

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on November 14, 2001 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
CAROLYN CUNNINGHAM
ROBERTA DOWNING
ROSAMOND LARR
DOUGLAS MCKEAN
ARTHUR STAMPLEMAN
Councilmen

ABSENT:

ROBERT H. HUTCHINGS
Councilman

The Mayor announced that the meeting had been preceded by a Budget Workshop which began the process of reviewing the 2002 Budget proposal set forth by the City Manager on Monday, November 12. He said that the proposed budget was limited because of the economic downturn and the focus of the Council is how to reduce the 18.2% proposed increase in property taxes. He also said they were not precluding some additions. The next workshop is scheduled for Monday, November 26, 2001 at 8:00 P.M.

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.

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

Elizabeth Reynolds, former president of the Rye Historical Society, read a letter to the Council which stated that they were immensely disappointed to see that support for the Society is not included in the proposal. She said that they have been working all year to develop a meaningful plan and that the

support requested is relatively minimal. She said the Historical Society and the City are forever linked and are, in many ways, partners and she hopes that the token support to enable the museum to maintain public access to the citizens of Rye and the support for the archival project can be reinstated.

Judy Secon, Rye Youth Council, thanked the Council for past support and urged them to reconsider their request for \$30,000 up from \$15,000. She said corporate and State funding had also decreased and they were anxious not to have to eliminate services to Rye's youth.

4. Continuation of 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 announced that the public hearing on the Special Use Permit Application by Sprint Spectrum L.P. to co-locate a wireless telecommunications facility at 66 Milton Road was still open and invited the Council and public to continue the discussion begun at the previous meeting. He said he had reviewed the ordinance and had found no guidance concerning some of the questions raised at the last meeting.

Robert Gaudio, Snyder & Snyder, representing Sprint, reported he had visited the site and had taken photos which he shared with the Council. He pointed out that Sprint's cabinets are 7'1" (vs. Omnipoint's 8'2" cabinets); that no windows will overlook Sprint's equipment; that the cabinets will not be visible from the street or blocking the view; that the antennae are smaller; and the conduit going into the tower will not be visible at the top. He said he thought the faux brick was unnecessary. He said that they could not hide the conduits going up the side of the building by putting them on the inside because of the frequency hazard but, at the suggestion of Councilwoman Larr, said they would place them on the corners so they would look like gutters.

Warren Wadman, owner of the tower unit at 66 Milton Road, brought his own set of photos that demonstrated that there is no spot on the roof where he doesn't see telecommunication equipment. He also reported that the last conduit had been drilled into the building at the top of his apartment and that water leakage into his apartment had occurred as a result. He also said his unit has depreciated while others have appreciated. Councilwoman Cunningham asked if the conduits emitted frequencies and Sprint said it would check after they are installed. Corporation Counsel Henry Neale suggested that Mr. Wadman could conceivably have a claim against the building owners.

Councilman Stampleman asked on what grounds this application could be turned down. The frequency is in line; the appearance is not great, but the cabinets are smaller than those approved in the past; the noise (using fans, self insulated) is lower than past installations; and co-location is what the ordinance says the City prefers. Councilman McKean said he was in favor of cell service, but was very concerned about the appearance of the building and thinks that we should not be making cell towers out of beautiful buildings. City Planner Christian Miller said that there is yet another applicant waiting in the wings for this location.

Councilwoman Cunningham said she had not envisioned quite so many co-locations in one spot and recommended the Council review the ordinance as we look to the future. The Mayor said the Council should look at the cumulative noise and change the ordinance so they will know when to say enough is enough. He agreed, however, that each application is within guidelines on an individual basis in terms of both noise and size and feels there is no justification for turning down the application.

Mario Visconti, 66 Milton Road resident, reiterated that he is concerned about the cumulative radiation effect and wondered why Rye needs to choose a building with 125 families as a site for telecommunications installations. The Mayor said that the Council was precluded from judging an application on the frequency if it meets the limits set by congress and said the City would provide Mr. Visconti with names of people in Washington to whom he could write.

There being no further discussion, the Mayor closed the public hearing.

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham, to approve the application of Sprint Spectrum L.P. to co-locate a wireless telecommunications facility at 66 Milton Road provided Sprint eliminates the screening, the conduit enters the building below the level of the adjacent parapet; and that any replacement machinery or cabinets be either in kind or smaller.

ROLL CALL

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

NAYS: Councilman Stampleman

ABSENT: Councilman Hutchings

Councilman Stampleman made a motion, subsequently withdrawn, that the Council suspend acceptance of future applications for 66 Milton Road until there can be an opinion from the Board of Architectural Review about appearance and from the Building Department concerning the noise. The Mayor said he was not in favor of temporary moratoriums and felt it was better to review the ordinances, specifically in relation to cumulative noise at co-locations, and, if the moratorium was to be set, include specific times, purposes and reasons. He suggested this matter appear on the agenda for the next meeting and asked the Corporation Counsel to draft a moratorium.

5. Resolution scheduling a public hearing on the proposed 2002 budget

Councilman Stampleman confirmed that a change to the budget can be made by simple majority up until the public hearing and that a super majority vote is required only if revenue assumptions are changed after the date of the public hearing.

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing and unanimously carried, to adopt the following resolution setting the public hearing on the proposed 2002 budget:

WHEREAS, it is now desired to call a public hearing on the proposed 2002 budget, 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 December 3, 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 budget.

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

**CITY OF RYE
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held by the Council of the City of Rye on Monday, the 3rd day of December, 2001, at 8:00 p.m. at City Hall, 1051 Boston Post Road, in said City, on the Tentative Budgets of the General Fund, Cable TV Special Revenue Fund, Nature Center Special Revenue Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund, and Building and Vehicle Maintenance Internal Service Fund of the City of Rye for the ensuing fiscal year, January 1, 2002 through December 31, 2002, and at such time and place any person interested in said Tentative Budgets will be given an opportunity to provide written and oral comments on any and all of the aforementioned budgets.

CITY OF RYE SUMMARY OF TENTATIVE BUDGETS

<u>Fund/Program</u>	<u>Tentative Budgets</u>
General Fund	<u>20,792,325</u>
Rye Cable TV Special Revenue Fund	<u>174,013</u>
Rye Nature Center Special Revenue Fund	<u>343,514</u>
Debt Service Fund	<u>142,023</u>
Capital Projects Fund	<u>452,000</u>

Boat Basin Enterprise Fund:	Operating	388,898
	Capital	<u>265,000</u>
	Total - Boat Basin Fund	<u>653,898</u>
Rye Golf Club Enterprise Fund:	Operating	3,634,452
	Capital	<u>240,000</u>
	Total - Golf Club Fund	<u>3,874,452</u>
Risk Retention Internal Service Fund		<u>496,100</u>
Building and Vehicle Maintenance		
Internal Service Fund	Operating	2,468,232
	Capital	<u>7,983,500</u>
	Total - Building and Vehicle	
	Maintenance Fund	<u>10,451,732</u>
	TOTAL - All Funds	\$ <u>37,380,057</u>

Copies of the proposed budgets will be available for inspection by the public at the City Clerk's office during the regular business hours of said office and at the Rye Free Reading Room.

City Clerk

6. Consideration of a request from the Westchester Municipal Officials Association to oppose SB 4744 and request that the Governor veto this legislation

The Council reviewed drafts of two bills before the State Legislature which the Westchester Municipal Officials Association suggests the Council oppose by requesting that the Governor veto the legislation. S.3656 would permit a paid firefighter or a police officer or a survivor to sue a third party in the event an on duty injury or death were to be caused by a violation of a departmental rule. Passage of this bill could result in increased liability for municipalities. S.4744 provides authority to the counties of Westchester, Putnam and Rockland to regulate taxicabs, limousines and livery vehicles and would supersede local laws or ordinances adopted by a City, Town or Village located in such counties. The Mayor said the Council traditionally does not automatically agree to write in opposition or support, but the Council agreed that they needed more information before making a decision and asked that both subjects be considered as part of a future agenda.

7. Consideration of a request for Controlled Traffic on Milton Road, Purchase Street and Haviland Lane; and to restrict parking and Use the Village Green and City Hall as well as provide City support for First Night

Councilman Stampleman made a motion, seconded by Councilman McKean and unanimously carried, to approve the request for controlled traffic on Milton Road, Purchase Street and Haviland Lane and to restrict parking and use the Village Green and City Hall as well as provide City support for First Night.

8. One appointment to the Board of Appeals to fill the unexpired term ending January 1, 2003, by the Mayor with Mayor with Council approval

Mayor Otis said that Serge Nivelles had been nominated to fill the unexpired term of Patricia Higgins on the Zoning Board of Appeals. Councilwoman Larr suggested that he send a resume rather than just a letter and that, perhaps, the Council should wait until January, when all vacancies are filled, rather than acting now. The Mayor said that the candidate was proposed by members of the Zoning Board; had attended a meeting; and was interested in getting involved. Councilwoman Cunningham said that everyone on the Board doesn't have to be a lawyer; that the Board is interested in some diversity in their membership; and that they need to fill the position now, rather than waiting, so that they can be sure of having a quorum.

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously carried, to appoint Serge Nivelles to fill the unexpired term ending January 1, 2003 on the Board of Appeals.

9. Miscellaneous communications and reports

Councilman Stampleman said that he and Councilwoman Cunningham had personally measured the footage in front of Rye Manor so the maximum number of cars could be accommodated under the wording of Local Law 4-2001 passed by the Council at their previous meeting, November 7, 2001. According to Councilman Stampleman, the number of feet mentioned in the law should be 229 rather than 215 and the law should read "229 feet from the southerly entrance to the commercial parking lot." Corporation Counsel Neale disagreed and the Mayor proposed that acceptable wording be found by December 3rd so that the law could be reconsidered and amended, if necessary, at that time.

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

WHEREAS, the Council wishes to review the exact wording of the local law Chapter 191, Vehicles and Traffic, of the Code of the City of Rye, Section 191-18,

subsection D (2) with respect to public parking places which was adopted at the November 7, 2001 meeting of the City Council; and

WHEREAS, it is now desired to call another public hearing on such proposed amendment to the 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 December 3, 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 proposed local law amending Chapter 191, Vehicles and Traffic, of the Rye City Code by amending Section 191-18, Subsection D(2) with respect to public parking places

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 3rd day of December, 2001 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which time interested persons will be afforded an opportunity to be heard concerning the proposed local law amending Chapter 191, Vehicles and Traffic, of the Rye City Code by amending Section 191-18, Subsection D(2) with respect to public parking places.

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

City Clerk

Councilman Stampleman announced that on Sunday, November 18, 2001 during the Thanksgiving Interfaith Service from 3:00-4:00 P.M. at the Rye Community Synagogue Lydia Jenner would receive the annual Humanitarian Award from the Commission on Human Rights in recognition of her role in delivering supplies to Ground Zero immediately following the attack at the World Trade Center. Councilmembers are invited and urged to attend.

10. Old Business

There was no old business to consider.

11. New Business

There was no new business to consider.

Councilwoman Downing made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn to executive session to discuss a real estate matter.

The Council reconvened at 10:15 P.M.

12. Adjournment

There being no further business to consider, Councilwoman Downing made a motion, seconded by Councilman McKean and unanimously carried, to adjourn the meeting at 10:16 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk