

APPROVED MINUTES of the Regular
Meeting of the City Council of the City of Rye held in
City Hall on October 3, 2001 at 8:00 P.M.

PRESENT:

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

ABSENT:

None

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.

Mayor Otis began the meeting by conveying again how badly the community had been hurt by the terrible events at the World Trade Center and how much we will all miss those people lost from our community, across the country, and the world. He said that the community had come together in so many ways during these tough times and that our hearts are with everyone.

Councilman Hutchings added that we are at war and our safety continues to be in jeopardy, so it is important for Rye to make sure emergency plans are in place so our citizens will be safe. City Manager Julia Novak said plans are in place, but in light of recent events the City is already working with FEMA to take the plans, which include those developed for Project Impact, to another level. She reported that on September 11th, Police Commissioner Connors had immediately utilized all the City's resources, including sending police officers to each school. Councilman Hutchings suggested that, perhaps, Rye was in a position to help other communities develop plans. Councilwoman Downing commended the work of relief service organizations which have already disbursed millions to those in need.

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

John Alfano, Acting City Judge, commented on the wonderful display of flags, but urged that they be properly displayed. He said as a member of Rye's Bicentennial Committee he had extra pins with the American flag and the words "Rye 200" which he distributed to the Council. He urged everyone to be vigilant, not vigilantes, and that everyone has to carry on and continue support for the country even when casualties occur.

Ruth Kaufman, 44 Fairway, suggested building a memorial on the site of the Rye Nursery to those who died in the tragedy. She said it was a good opportunity to remember those lost in a place where one would go to do happy things with one's family. She said she would be happy to help in any way.

1st Assistant Chief Hogben, representing the Rye Fire Department, said that the acts of terrorism on Sept. 11th have changed our lives forever and how the fire service and all municipal agencies have to operate in the future. He said members of the RFD, both career and volunteer staffs, were called into service at Ground Zero and unselfishly put aside their own personal lives to render aid to the City of New York. He thanked everyone in the City administration who provided them with whatever they needed and extended deepest sympathy to all those who lost friends and relations in the disaster. Mayor Otis said that Rye was one of the first to respond and was the only Westchester company at Ground Zero, seeing things they will never, ever forget. Manager Novak praised Assistant Chief Hogben for his leadership and quick response.

4. Resolution adopting a negative declaration of environmental significance pursuant to the New York State Environmental Quality Review Act and Determination of Local Waterfront Revitalization Program Coastal Consistency in connection with the proposed Recreation Bond Referendum

Mayor Otis asked Manager Novak and City Planner Christian Miller to discuss the resolution adopting a negative declaration of environmental significance pursuant to the New York State Environmental Quality Review Act (SEQRA) and Determination of Local Waterfront Revitalization Program (LWRP) Coastal Consistency in connection with the proposed Recreation Bond Referendum. Mr. Miller said that it was necessary to fulfill the requirements of SEQRA and the City's Coastal Zone Management Law (Chapter 73) prior to setting a public referendum on the Recreation Bond; that the Council had declared itself lead agency and no one had objected so it was now free to proceed. He pointed out that the resolution contains a provision to review the negative declaration and the LWRP in the future as more specific plans are developed which might require a more complete environmental review. Councilwoman Cunningham said she thought this provision was quite unusual, but both

Corporation Counsel Henry Neale and Mr. Miller felt this provision provided the City the opportunity to make another determination of significance under SEQRA if it is merited.

Mayor Otis said that the City was interested in having the bond issue and that this solution provides the mechanism by which the City can go forward now, even though the details are still being worked out. Manager Novak confirmed that the earliest the City can hold a referendum is 60 days from the time the resolution is adopted but that the School is planning its referendum in December so the City is looking at an early March date.

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

CITY COUNCIL RESOLUTION
SEQRA Negative Declaration and Determination of LWRP Coastal
Consistency for Recreation Bond Referendum

WHEREAS, the City of Rye is considering a bond referendum to fund various recreation improvements within the City including the installation of athletic fields at Disbrow Park and on property to be acquired by the City at the corner of Playland Parkway and Milton Road (a.k.a. "Rye Nursery"); renovation and addition to the Damiano Recreation Center; and development and implementation of a Rye Scenic Trailway; and

WHEREAS, these recreational facilities and improvements were identified as priorities in the City of Rye Recreation Master Plan completed in March, 2000; and

WHEREAS, the proposed action is considered a Type I Action pursuant to the New York State Environmental Quality Review Act (SEQRA) and is subject to the requirements of Chapter 73, *Coastal Zone Management Waterfront Consistency Review*, of the Rye City Code; and

WHEREAS, on July 18, 2001, the Rye City Council reviewed the Full Environmental Assessment Form (EAF) and Local Waterfront Revitalization Program (LWRP) Coastal Consistency Form; and

WHEREAS, on July 18, 2001, the Rye City Council declared its intent to be Lead Agency with respect to the environmental review of the proposed action and referred the Coastal Assessment Form to the Rye City Planning Commission for their recommendation; and

WHEREAS, the Full EAF and Notice of Intent to be Lead Agency was circulated to all involved agencies and no objection was submitted to the City Council assuming Lead Agency status; and

WHEREAS, on August 14, 2001, the Rye City Planning Commission deferred its recommendation to the City Council on the consistency of the proposed action with the City's adopted LWRP until such time as more specific information regarding each of the proposed recreation projects is provided for its review;

NOW, THEREFORE, BE IT RESOLVED, that the City Council designates itself as Lead Agency and based on its review of the Environmental Assessment Form (EAF), the criteria listed in Section 617.7(c) of SEQRA and the complete record, the City Council finds that the proposed action will not have a significant adverse environmental impact and adopts a Negative Declaration, but specifically reserves the right to make a separate determination of significance in the future based on new or more detailed information provided in connection with the specific design of any component of the proposed action; and

BE IT FURTHER RESOLVED, that the City Council finds that the proposed action is consistent with the City's Local Waterfront Revitalization Program (LWRP) policies, standards and conditions identified in §73-5.D, *Coastal Zone Management Waterfront Consistency Review*, of the City Code, but specifically reserves the right to make a separate determination of coastal consistency in the future based on new or more detailed information provided in connection with the specific design of any component of the proposed action.

ROLL CALL:

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

NAYS:None

ABSENT None

The resolution passed.

5. Authorization for the City Manager to enter into a license agreement between the City of Rye and Robert C. Howard for installation of a sewer lateral extending approximately 210 feet southwest from the front of property located at 270 Grace Church Street to the existing sanitary manhole in Grace Church Street

Mayor Otis asked City Manager Novak to discuss the request from Robert C. Howard to install a sewer lateral extending approximately 210 feet southwest from the front of property located at 270 Grace Church Street to the existing sanitary manhole in Grace Church Street. Manager Novak said it was a straightforward matter which has been reviewed and recommended by the City Engineer and entering into an agreement is the usual procedure in such circumstances. Matthew Bavoso, from McCullough, Goldberger & Staudt, L.L.P., representing the Howards, said the pipe (only 2 inches in

diameter) would be extended through the right of way and would not involve tearing up the pavement. Councilman Hutchings said he would encourage switching from the septic system to the main sewer system any time.

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

RESOLVED, that the City Manager be authorized to enter into a license agreement between the City of Rye and Robert C. Howard for installation of a sewer lateral extending approximately 210 feet southwest from the front of property located at 270 Grace Church Street to the existing sanitary manhole in Grace Church Street.

6. Resolution appropriating \$51,000 from the General Fund to the Capital Projects Fund Land Acquisition Project for the acquisition of the Rye Nursery Property

Manager Novak said that the transfer of \$51,000 from the General Fund to the Capital Project Fund at this time preserves the City's rights with the seller to delay the closing date on the Rye Nursery Property to on or about November 1st when, hopefully, written notice of funding from the Environmental Facilities Corporation (EFC) has been received.

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

WHEREAS, the City of Rye has entered into a contract to purchase the Rye Nursery property, and

WHEREAS, a delay in the closing date may allow the City of Rye to benefit from financing available through the Environmental Facilities Corp., and

WHEREAS, the cost of penalties to the City of a delayed closing date is estimated to be \$51,000, and

WHEREAS, it is the recommendation of the City Comptroller that such funds be appropriated from fund balance in the General Fund, now, therefore, be it

RESOLVED, that the City Comptroller is authorized to appropriate \$51,000 of the General Fund unreserved and undesignated fund balance and

transfer these funds to the Capital Projects fund Land Acquisition Project, and further be it

RESOLVED, that the City Comptroller amend the fiscal 2001 budget to reflect the appropriation of fund balance and transfer of funds from the General Fund to the Capital Projects Fund Land Acquisition Project.

ROLL CALL:

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

NAYS:None

ABSENT None

The resolution passed.

7. Scheduling of a special meeting to consider resolutions authorizing the borrowing of funds for land acquisition from the Environmental Facilities Corporation

At the request of Mayor Otis, Manager Novak reported that at the September 5, 2001 Council Meeting, the Mayor and Council amended the City Code to permit borrowing from the Environmental Facilities Corporation as a specific exception to the various debt limits articulated in the City Charter. She said if the proposed law is not challenged within 45 days, the new provision will become effective on October 20, 2001 and the next, and final, step is to have the Council authorize the borrowing of the funds.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to schedule a special meeting to consider resolutions authorizing the borrowing of funds for land acquisition from the Environmental Facilities Corporation on Wednesday, October 24, 2001.

16. Approval of revised Police Department Manual General Order #116.4, Sick Leave Policy and Procedures

At the request of Mayor Otis, City Manager Novak explained that any changes to the Police Department Manual requires the approval of the City Council and she introduced Police Commissioner Connors who explained that the proposed change to the sick leave policy and procedures was to make the policy consistent for everyone. He explained that the change was essentially a resolution of a grievance brought by the Rye Police Association.

Councilwoman Cunningham made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the revised Police Department Manual, General Order #116.4 Sick Leave Policy and Procedures by amending point 5 of the Chronic Sick section to read:

“Members who are chronic sick time users will not be permitted to work overtime until they have worked four consecutive weeks from the date of their most recent absence. The only exception will be if a member is ordered to work by the Patrol Lieutenant or the Police Commissioner.”

9. Scheduling of a public hearing on the Special Use Permit Application by Sprint Spectrum L.P. to co-locate a wireless telecommunication facility at 66 Milton Road

Mayor Otis said that a pre-application meeting had been held; the Council had received a report from the City’s consultant, CompComm, part of Miller & Van Eaton; and it was time to schedule a public hearing to hear the Special Use Permit Application by Sprint Spectrum L.P. to co-locate a wireless telecommunication facility at 66 Milton Road. Mr. Ira Saroff from Snyder and Snyder was present to request that the date be set and to answer questions.

Several members said that they would have questions at the time of the public hearing. Councilwoman Cunningham asked about the distinction between the cabinets and antenna, how they were screened and if the Council has the right to approve the appearance of the installation. Councilman McKean said he has an objection to the two antenna which appear to extend over architectural details of the building. Councilman Hutchings asked why the service can’t extend to Milton Point and Councilwoman Downing wondered if perhaps the City had reached the capacity on 66 Milton Road. City Planner Christian Miller said that the consultant’s report, which was very thorough, indicated that the cumulative effect was well below the standard. Councilwoman Cunningham said she found the consultant’s report very easy to read and it appeared to her that higher frequency, as proposed in this plan, was of less concern to the inhabitants of Blind Brook Lodge. Manager Novak said that the City can request a post-installation test if it wishes and said that the consultant could be present if the Council wishes. The Council decided it did not seem necessary to have the consultant present.

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

WHEREAS, a special permit application for permission to locate a telecommunications facility at 66 Milton Road 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 application, 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 November 7, 2001 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 application.

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 special permit application by Sprint Spectrum,
L.P. to locate a telecommunications facility at 66 Milton Road**

PLEASE TAKE NOTICE that, pursuant to Chapter 196 of the Code of the City of Rye (Wireless Telecommunications), the Rye City Council has scheduled a public hearing for Wednesday evening 8:00 P.M., July 18, 2001 in the Council Room of the Rye City Hall on the following matter:

Sprint Spectrum, LP, has applied for a special permit approval for the purpose of installing a wireless telecommunications facility on a property located at 66 Milton Road. The property is known on the Rye City Tax Map as Sheet 146.11, Block 1, Lot 73, and is located in the RA-3, Apartment District, a "C" City of Rye Parking District, and appears to be located in the "C" Flood Insurance Rate Zones. All information pertaining to this matter is available at the City Clerk's Office in Rye City Hall. Contact Christian Miller, City Planner (967-7176) if you require assistance in reviewing this matter. Any person interested or affected will be given an opportunity to be heard.

October 11, 2001

Rye City Planner

10. Authorization for the City Manager to sell at auction surplus equipment as listed by the City Engineer

At the request of Mayor Otis, Manager Novak asked for authorization to sell at auction surplus equipment as listed by the City Engineer. She said this is an annual collaborative event for Rye, Scarsdale and Rye Brook which will be held this year in Scarsdale. She said in addition to the cars and trucks listed there would also be a fire truck and that the 3 year-old car on the list is a patrol car and it is time to recycle it.

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

RESOLVED, that the City Manager is authorized to approve the auctioning of surplus equipment as listed by the City Engineer.

ROLL CALL:

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

NAYS:None

ABSENT None

The resolution passed.

11. Consideration of the request of the Recreation Department to use City Hall, the Village Green, and city streets for the 25th Annual Turkey Run on Saturday, November 24, 2001

Councilman Hutchings made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the request for use of City Hall, the Village Green, and city streets for the 25th Annual Turkey Run and Awards Ceremony on Saturday, November 24, 2001.

16. Consideration of request of residents of Orchard Lane and neighboring streets to hold a *Block Party* on Orchard Lane on Saturday, October 20, 2001, with a rain date of Sunday, October 21

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the request from residents of Orchard Lane and neighboring streets for controlled traffic on Orchard Lane for a *Block Party* on Saturday, October 20, 2001, from 3:30 P.M. to 8:00 P.M. with a rain date of Sunday, October 21st.

16. Miscellaneous communications and reports

Councilwoman Cunningham reported that she had attended a meeting with the District Director of the Small Business Administration (SBA) which is concerned that not enough people are applying for

loans and they want to get the word out that it is a good opportunity, especially for first-time borrowers. She also reported that SCORE (Senior Corps of Retired Executives) has retirees who offer their services to help small businesses.

Councilwoman Larr reported that the Landmarks Advisory Committee had met to review plans to redo the small bridge in the Milton Cemetery. The committee advises that replicating the bridge, rather than replacing it with a new wooden bridge, is better. Wood would require high maintenance, would be more expensive, and would not be harmonious with the other bridge in the cemetery. Councilman McKean suggested looking into patching the existing steel so the bridge could be replicated even more efficiently.

Councilwoman Downing reported that "Heard in Rye" was hosting a panel discussion at the Rye Middle School to address the fear and anxiety issues resulting from the September 11th tragedy.

Councilman Stampleman reported that a Pulverman Concert will take place on October 7th at 3:00 PM and that the Rye Historical Society walking tour from the Knapp House to Stuyvesant Avenue will take place throughout Saturday, October 13th. He said it will be most interesting and urged anyone interested to contact the Society.

Councilman Stampleman said he had noticed signs throughout the City about earning money from home and pointed out that they are both unsightly and illegal. He urged that the perpetrators be found and that people pull the signs down.

Councilwoman Downing said she was concerned to see a good volunteer like Greg McLaughlin resign from the Finance Committee and asked why this committee has not been used more. Mayor Otis said Mr. Pratt, Chairman of the Committee, feels the committee has been invited to participate on several occasions and Councilwoman Cunningham said she felt that traditionally the committee looks at the budget but mostly is asked to participate on ad hoc projects.

14. Old Business

Councilwoman Cunningham reported that the remediation of the contamination at the future affordable housing site on Theodore Fremd is continuing, but that the situation is not improving and there is no projected date of completion. She said that she had requested that the City Planner be given regular reports.

Councilman Hutchings inquired about whether plans were still in the works to provide an additional exit at Midland Avenue for Home Depot. The Mayor said that an RFP to redesign the road from the Midland Avenue bridge to the Connecticut border has been done, so the project is still alive.

15. New Business

Councilman Stampleman asked for further information on the proposed closing of the Grace Church Street Bridge over the Thruway during reconstruction. Manager Novak said she had been told if it is completely closed the project, scheduled for Spring 2003, would take only 6-8 months rather than 14-16, and she asked the Council for their thoughts on the proposal to close the bridge completely. Councilman Hutchings and the Mayor agreed that the spin-off traffic on Midland could be a problem. Manager Novak suggested that she obtain traffic count data from Hardesty & Hanover, LLP, Consulting Engineers for the project and refer the matter to the Traffic and Transportation Committee, letting them know the Council's initial reaction is not to close the bridge entirely.

Councilwoman Larr reported that everyone was pleased that the sound barriers along I-95 have been completed but wondered if something could be done about the 287 corridor. Mayor Otis said that this was a different agency and it is his understanding there is no funding for additional barriers unless it is part of an existing capital construction project. Councilman McKean said houses above the barriers do not necessarily enjoy improved conditions.

16. Draft unapproved minutes of the regular meeting of the City Council held September 5, 2001 and the special meeting held September 20, 2001

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to adopt the minutes of the regular meeting of September 5, 2001 as amended.

Councilman Stampleman made a motion, seconded by Councilman McKean and unanimously carried, to adopt the minutes of the special meeting of September 20, 2001 as submitted.

Councilman Stampleman made a motion seconded by Councilwoman Larr and unanimously carried, to adjourn to executive session at 9:48 P.M. to discuss a contractual matter.

The Council reconvened at 10:08 P.M.

17. Adjournment

There being no further business to consider, Councilwoman Downing made a motion seconded by Councilwoman Cunningham and unanimously carried, to adjourn the meeting at 10:09 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk

