

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in
City Hall on June 16, 1999 at 8:00 P.M.

PRESENT:

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

Councilwoman Downing made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn into executive session at 7:45 P.M to discuss litigation. The Council reconvened at 8:00 P.M.

1. Pledge of Allegiance

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

2. Roll Call

Since Mayor Otis anticipated being late, Acting Mayor Cunningham called the meeting to order; a quorum was present to conduct official City Business.

The agenda items were taken in the following order:

4. Proclamation honoring Nancy Steed for her years of service to the City of Rye

Acting Mayor Cunningham announced that the Council wished to present a special proclamation to Mrs. Nancy Steed for her dedicated service and many contributions to the Rye community for more than 30 years. The Acting Mayor said that the City appreciates her dedication and leadership, and is happy to present a proclamation which will become part of the minutes of this meeting.

Acting Mayor Cunningham made a motion, seconded by Councilman Stampleman and

unanimously carried, to approve the following resolution:

WHEREAS, Nancy Steed has served the Rye community for over 30 years in many capacities connected with the Rye schools, the Rye Presbyterian Church, and numerous caring organizations both within the Rye community and beyond, and

WHEREAS, Nancy is committed and dedicated to youth as evidenced by her tenure as Osborn PTO president and her longtime involvement in the Rye Youth Council, and

WHEREAS, Nancy has served as president (1976-1981) and board member of the Rye Youth Council, creating and coordinating the Rye Youth Council Players, and

WHEREAS, Nancy has been a board member of the Westchester Children's Association for 12 years, Rye's representative to the Steering Committee of Westchester County's International Year of the Child, and an organizer, speaker/moderator at numerous conferences, workshops, and town meetings related to youth, and

WHEREAS, Nancy has worked to improve the quality of community life by her participation as a co-chair and co-founder of ICARE (Inter-Community Action to Respond Effectively), an organization of helping professionals that serve the Rye community; by her membership of the Cancer Support Team (Advisory Board - 4 years); as President and Board member of the Samaritan Counseling Center; as a member of the Advisory Board; as a Team Member of the Rye FIRST (Family Information and Resource Service Team); as a Board member of the Visiting Nurse Association, and as co-coordinator of Unity Day (celebrating Rye's diversity), and

WHEREAS, Nancy, a member of the Rye Human Rights Commission, has been recognized for her leadership and compassionate service in humanitarian efforts, having received the Human Rights Award in 1981 and again in 1997, the Rye Rotary Community Service Awards in 1981, and has been honored by the Rye Youth Council in 1991, among other expressions of appreciation and achievement, and

WHEREAS, the City Council of the City of Rye recognizes her valuable contributions to the Rye community and the real difference she has made in people's lives,

NOW THEREFORE, I, Steven Otis, Mayor of the City of Rye, on behalf of the City Council, present this proclamation as an indication of our high esteem and appreciation for her caring service, and wish her, and her husband Bob, happiness in their new home in White Plains, and be it further

RESOLVED, that the City Council hereby declares Nancy Steed, a permanent honorary citizen of the City of Rye.

Signed and sealed this 16th day of June, 1999.

SEAL

Steven Otis
Mayor

The resolution passed.

Mrs. Steed expressed her appreciation for this honor and stated that she has every expectation that her life and heart will remain in the City of Rye.

Mayor Otis arrived at this point in the meeting.

7. Public hearing on the Special Permit Application by Nextel of New York, Inc. to co-locate a wireless telecommunications facility at 66 Milton Road

Mayor Otis opened the public hearing.

Robert D. Gaudio, Esq., representing Nextel of New York, Inc., respectfully requested that the City Council favorably consider Nextel's application for a special use permit to co-locate (with Bell Atlantic) nine small panel antennas and a 192 square foot equipment shelter on the roof of the building at 66 Milton Road, Rye, New York. He noted that all necessary documentation has been submitted in support of the application. He showed the Council photographs which demonstrated where the antennas would be located on the building and noted that the antennas would be inconspicuous.

Councilman Hutchings said this proposal has no visual impact.

Mr. Warren J. Wadman, 66 Milton Road, opposed this application because Bell Atlantic's shelter on the 6th floor has already hindered his southerly view and he is afraid that this proposal will do the same. He stated that currently there are 8 - 10 antennas surrounding the bell tower which are within feet of his apartment. He said medical research has indicated that the use of cellular phones and exposure to radiation can cause brain tumors. Mr. Wadman illustrated the proximity of the antennas to his apartment by showing pictures to the City Council.

In response to Mayor Otis' question, Mr. Wadman said that the residents were not consulted about the installation; the Board members approved the arrangement with Bell Atlantic. Mayor Otis described the parameters within which local governments are permitted to regulate radiation related health questions. The Federal Communications Act of 1996 prohibits local governments from

considering such issues in application decisions. Local governments are allowed to make sure radiation levels are consistent with standards established by the Federal Communications Commissions (FCC).

Mr. Richard A. Comi, Telecom Associates and Comi Telecommunications Services, consultant for the City of Rye, reported that certified engineers tested the emissions on the roof. It was confirmed that even in a worse case scenario, they are within the Federal Communications Commission (FCC) standards.

Dr. Philip Beers, 66 Milton Road, asked about the character of the radiation itself. He questioned if some of the emissions might come into the apartment from microwaves. He also asked if there is anything in the law that would prevent a private building from being used for this purpose.

Mayor Otis noted that the City amended its local law to hire consultants to determine if applications are consistent with the federal law.

Mr. Lawrence Monroe, Telecom Associates and Comi Telecommunications Services, consultant for the City of Rye, clarified that the measurements were based on a member of the public standing virtually next to these antennas.

There was some discussion about the location of antennas on a private building and the City's policy with regard to locating antennas in the future.

Mr. Gaudioso said the approval could be conditioned on his client's providing a certification that Mr. Wadman's apartment meets the FCC standards. Mr. Wadman was amenable to this suggestion.

Mayor Otis closed the public hearing.

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

RESOLVED, that the City Council of the City of Rye hereby approves the special permit application by Nextel of New York, Inc. to co-locate nine (9) small panel antennas and a 192 square foot equipment shelter on the roof of the building located at 66 Milton Road.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

13. Scheduling of a public hearing on amending the Official Map to rename Third Street to McCullough Place

Mayor Otis acknowledged the May 25, 1999 memorandum (No. 8-99) from the Planning Commission in support of the renaming of Third Street to McCullough Place.

Councilwoman Cunningham requested that all business establishments on Third Street be notified of the public hearing.

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

WHEREAS, a proposal to amend the official map of the City of Rye to rename Third Street to McCullough Place 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 proposal, 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 21, 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 proposal.

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 amendment
to the Official Map of the City of Rye
to rename Third Street to McCullough Place**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 21st day of July, 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 a proposal to amend the Official Map of the City of Rye to rename Third Street to McCullough Place.

Copies of said proposal may be obtained from the Office of the City Clerk.

City Clerk

Dated:

Frank McCullough, Jr., Esq. expressed his appreciation to the Council members for renaming Third Street in honor of his father.

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

Mr. Chris Cohan, 315 Oakland Beach Avenue, expressed concern about the curbing on Purdy Avenue and the condition of the Morehead Bridge. He expressed the feeling that the Purdy Avenue resurfacing project is incomplete because two curb cuts were damaged and there was no grout installed between the granite. He asked if the contractor had been released from his bond.

Mr. Cohan also stated that the Morehead Bridge which connects the Milton Road Cemetery and Disbrow Park is in dire need of repair. He is concerned about safety because this is a major pedestrian walkway.

Mayor Otis expressed his appreciation to Mr. Cohan and assured him that these matters will be reviewed.

3. General policy discussion: fences

Prior to this general policy discussion, it was decided that these round table discussions would be limited to twenty minutes.

The Council held an informal round table discussion on fence regulations within the City of Rye. The consensus of the Council was that there is a need to revise the City Code regarding fence regulations.

Mayor Otis explained that when residents whose back yards front on Boston Post Road, replaced their original six ft. fences, they were issued a violation because the existing code stipulates that no fence could be higher than 4 ft. within 35 ft. of the city right-of-way.

The council discussed other heavily trafficked areas besides the Boston Post Road where it might be appropriate to have a six-foot fence facing a major thoroughfare; the desire to retain the beauty of Rye and not have it become a walled community; the present variance process, and the need to clarify the existing code by amending it where necessary.

Councilman Stampleman will work on drafting an outline on fence regulations.

6. Continuation of public hearing on proposed local law amending Chapter 133, Noise, of the Code of the City of Rye with respect to the use of leaf blowers

Mayor Otis acknowledged the June 5, 1999 memo from Councilwoman Cunningham on amending the hours of operation in Chapter 133, Noise, in the Code of the City of Rye. He also referenced his June 8th memo with the attached revision of the simultaneous use proposal on leaf blowers.

The Mayor said there has been much discussion on the simultaneous use proposal. He believed that the Council should adopt simultaneous use legislation which would prohibit the use of leaf blowers when other pieces of lawn equipment are in operation from June until September because he felt that this legislation was a reasonable compromise to a complete ban. It would still allow the council the opportunity to explore other ideas with regard to decibel readings, or other means of addressing the issue.

Councilwoman Larr suggested that the City might consider a leaf blower ban between June 1st and Sept 30th with the ability of the City to issue permits for specific properties.

Councilwoman Cunningham supported the proposed local law because it is a compromise to a complete ban, is enforceable, and would give residents some relief this summer.

Councilman Hutchings opposed the proposed legislation by reiterating his position that this is a noise issue. He also stressed the need to educate both the homeowners and landscapers.

Councilwoman Downing preferred a ban. However, she would support a compromise.

Councilman Stampleman agreed with Councilwoman Downing's statement on a ban.

Councilwoman Walsh indicated that she could not support the proposed local law because there is no measurement or objective standard for regulating leaf blowers.

Mayor Otis made a motion, seconded by Councilman Stampleman, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 5 - 1999**

**A local law amending Chapter 133,
Noise, of the Code of the City of Rye
by adding a new section 133-7,
a new section 133-8,
and renumbering section 133-7
Exempt acts, as section 133-9**

Be it enacted by the City Council of Rye as follows:

Section 1. Chapter 133 of the Rye City Code is hereby amended by adding a new section 133-7, a new section 133-8, and renumbering section 133-7, Exempt acts, as section 133-9 to read as follows:

Section 133-7. Additional rules for the operation of power blowers or leaf blowers powered by internal combustion engines.

It is the policy of the City of Rye to minimize noise created by lawn maintenance equipment powered by internal combustion engines. The following rules are intended to help accomplish that goal. In addition to these restrictions, operators should exercise courtesy and take reasonable steps to minimize noise creation at all times.

A. Additional rules for power blowers or leaf blowers powered by internal combustion engines between the dates of June 1st and September 30th:

(1) Power or leaf blowers shall not be operated simultaneously on the same lot with any other type of machine-powered lawn equipment.

(2) Two or more power or leaf blowers shall not be operated simultaneously, except in R-1 residence districts as indicated in the City of Rye Zoning Map.

This section shall not apply to the following entities: municipal, school district, religious institutions, membership club, golf course, hospital, and retirement communities, except that those entities shall minimize any power blower use to the maximum extent practicable in proximity to residences.

- B. The use of power or leaf blowers to move leaves or yard debris to city streets, public property, storm drains, or abutting lots is prohibited at all times.

Section 133-8 Penalties for offenses.

Any person who violates any provision of this chapter, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than two hundred fifty dollars (\$250) or imprisonment for a term of not more than fifteen (15) days, or both.

Section 133-9. Exempt acts.

The actions of governmental agencies shall be specifically exempt from the requirements of this chapter. Actions required by exigent circumstances shall also be exempt.

Section 2. This local law shall take effect upon filing in the Office of the Secretary of State.

ROLL CALL:

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

NAYS: Councilmen Hutchings and Walsh

ABSENT: None

The local law was adopted.

This local law will become effective August 1, 1999.

Mayor Otis made a motion, seconded by Councilman Stampleman, to add Section 1 C, Additional Guidelines, as part of the Local Law 5-1999.

There was a general discussion on Section 1 C, Additional Guidelines, as policy without the force of law.

Mayor Otis made a motion, seconded by Councilman Stampleman, to include Section 1 C, Additional Guidelines, as part of the Local Law 5-1999 which was previously adopted.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, and
Stampleman

NAYS: Councilmen Downing, Hutchings, Larr and Walsh

ABSENT: None

The motion did not carry.

Councilwoman Cunningham explained her two versions of the proposed change in the hours of operation for lawn maintenance equipment. She noted that version A would prohibit the use of power equipment between the hours of 6:00 P.M. and 9:00 A.M. on weekdays and between the hours of 6:00 P.M. and 10:00 A.M. on weekends and holidays; version B would be later in the morning and the same in the evenings.

Councilwomen Larr, Downing, and Walsh agreed that the existing hours of operation should be adjusted on residential properties.

Mr. Curtis Spacavento, landscaper, said a change in hours of operation would impact his business tremendously. He made the following comments:

- the season and hours are short,
- the most productive time is in the morning when it is cool,
- landscapers could end earlier on Saturdays,
- it is unfair to exempt city properties,
- a permit system would penalize landscapers, and
- most commercial properties are done on weekends to avoid any damage to parked cars.

Mr. Patrick Spacavento, retired police officer and landscaper, said that reducing the hours of operation is unfair to the landscapers, however ending the day at 6:00 P.M. is not a problem. He suggested that neighbors communicate with one another if there is a problem in a particular neighborhood.

Councilwoman Larr suggested that landscapers adjust their schedules so that they are not doing several properties on the same street at the same time.

Councilman Stampleman reported that he had received only one complaint about the use of equipment early in the morning.

Mayor Otis stated that he had only received complaints about Saturdays.

A Rye resident addressed the council from the audience and voiced concerns about the effect that early use of lawn machinery has on the sick, elderly, and those who would like to rest. She supported later hours of operation of lawn machinery and stressed the need to mitigate noise because it is detrimental to the health and well being of the residents.

Mayor Otis said if the hours of operation require an amendment, then the Council could not vote on the proposal at this meeting. He said that the sponsor of the legislation has the choice, under parliamentary procedure, to make a motion or withdraw the proposal.

Mayor Otis closed the public hearing and asked Councilwoman Cunningham if she wanted the council to act on her proposed local law.

Councilwoman Cunningham made a motion, seconded by Councilman Stampleman, to adopt the proposed local law on the hours of operation.

Mayor Otis said he could not support the proposed local law without further review and discussion. He also said that the proposal did not address homeowners who do their own lawns.

Councilwoman Cunningham withdrew her motion.

Councilman Stampleman suggested that Councilwomen Cunningham, Downing, Larr and he work on a draft for the hours of operation for lawn equipment.

Councilwoman Downing read from the *Scarsdale Inquirer* suggesting alternative hours of operation for lawn equipment:

Weekdays 8:00 A.M. to 8:00 P.M.
Saturdays 10:00 A.M. to 6:00 P.M.
Sundays 11:00 A.M. to 5 P.M.

Landscaper, Mr. Curtis Spacavento, agreed that these hours of operation during the weekend would not be a hardship to landscapers.

After discussion with Corporation Counsel Neale on the Mayor's closing the public hearing, Mayor Otis withdrew his motion to close the public hearing. He said the public hearing on noise will be continued, if necessary, at the July 21, 1999 council meeting.

11. Consideration of the recommendation of the Traffic and Transportation Committee regarding the request to install a traffic signal at the intersection of Playland Access Road and Old Post Road

Mayor Otis acknowledged the May 25, 1999 memo from the Planning Commission stating that the Commission unequivocally supports the installation of a traffic signal at the intersection of Playland Access Road and Old Post Road. He also noted the receipt of a memo from Mr. Sal Samperi, chairman of the Traffic and Transportation Committee, which states that the committee's position is that the traffic signal is not warranted at this time.

City Manager Culross said that the consensus of traffic engineering experts is that the traffic signal is not warranted.

Councilwoman Walsh indicated that the Planning Commission has been monitoring development along that corridor for some time. The Planning Commission, guided by recommendations from Mr. Lawrence Lehman, feels that the threshold has been reached and it was acting on the recommendation of its traffic expert.

City Manager Culross stated that if the County of Westchester gives permission for the installation, the City would be responsible for liability and maintenance of the traffic signal.

Councilwoman Walsh said that the County would not investigate it further unless there is a resolution from the City Council requesting it.

The council discussed:

- criteria for installation,
- the positions of the Traffic and Transportation Committee and the Planning Commission on the installation of the traffic signal,
- liability and maintenance of the signal, and
- Westchester County's review of the proposal which requires a council resolution requesting the installation of a traffic signal.

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

RESOLVED, that the City Council of the City of Rye hereby endorses the recommendation of the City of Rye Planning Commission to install a traffic signal at the intersection of Playland Access Road and Old Post Road as stated in the May 25, 1999 Planning Commission's Memorandum No. 7-99 and requests that the Westchester County Department of Public Works review the feasibility of permitting such a signal at this location.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

12. Approval of proposed amendment of Section 191-8, Vehicles and Traffic, of the Code of the City of Rye to prohibit a right turn on red signal from Midland Avenue at its southbound intersection with Grace Church Street

Councilwoman Walsh reported that a resident who had a near collision asked the City to research the possibility of a "No Right Turn" sign from Midland Avenue at its southbound intersection with Grace Church Street.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to amend Section 191-8, Vehicles and Traffic, of the Code of the City of Rye, to prohibit a right turn on red signal from Midland Avenue at its southbound intersection with Grace Church Street.

14. Authorization for the City Manager to submit an application for funding under the TEA-21 Transportation Enhancement Program for enhancements to Village Green and vicinity

Councilman Hutchings supported this application because it offers the possibility of undergrounding utilities. He expressed his appreciation to Councilwoman Walsh and City Manager Culross for all their work on this application.

Councilman Stampleman initiated a discussion on the proposed seating wall on the Village Green. He modified the resolution to be less specific by referring only to "related improvements" in the first "Resolved" paragraph.

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

WHEREAS, the Village Green is located on the Boston Post Road (U.S. 1) at its intersection with Purchase Street (Route 120), the city's main shopping street, and is bounded by the Square House

Museum, a national historic landmark, the Rye City Hall and the Rye Free Reading Room which are locally designated historic buildings; and

WHEREAS, the Planning Commission of the City of Rye has had a Village Green Landscape Master Plan prepared in conjunction with the application of the Rye Free Reading Room, the Rye YMCA, and the Rye Fire Department's applications for building modifications impacting the Village Green; and

WHEREAS, the Village Green Landscape Master Plan proposed streetscape enhancements to the Boston Post Road (U.S. 1) along the Village Green; now, therefore, be it

RESOLVED, that the City Council authorizes the City Manager of the City of Rye to apply for funding under the TEA-21 Transportation Enhancements Program for a landscaping and scenic beautification project that would underground existing utilities along Boston Post Road in the area of the Village Green and related improvements; and be it further

RESOLVED, that it is the intent of the City Council to provide the necessary funding for these improvements in the 2000 Capital Projects Fund budget.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

15. Appointment of Nominating Committee for the Boat Basin election and designation of the Chairman

Mayor Otis acknowledged the June 6, 1999 memo from Peter T. Fox, supervisor of the Boat Basin, regarding the appointment of the Boat Basin Nominating Committee for the 1999 Boat Basin Commission election.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the appointments of Mr. Frank Mack, Mr. Richard Dempsey, and Mr. Joseph Fox to the Boat Basin Commission Nominating Committee for the 1999 Boat Basin Commission election.

16. Appointment of Nominating Committee for the Rye Golf Club election and designation of the Chairman

Mayor Otis acknowledged the May 29, 1999 memo from Terri J. Silverman-Jessen, Rye Golf Club Manager, regarding the appointment of the Rye Golf Club Nominating Committee for the 1999 Rye Golf Club Commission election.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the appointments of Mrs. Marie Vitetta, Mr. Alan Robben and Mr. Joseph Groglio to the Rye Golf Club Nominating Committee for the 1999 Rye Golf Club Commission election.

17. Two appointments to the Commission on Human Rights for three-year terms, by the Mayor with Council approval

The Council had a general discussion on eligibility for the City's boards, commissions, and committees. As a general proposition, a member of any board, commission, or committee must be a citizen of the United States. However, non-citizens may serve as non-voting members.

Mayor Otis made a motion, seconded by Councilman Stampleman and unanimously carried, to appoint Mrs. Janice Pierce and Ms. Atsuko Kishida to the Commission on Human Rights for three-year terms expiring 2002.

18. Consideration of the request from residents of Grapal Street for controlled traffic on Saturday, July 24, 1999 for a *Block Party*, with a rain date of Sunday, July 25, 1999, in lieu of their previously scheduled dates

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the request of the residents of Grapal Street for controlled traffic on Saturday, July 24, 1999, with a rain date of Sunday, July 25, 1999, in lieu of their previously scheduled dates.

19. Consideration of the request of the Rye Free Reading Room for permission to use the Village Green on Saturday, September 25, 1999, for its Annual Book Sale

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request of the Rye Free Reading Room to use the Village Green on Saturday, September 25, 1999 for its Annual Book Sale.

20. Consideration of the request of Westchester Triathlon Committee to use city streets for the 16th Annual Westchester Triathlon on Sunday, September 19, 1999

Councilman Hutchings made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the request of the Westchester Triathlon Committee to use city streets for the 16th Annual Westchester Triathlon on Sunday, September 19, 1999.

21. Draft unapproved minutes of the regular meeting of the City Council held May 19, 1999 and the special meeting held June 1, 1999

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the regular meeting of the City Council of May 19, 1999, as amended.

Councilman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the minutes of the special meeting of the City Council held June 1, 1999, as submitted.

8. Discussion of Senior Citizen Survey

Councilman Stampleman noted that the results of the Senior Citizen Survey indicated the need for senior transportation. He said that applying for a van and taxi vouchers through the Westchester County Community Development Block Grant program will certainly help. He asked City Manager Culross to incorporate a plan for operating a van in next year's budget and lighting and sound improvements for the Damiano Senior Center in the Capital Improvement Program.

9. Discussion of Rye Cable Television's Policy regarding Political Programming

This agenda item was deferred to a future meeting.

10. Review of Financial Goals, Policy Statements, budget development assumptions and guidelines by City Council

Councilman Stampleman asked City Manager Culross for the main policy issues which are being considered for the budget presentation.

Mr. Culross stated that an overview of the vital issues for the upcoming year would be addressed in the special August meeting.

Referencing the June 6th *New York Times* article on changes in the accounting procedures for governments, Councilman Stampleman asked the City Manager to implement this procedure as soon as

possible in the year 2000.

In response, City Manager Culross stated that this accounting procedure will be in the Strategic Memorandum. He apprised the council that the Governmental Accounting Standards Board (GASBY) Statement No. 34 states that our community is not required to implement this accounting procedure until the year 2002.

Councilman Stampleman asked that a copy of the *New York Times* article be forwarded to the Finance Committee in time for its June 24th meeting.

City Manager Culross indicated that the city had adopted a very restrictive policy in the use of debt. He said that with the proposed referendum for the renovation of the Fire Stations, the city would be at 7 - 8 % of the constitutional limit but higher than the policy limits.

Responding to questions posed by some council members, City Manager Culross clarified the following:

- no more than 55% of the overall portfolio of bank deposits may be deposited in a single bank,
- deposits are collateralized,
- information on the listing for banks which the city uses is contained in the budget document,
- LFL stands for Local Financial Law, and
- the city's investment policy is reviewed within three months of the organizational meeting of each Council.

22. Miscellaneous communications and reports

A. Councilwoman Downing reported on a meeting with Dr. Robert Leviton, director of Emergency Medicine, United Hospital and Mr. Peter Cann, director of Emergency Services, American Red Cross, on *Project Impact*. She said this group has prepared preliminary budget items.

City Manager Culross informed Councilwoman Downing that Mr. Jeffrey Stonehill, administrative assistant, will be forwarding the information she previously requested.

B. Councilman Stampleman alerted the Council to the fact that the Library is expecting to have final reviews from the appropriate boards, commissions, and/or committees on the proposed addition and anticipates approval. The next step will be to complete the necessary paperwork connected with the transfer of land for the proposed library addition. It is hoped that the Library will ask to be on the agenda for the September council meeting for the formal transfer of land.

Mayor Otis stated there have been some changes to the latest design and improvement of the

handicapped ramp. He advised the Council to review it.

Councilwoman Walsh indicated that after the last update, the handicapped ramp was back to its original shape. She also stated that the Village Green is on the Planning Commission's agenda for next Tuesday. In answer to Councilwoman Cunningham's question on the parking proposal, Councilwoman Walsh stated that two plans were submitted; there is a preferred plan.

City Manager Culross said that the City has made contact with CVS to discuss an alternative parking plan this week. He said that the Landscaping Master Plan has not been reviewed by the Planning Commission.

23. Old Business

A. Mayor Otis reported on a meeting with Mrs. Maureen Moran Williams about parking at the Manursing Lodge. He said there is a long wide alleyway on the Manursing property where possibly eight cars could park in the event of snow.

B. The council discussed at length the implementation of the procedures for the round table discussion.

C. Mayor Otis noted that the Council passed a resolution at its March 3, 1999 regular meeting regarding the State bill on the siting of cellular towers. He indicated that a similar bill has been introduced in the Senate, S.5956. He requested that the Council consider adopting a resolution in opposition to the Senate bill and any such version that may be introduced in the State Assembly because the original resolution was so successful.

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

WHEREAS, municipal home rule in local planning and land use is highly valued by local governments in New York State; and

WHEREAS, the Federal Telecommunications Act of 1996 affirmed the authority of local governments to regulate the placement and construction of wireless telecommunications equipment and facilities; and

WHEREAS, local governments should be free to exercise that authority as they do with other local land use determinations; and

WHEREAS, efforts to restrict local home rule in this area are inconsistent with land use policies in New York State; and

WHEREAS, legislation has been introduced in the New York State Senate, S.5956 and any such version that may be introduced in the State Assembly, which would preempt local home rule in this area, remove the ability of local governments to enact their own local siting laws, interfere with the authority of local governments to set reasonable fees, and remove authority granted in federal law; and

WHEREAS, the siting of wireless telecommunications equipment raises important land use and aesthetic concerns traditionally determined at the local level; now, therefore, be it

RESOLVED, that the City Council of the City of Rye strongly opposes S.5956 and any such version that may be introduced in the State Assembly, and recommends the defeat of this, or any legislation, that restricts the authority of local governments to exercise their prerogative over land use, protect community character and maintain local decision-making consistent with the long history of New York law; and be it further

RESOLVED, that copies of this resolution be forwarded to our representatives in the State Senate and State Assembly, the legislative leaders of each house, the New York State Conference of Mayors, the New York State Association of Counties, the New York State Association of Towns, the Westchester Municipal Officials Association, the Westchester County Executive, and the Westchester County Board of Legislators.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

24. New Business

There was no new business discussed.

25. Adjournment

There being no further business to discuss, Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn the meeting at 12:05 A.M.

Respectfully submitted,
Alice K. Conrad
City Clerk