

***APPROVED MINUTES*** of the Regular  
Meeting of the City Council of the City of Rye held in  
City Hall on May 1, 2002 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor  
FRANKLIN J. CHU  
ROBERT S. CYPHER  
CAROLYN CUNNINGHAM  
ROBERT H. HUTCHINGS  
ROSAMOND LARR  
DOUGLAS MCKEAN  
Councilmen

ABSENT:

None

1. Pledge of Allegiance

Mayor Otis called the meeting to order at the Square House 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.

The Mayor welcomed everyone to the annual traditional meeting, acknowledging members of the Boards and Commission, past officials, and city staff. He then made the following comments:

“It is an important part of the life of our community that we gather here again for our annual ceremonial meeting. Historically we have used this as an opportunity to bring together those who serve the community today with some of those who have served in the past.

"One difference today is reflected in what our nation and our town have been through since we last met at the Square House. We are a nation at war and a community that has suffered the loss of extraordinary individuals.

“It is at times such as these that we reflect upon how special our community is and how special we all are to each other. Rye is a beautiful place on Long Island Sound. It has been blessed by the freedom our country provides and by the dedication of our own citizens in

maintaining its character. Everyone in this room has contributed to the culture and history of our City.

"But what makes our community unique is not just that we are here in Rye, but that we are here together. It is our connection to each other, our civic life, all of our activities with each other that make us a community. Especially in these times, we should treasure our friendships and celebrate the work of everyone who made our community what it is today and who continue to strive to keep it special."

Mayor Otis then asked for a moment of silence for all who had died in the events of September 11<sup>th</sup> and for all those whom the City had lost in the last year.

Councilwoman Cunningham said it has been a pleasure to be able to participate in this historic meeting for the past six years and thanked the voters for granting her the privilege to serve on the Council. Councilwoman Larr echoed those sentiments.

Mayor Otis then introduced City Manager, Julia Novak who introduced members of the City Staff who were able to be present

Joseph Carlucci	DPW General Foreman
William Connors	Police Commissioner
Jim Dianni	Fire Inspector
Peter Fox	Boat Basin Supervisor
George Hogben	Fire Chief
James Kenny	RCTV Coordinator
Christian Miller	City Planner
Susan A. Morison	City Clerk
George Mottarella	City Engineer
J. Henry Neale, Jr.	Corporation Counsel
Julie Schmitter	Assistant to the City Manager
Vincenzo Tamburro	Building Inspector
Noreen Whitty	City Assessor
John Wickham	1 <sup>st</sup> Assistant Fire Chief

The Mayor said he had received regrets from former Mayors Grainger, Dunn and Carey. Acting Judge and former Councilman John Alfano said the meeting could not be the same without former Mayor Carey's always entertaining comments. In addition to Judge Alfano, the Mayor recognized former Council Members Edward Collins, Joseph Latwin, Arthur Stampleman, Kathleen Walsh and Myron Weinberg as well as Judge Peter Lane.

The Mayor greeted the following members of Rye City Boards, Commissions and Committees:

- Neil Wexler, representing the Zoning Board of Appeals.
- Barbara Cummings and Martha Monserrate from the Planning Commission.

- Duncan Hennes, Chair of the Finance Committee.
- Nick Hodnett, Chairman, the Conservation Commission/Advisory Council, who reminded everyone that Strawberry Sunday would be held at the Nature Center on May 19<sup>th</sup> and introduced fellow member Dennis Buckley.
- Steven Meyers, Chairman of the Recreation Commission, who urged everyone to vote at the next Special Election on June 11, 2002 to seek approval of the scaled-down recreation bond referendum.
- Nancy Stampleman and Joan Cresap, members, the Landmarks Advisory Committee, who, along with Councilman McKean reminded everyone that “Preservation Week” begins May 6, 2002.
- Bruce Boemke, Chair of the Rye Golf Club Commission, who paid tribute to Terri Silverman for her many years of service prior to retiring in March, and also thanked Carolyn Cunningham for her years as Council Liaison to the Commission.
- Pat McGunagle, newly appointed Chairman of the Commission on Human Rights.
- Marion Shea, Chair of the Rye Senior Advocacy Committee, who recognized Arthur Stampleman, a member of the committee, and Joe Murphy, staff support.
- Dan Kelly, City Historian, who said it is his pleasure to keep the City’s history correct.

The Mayor said it was great that everyone could come together in this historic building to reflect on events that have come before. He thanked everyone for attending the special meeting and said the open meeting would continue across the Village Green in City Hall.

The meeting reconvened at 8:30 P.M.

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

John Duffy, Soundview Avenue, petitioned the Council for permission to build a stone wall in front of his house on the City’s right-of-way, saying he feels he is allowed to build steps to gain access to his house so why not a wall which would prevent soil erosion. The Mayor said after lengthy discussion just last year, the Council had created public policy which restricted building anything (even a fence) on City property, so the answer would generally be “no,” although the City could look into any prior exceptions which might provide a precedent. Corporation Counsel Neale said Mr. Duffy could request creation of a license agreement with the City of Rye, but there was no guarantee it would be granted. Councilman McKean suggested he should meet with his landscape architect to see if he could come up with a plan using only his property. The Council suggested if this approach failed to work, he meet with the Building Inspector and the City Engineer to develop a plan before returning to the Council.

Steve Meyers, a member of the Mayfair Board, urged everyone to attend the 32<sup>nd</sup> annual Mayfair at Playland on May 4, 2002 to benefit the Skilled Nursing Pavilion of United Hospital.

David Hood, 19 Radcliff Avenue, said he was a 42-year resident of Rye who had dealt with beach parking issues for many years and proposed the radical solution of installing parking meters in the

beach area. He realized this would not be popular, but said it would be lucrative to the City and the meters would pay for themselves in one clear night. Councilman Hutchings said meters did not preserve the character of Rye and he would not be in support, but Councilwoman Larr said she had asked Mr. Hood to make his presentation because of the “out-of-the-box” thinking. Mayor Otis mentioned the current survey sent to those in the beach area last week and due back Friday, May 10th.

Ellen “Sis” D’Angelo, Wappanocca Avenue, said the gas stations at the entrance to the City are a disgrace; that she has seen no improvement; and now there are drop-off boxes and extraneous clothing strewn about. She also complained about the graffiti at the gas stations, the crumbling wall at the railroad station, and the condition of all the streets in Rye. City Manager Novak said the boxes are illegal and the City is tracking down the owner, and that a letter has been drafted about the graffiti to go out this Friday. The Mayor said the streets are being repaved in an orderly fashion according to a schedule and that Metro North will be contacted about the crumbling wall. It was also suggested perhaps the boxes with the clothes simply be removed.

4. Public hearing on the Special Use Permit Application TC 006 by Nextel of New York, Inc., d/b/a Nextel Communications to locate a wireless telecommunication facility at 32 Elm Place

The Mayor convened the public hearing on the Special Use Permit Application TC006 by Nextel of New York, Inc., d/b/a Nextel Communications to locate a wireless telecommunication facility at 32 Elm Place. Ira Zaroff from Snyder & Snyder, representing Nextel, presented the application saying that the antennas (which were about 2 feet high) would be on the penthouse and on the railing on the roof, and would be flush-mounted and painted to match the existing building. He said that since the original application changes had taken place so that all related equipment would be located inside and there would be no increase in the building height. He said additional service was needed and that he felt this to be a good location. The Mayor said they had received the report from the consultant, as well as from Snyder & Snyder, and that both had addressed some of the issues raised.

Councilwoman Cunningham asked who decides the color match for the paint and mentioned that only a short Environmental Assessment Form (EAF) had been submitted rather than a long one. Mr. Zaroff said the matching paint color is chosen by an architect and has to be satisfactory prior to being granted a permit. He said they felt the short EAF was acceptable in this case since a stand-alone tower was not proposed. Councilman McKean said his reservations were aesthetic and he can’t accept the plan as drawn with the antennas “dripping off the parapets.” He said just painting them was not enough and wanted the antennas not to look like antennas even if it means redesigning the railing. He said he was also concerned about the next co-location application requesting still more antennas, so a better integrated solution now is necessary. Chris Olsen, a Radio Frequency Consultant for Nextel, said he was surprised that the plan was not acceptable as he thought the antennas were well hidden, and that moving them back from the railing would require placing them higher up and, therefore, make them more visible. He said they would have to rise above the railing in order for the signal to be maximized. The Mayor asked if most of the increased usage would come from people driving on I-95, but Mr. Olsen said he thought more of the increased use would come from users inside the buildings in

the Central Business District and from tradesmen working in the area. Councilman Cypher said he was not particularly bothered by the appearance of the plan and Councilman Hutchings said he was disappointed that more service was being added to the Central Business District when Milton Point had so little. Mr. Olsen said this was not for lack of trying on the part of Nextel.

After additional discussion, it was decided to adjourn the public hearing until the May 15, 2002 Council Meeting to give Nextel time to see if they can develop a more aesthetic solution to the appearance of the antennas.

5. Determination of the City Council's Intent to be Lead Agency in connection with a proposed Zoning Code Text Amendment to Permit Moderate Income Housing on certain properties located in the RA-1 Garden Apartment District

Christian Miller, City Planner, said that he had researched the question of whether the City Council should be Lead Agency in connection with a proposed Zoning Code text amendment presented at the prior meeting. He said historically it has usually been the role of the City Council and the Planning Commission is not interested in assuming the role, so he would recommend the Council declare its intent to be lead agency.

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, that the City Council declare its intent to be lead agency in connection with a proposed Zoning Code Text Amendment to permit moderate income housing on certain properties located in the RA-1 Garden Apartment District.

6. Consideration of Home Rule Message for S.7032 amending Chapter 711 of the laws of 1907, relating to providing for a public park in the town of Rye, county of Westchester, in relation to the number of years for leases or agreements at Rye Town Park

Mayor Otis said there is pending State legislation amending the provisions of Chapter 711 of the laws of 1907 relating to providing for a public park in the town of Rye, county of Westchester, in relation to the number of years for leases or agreements at Rye Town Park. He said the proposed legislation numbers are Senate bill S.7032 and Assembly bill A.10655 and a Home Rule Message needs to be approved by the Council.

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried to approve a Home Rule Message which adds the following sentence to Chapter 711 of the laws of 1907:

“In the case of seven year agreements executed before May 1, 2000, said commissioners are authorized and empowered to extend such agreements for any period of time not exceeding an additional ten years if such extension is executed before

December 31, 2002 and is approved with the support of the supervisor of the town of Rye and the mayor of the city of Rye.”

7. Consideration of a Resolution calling for the prohibition of parking at Rye Town Park outside of established parking areas

Mayor Otis said that he had just attended a meeting of the Rye Town Park Commission and they had agreed with the parking proposal put forth by the Friends of Rye Town Park and had voted to provide additional parking cones and an additional \$5000 for more security. Councilman Cypher said he had long been concerned with the number of cars parked all over the park, and the lack of security and feels that a resolution from the City Council, stressing the importance of limitations on parking at the park, was important. Bill Lawyer, a drafter of the plan proposed by the Friends of Rye Town Park, told the Council the Friends had long been working on the parking plan and this is the third and most exhaustive one created. He said the Friends are very supportive of the proposed Council resolution and equally concerned with security, especially about the open gates. Councilman McKean pointed out that last year \$168,000 was received in parking fees and he stated for the record that, while he is in favor of the parking restrictions, the Council must realize that this resolution will mean higher taxes and/or user permit fees. He also suggested amendments to the last “resolved” section to make it more positive. After discussion, the wording of the resolution was amended to reflect the Council’s collective thinking.

Councilman Cypher made a motion, seconded by Councilman Hutchings, to adopt the amended resolution as follows:

**WHEREAS**, the parking problem in Rye Town Park has existed for many years; and

**WHEREAS**, automobiles too frequently are parked inappropriately around Rye Town Park, outside of designated parking areas, and

**WHEREAS** this practice is dangerous to public safety, poses an unacceptable threat to the park’s environment, including trees and the lawn, and is aesthetically inconsistent with the purpose of the park; and

**WHEREAS**, the recent unseasonable warm weather has resulted in an influx of automobiles parking inappropriately on the lawn, even when designated parking areas are empty; now therefore, be it

**RESOLVED**, that the Rye City Council strongly advocates measures designed to limit parking on the lawn areas outside of regular parking areas in Rye Town Park, most particularly north of the Duck Pond, at all times of the year; and be it further

**RESOLVED**, that this Council directs its representatives to the Rye Town Park Commission to express its support for suggested measures to limit parking, including those of the Friends of Rye Town Park and other interested citizens groups, and to take the necessary steps at the commission to bring this issue a satisfactory result, by means of enforcement, barriers, signage, ticketing or towing as necessary.

8. Consideration of proposed law amending Chapter 194, Water, of the Code of the City of Rye with respect to Water Emergencies

City Manager Novak said that consideration of a proposed law amending Chapter 194, Water, of the Code of the City of Rye with respect to water emergencies needed to be deferred and a public hearing set for June 12, 2002. She reported the last rainfall reduced the deficit, but the reservoirs are still only at about 65% instead of the desired 100%, so the restrictive measures will continue to be in effect for a long time. She said she knows many are inconvenienced (especially those wishing to power wash their houses before painting) but asked everyone to put off what they could and to continue to cooperate.

Councilwoman Cunningham made a motion, seconded by Councilman McKean and unanimously carried, to set a public hearing to consider a proposed law amending Chapter 194, Water, of the Code of the City of Rye with respect to Water Emergencies for the regular City Council Meeting on June 12, 2002.

9. Three appointments to one-year terms, three appointments to two-year terms, and three appointments to three-year terms to the Playland Advisory Committee, by the Mayor with Council approval

Councilman McKean made a motion, seconded by Councilman Chu and unanimously carried, to approve appointments to the Playland Advisory Committee as follows: Richard H. Neiman, Susanna Keith, and Lelia Bright to one-year terms; Nicole Klemens, Paul Kawas, and Martha Downen to two-year terms; and Ellen Slater, David Mullane, and William Walsh to three-year terms. The Mayor designated William Walsh as Chairman of the committee.

10. Approval of supplemental appropriation of \$20,000 from the 2002 General Fund Contingent Account to the 2002 General Fund Personnel Budget to provide for legal services

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

**WHEREAS**, legal services costs in the General Fund Personnel budget are expected to exceed the adopted budget amount by \$20,000; and

**WHEREAS**, sufficient funds do exist in the General Fund Contingent Account, now therefore be it

**RESOLVED**, that the fiscal 2002 General Fund budget be amended to increase Personnel Legal Services and decrease the General fund contingent Account in the amount of \$20,000.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
Larr and McKean

NAYS:None

ABSENT: None

The resolution passed.

11. Approval of supplemental appropriation of \$2,800 from the 2002 General Fund Contingent Account to the 2002 General Fund Elections Budget to provide for additional costs for special elections

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

**WHEREAS**, special election services costs in the General Fund Elections Budget are expected to exceed the adopted amount by \$2,800; and

**WHEREAS**, sufficient funds do exist in the General Fund Contingent Account; now, therefore, be it

**RESOLVED**, that the fiscal 2002 General Fund budget be amended to increase the Elections budget and decrease the General Fund Contingent Account in the amount of \$2,800.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
Larr and McKean

NAYS:None

ABSENT: None

The resolution passed.

12. Miscellaneous communications and reports

Councilman Chu said he was impressed with a report from Sal Samperi on the Finance Committee's discussion of Enterprise Funds and suggested Mr. Samperi be invited to address the Council on the subject. The Council agreed.

13. Old Business

Councilman McKean noted the City will not be able to stain the Boston Post Road wall as planned this spring because it would require power washing. Manager Novak said they were looking into using brook water, but a variance is required from the County and it might seem unusual if the City can power-wash and individual citizens are prevented from doing so.

14. New Business

There was no new business to be discussed.

15. Draft unapproved minutes of the regular meetings of the City Council held April 3 and April 10, 2002

Councilwoman Cunningham made a motion, seconded by Councilman Cypher and unanimously carried, to approve the minutes of the regular meeting of the City Council held April 3, 2002, as amended.

Councilman Cypher made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the regular meeting of the City Council held April 10, 2002, as amended.

Councilman Hutchings made a motion, seconded by Councilman Chu and unanimously carried, to adjourn to Executive Session at 10:55 P.M. to discuss very briefly a litigation matter.

The Council reconvened at 10:56 P.M.

16. Adjournment

There being no further business to discuss, Councilman McKean made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn the meeting at 10:57 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk