Councilman Stampleman proposed having a proclamation to recognize Mrs. Pulverman for all her contributions to the residents of the City of Rye. She has been sponsoring the West Point Band concerts at the Rye High School for several years and she plans to continue these concerts in perpetuity.

The Mayor asked that Councilman Stampleman work with the City Clerk on a draft proclamation.

B. Councilwoman Walsh apprised the Council that the residents of Mead Place have requested notice of meetings on the expansion of the YMCA. She expressed the feeling that the neighbors be notified and that the City should do more than the normal public notices on this issue.

City Manager Culross stated that notices should not be on a selective basis; the burden of notification should not shift from the citizens to the City. He said our practices should be consistent.

C. Councilman Stampleman acknowledged the receipt of the March 30, 1999 letter from the Westchester County Board of Legislators regarding Westchester County's policy on Open Space.

Mayor Otis initiated a discussion on the County's open space policies. Having heard the Council's input, he offered to draft a letter indicating that the City of Rye supports the County's open space policies and is interested in a partnership program for the additional open space resources within our community consistent with the provisions of the draft of Westchester County's Open Space Policies, WAC 3, and the City of Rye Master Plan. The Mayor will ask the Conservation Commission/Advisory Council for its input on this draft letter.

D. Councilman Stampleman asked if the City had considered purchasing the former Manhattan Cable Building for the Police Department.

City Manager Culross noted that this particular parcel does not meet the needs of the Police Department.

25. Adjournment

There being no further business to discuss, Councilman Stampleman made a motion, seconded by Councilwoman Walsh and unanimously carried, to adjourn the meeting at 11:05 P.M.

Respectfully submitted,

Alice K. Conrad  
City Clerk