

MINUTES of the Regular Meeting of  
the City Council of the City of Rye held in  
City Hall on November 15, 2000 at 8:00 P.M.

PRESENT:

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

ABSENT:

DOUGLAS MCKEAN

1. Pledge of Allegiance

Mayor Otis called the meeting to order and invited the council to join in the Pledge of Allegiance.

2. Roll Call

Mayor Otis asked the City Clerk to call the roll; a quorum was present to conduct official city business. He began the meeting by requesting City Manager Julia Novak to report on a public safety issue which arose on November 6, 2000 at the Osborn School.

Manager Novak reviewed the events of November 6 when a threat was received at the Osborn School which resulted in the evacuation (ten minutes) of the building. Shortly after the threat was received, a bank was robbed in Rye so, in hindsight, the threat was clearly a decoy. However, the response by the Police and Fire Departments was not immediate, and there was some confusion about the safety procedures followed. She stressed that there is no excuse for anything less than excellence and reported that she has worked with the school, with Dr. Shine and with both City Departments to review the protocol of what should have happened. While the response of the Fire Department (which is to wait for notification by the Police Department) was correct, the proper protocol for the Police Department is to immediately dispatch two police officers to the scene and this did not happen. The Manager said that she has sent a notice to the Police Department to make sure correct protocol is followed in the future. She also reported that the use of the Custodian to search the building was appropriate because he knows the site. Mayor Otis thanked Manager Novak for her quick response to everyone. He mentioned that fortunately it was a false alarm, but it gave the City an opportunity to review protocol and communication procedures.

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

The Mayor recognized Nick Everett, a Rye resident and an American Yacht Club Trustee who wished to follow up on the matter of the American Yacht Club proposed land swap. The Mayor said that the Council has received a memorandum from the club and was awaiting other reports. Mr. Everett reported that the club held an open house at the proposed park site which was attended by over 70 people, and that they had attended the Milton Point Association meeting. Councilwoman Cunningham said that she and Councilman Hutchings had also attended the meeting and reported that it was interesting with good presentations by both American Yacht Club and Shenorock Shore Club. She said the issues continue to center around security, parking, traffic, speeding and the authority of the Rye Police. She said it was interesting to hear that the depth off the pier is equal to the depth off the proposed park. Mr. Everett asked where the Council is in the process and what the Club could expect in the future. Mayor Otis reported that the Council is waiting for the Town of Rye to review the situation and present their questions, and for additional information from residents and organizations. Once there is progress, the matter will be put on the Council agenda.

Thierry Haase, President of the Homeowners Association of The Preserve, appeared in regards to the proposed light at the Boston Post Road and Johnson Place. He stressed again that everyone's primary objective is safety, but he is concerned about the process and what the next steps should be. Mayor Otis answered that the Council is waiting for a report from the Traffic and Transportation Committee; that once they have received the report, the matter will be put back on the agenda; and that the Council will make their decision. Manager Novak reported that she has a follow-up meeting with the committee on Friday, November 17.

Referring to the recent threat and evacuation of Osborn School on November 6 addressed by Manager Novak earlier in the meeting, Cathleen Morgan, President of the Board of Education, read a letter to the Council regarding the Board's concern about the safety issues. Mrs. Morgan emphasized the Board's serious concerns about the lack of immediate response and urged continued evaluation and retraining in order to have adequate procedures in place. She said she was pleased that everyone was evacuated and with the communication process orchestrated by Manager Novak and the City but wanted their concerns to be on the record. Mayor Otis said that safety, especially of our children, is of the highest concern and that the city looks forward to working with the Board of Education to continue the progress already made.

4. Public hearing on the Special Use Permit Application by Omnipoint Communications, Inc. to co-locate a wireless telecommunications facility at 66 Milton Road

Mayor Otis presented some background on the Special Use Permit Application by Omnipoint Communications, Inc. to co-locate an unmanned wireless telecommunications facility at 66 Milton Road (Blind Brook Lodge). The application is submitted pursuant to Chapter 196 of the Code of the City of Rye, which requires a special use permit from the City Council. He asked representatives from Omnipoint Communications to address the council prior to opening the public hearing.

Anthony Mulrain, and Lorette Dundess, attorneys for Omnipoint, informed the Council that the notification requirements have been met. Rusty Monroe, president of Monroe Telecom Associates and a consultant for the City, said that in his opinion the application complies with the law; the building already has two wireless providers and the City has received proof of the notices which were sent out in a timely fashion. Therefore, he said he would recommend the approval of the special use permit with the following conditions: 1) the bond should be lowered from \$75,000 to \$25,000 because of the co-location and 2) the cupola apartment should be retested both inside and out after the installation to see if the cumulative frequency emissions complies with FCC regulations. If not, the operation will be shut down.

Mayor Otis opened the public hearing. Council Hutchings mentioned that Milton Point does not get good signals and asked if this installation will help. Mr. Monroe said he did not think it would. There being no further questions, Mayor Otis declared the public hearing closed and asked for a resolution.

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

**RESOLVED**, that the City Council of the City of Rye hereby approves the application for a special use permit by Omnipoint Communications, Inc. of 11 High Point Drive, Wayne, NJ 07470, to co-locate three (3) panel antennas, one (1) equipment cabinet and all connecting cables on the roof of a building located at 66 Milton Road.

5. Discussion of the next steps regarding the Joint City/School Traffic Study

Mayor Otis introduced a discussion concerning the next steps on the Joint School Traffic Study implementation so that the Council and City Manager will have a better idea of how to proceed. The City has worked towards implementing many of the recommendations made in the joint study but additional policy questions remain regarding 1) the extension of the one-way section on Hewlett Avenue to Forest Avenue during school drop-off and pick-up times; 2) limiting the parking on Fairway Avenue during pick-up and drop-off times; 3) construction of additional sidewalks along major thoroughfares such as Forest; and 4) addressing the right-of-way incursions by private property owners along Forest and Stuyvesant Avenues.

Councilwoman Cunningham said that the issues raised concerning traffic and parking on Hewlett and Fairway would need to be voted upon by the City Council and she said she would like input from the school and the residents. Councilwoman Larr said that it was her understanding the request came from the school and that they have been asking for this for several years. Mayor Otis reiterated, and Councilwoman Cunningham agreed, that it is important to make sure the school, the Traffic and Transportation Committee and the street residents are asked for their input. Mayor Otis asked the City Manager to follow up.

Mayor Otis said that the issue of constructing additional sidewalks would be addressed at a workshop which is coming up and that the City will meet with Pat Cleary, consultant on the City's Recreation Master Plan.

The Mayor said that the rock incursions on Forest and Stuyvesant Avenues is a matter being followed up by the City Manager.

Councilman Stampleman said he noticed that some of the signs the City had put up near the schools have been taken over by the schools. The City Manager said that this matter has been taken care of and that the signs have been moved to proper places. Councilman Stampleman also suggested further examination of the sidewalks along Midland Avenue and the possibility of putting in humps or rumble strips to control speed. Manager Novak said that as Midland Avenue is a county road the City can take no action on that road but she suggested that the Council analyze the type of streets that require speed controls and proposed a workshop with the Traffic and Transportation Committee. Councilwoman Larr questions how these speed devices would affect snow removal. Mayor Otis raised the question of concerns over noise if the City were to adopt these measures.

6. Resolution authorizing the City Manager to enter into an agreement with Harza Engineering Company for a fee not to exceed \$103,175 to perform engineering services on the third phase of the Project Impact Technical Study

Mayor Otis asked the Council to approve a resolution authorizing the City Manager to enter into an agreement with Harza Engineering for Task Three of the "Project Impact Technical Study", the Beaver Swamp Brook restoration project. He asked Manager Novak to provide additional background. She said that the project is funded by a grant, and that the Federal Government is urging the city to proceed. Councilwoman Cunningham suggested that dredging under the Park Avenue bridge was important. Mayor Otis responded that everyone is aware of this problem and that the purpose of the study is to analyze just such needs.

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

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the City Manager to enter into an agreement with Harza Engineering Company, engineering consultant, for engineering services on the Project Impact Technical Study for a fee which does not exceed \$103,175 for the third phase of the technical study, the Beaver Swamp Brook Restoration Project.

ROLL CALL:

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

NAYS: NONE  
ABSENT: Douglas McKean

The resolution passed.

7. Consideration of proposed local law amending Article II, Section 167-7, Streets and Sidewalks, of the Code of the City of Rye relating to the use of public rights-of-way

Mayor Otis requested that the consideration of the proposed local law amending Article II, Section 167-7, Streets and Sidewalks, of the Code of the City of Rye relating to the use of public rights-of-way be postponed so that a definition of the word "telecom" can be added. There being no objection, this agenda item was postponed.

8. Resolution scheduling a public hearing on the proposed 2001 budget

Mayor Otis asked the Council to postpone the scheduling of a public hearing on the proposed 2001 budget until the last budget workshop is completed (either Thursday, November 16 or Monday, November 20). The Mayor said that postponement would enable the City to include the most current figures. There being no objection, the scheduling of a public hearing was postponed.

9. Draft unapproved minutes of the regular meeting of the City Council held November 1, 2000

Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the minutes of the regular meeting of the City Council held November 1, 2000 as amended.

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn to executive session to discuss a contractual issue and a litigation issue.

Before adjourning, Mayor Otis gave the floor to Councilwoman Larr who announced that this year's Human Rights award was being given to Doug Carey, son of former Mayor John Carey, for his special efforts on behalf of Rye's children. She mentioned that the award would be presented on Sunday, November 19, 2000 at the Rye Interfaith Thanksgiving Service at the Rye Presbyterian Church at 3:00 PM. She invited the City Council and all Rye citizens to attend.

Councilman Hutchings asked viewers to consider serving on the Rye Cable Television Committee. He mentioned that there are a number of terms coming to completion and said the committee would welcome new members. He asked all interested persons to give him a call.

The Council adjourned to Executive Session. Councilman Hutchings made a motion, seconded by Councilman Stampleman and unanimously carried, to adjourn the executive session at 9:55 P.M. and return to open session.

10. Miscellaneous communications and reports

Councilwoman Larr reported that she had been a participant in a joint Port Chester/Rye/Rye Brook budget workshop for Emergency Medical Services (EMS). She said that thanks to the efforts of Manager Novak, the projected deficit of \$100,000 was actually going to be about \$32,000 and that Rye's share would be approximately \$8,000. This share is based on the number of people living in the community rather than a straight 1/3 amount. She reported that Rye Brook's population is scheduled to increase drastically next year so that a third ambulance team will be necessary. She also reported that the billing will be brought in-house so even better dollar figures can be expected as well as better recovery rates. Mayor Otis thanked her for the good report.

Mayor Otis reported on two meetings he had attended. The first was the conference of the NYS Association of Conservation Commissions where the major speaker described the future of visual planning projects. The Mayor reported that in the future the focus will be on use of high-tech presentations in the planning process. He said the information would be on the website.

The Mayor also reported that he had spent an interesting day in Washington, D.C. at the Project Impact Conference also being attended by Julie Schmitter, Assistant to City Manager, all week and by Michael Genito, City Comptroller, for the next few days. He said it was most interesting and that everyone would be looking forward to a full report.

11. Old Business

Councilwoman Cunningham mentioned that there has been a request for a Christmas tree and wondered if this would present a problem. Councilwoman Larr said that it had been proposed last year to no objection by the Council but that the Chamber of Commerce thought it would be too expensive. Councilman Stampleman said he would object to having it on the Village Green, but that other locations would be acceptable. Mayor Otis said that in the past there have been a number of decorations which were more decorative than religious. The Council will ask Manager Novak to report back on this matter.

Councilwoman Cunningham said she attended the Long Island Sound Watershed Intermunicipal Council meeting and learned that there will be a need for the adoption of new by-laws.

12. New Business

Councilwoman Cunningham mentioned that the problem of speeding continues to arise, this time on Theall Road in front of Rye Manor. She mentioned that Rye Manor residents are fearful of pulling out of the parking lot and suggested more police presence. Councilman Stampleman suggested this might be a place for rumble strips. The Mayor said this would present a noise issue, but perhaps because the businesses and the Osborn were so set back this would be less of a problem than if it were a residential street.

Councilman Stampleman mentioned that he feels RCTV needs to have more regular scheduling, citing, for example, that "Eye on Rye" does not always start right on the hour. Councilman Hutchings said there were technical limitations, that there is limited staff, and shows are run by tape with some shows using various times. Councilman Stampleman suggested it might be possible to insert a "stay tuned" screen so people tuning in would know whether a show was coming up.

Mayor Otis reminded everyone that the next budget workshop would be Thursday, November 16 at 7:30 PM and then again on Monday, November 20 at 8:00 PM.

13. Adjournment

There being no further business to discuss, Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn the meeting at 10:10 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk