

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on October 16, 2002 at 8:00 P.M.

PRESENT:

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

ABSENT:

DOUGLAS McR. 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.

3. Presentation by the Rye Senior Advocacy Committee

Mayor Otis introduced Marion Shea, Chairman of the Rye Senior Advocacy Committee, who introduced the other members of her committee (Ellen D'Angelo, Julia Schwartz-Leeper, Peggy Trahar, and Arthur Stampleman), Kathy Lonergan, ex-officio member, and staff member, Joseph Murphy. She read the following six-month progress report into the record:

“Thank you for this opportunity to report to you. It is almost six months to the day since you authorized the Rye Senior Advocacy to serve as a Committee of the City of Rye. It is always good to look back as well as ahead as we go along.

“We have brought to you a copy of the RESOURCE DIRECTORY. This was our initial project, financed in part by donations from Rye Rotary and Rye Lions, and produced in record time through the creative energy of committee member, Arthur Stampleman – at minimum cost. The Directory has been available to members of the Rye community since June at the Rye Library (behind the Reference Desk), at Rye Recreation Center, Rye Manor, and The

Osborn. It has been praised by county professionals and volunteers as a unique grassroots undertaking. You will notice it has nine resource categories listed in the table of contents. A tenth category is currently being developed to include recreational and leisure time activities for seniors. Each category is continually subject to deletion, update, and/or enhancement.

“The Rye City Court has referred to us cases involving seniors “in crisis.” Legal proceedings were begun against two unrelated seniors for non-payment of rent for a period of three months. Judge Alfano requested our committee’s assistance in resolving these cases. One was taken over by NY-United Hospital’s legal staff; the other was resolved by committee staff and volunteers. We are currently working on a case involving violation of City codes concerning maintenance of private property. Action was taken initially by city staff and subsequently referred to our committee by Judge Lane. This case is still active through pro bono intervention. Confidentiality is a basic tenet of our committee work. We respect an individual’s desire for, and right to, privacy.

“We are currently considering opportunities for educating the community, seniors and families of seniors, on how to avoid crisis situations many years before they may occur. We continue educating ourselves as we go along. At our September meeting, we heard an excellent presentation on the legalities of guardianship by an Eldercare lawyer who specializes in this field.

“Serving as chair of this committee is a great personal experience for me. It is not only challenging but deeply rewarding to work with this group of compassionate and cooperative professionals and volunteers.”

The Mayor thanked Mrs. Shea for her presentation, remarked that the Resource Manual was very comprehensive and a perfect example of “how to solve a problem.” The Council applauded the Committee for this exceptional contribution.

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

There were no citizens who wished to be heard.

5. Public hearing on the Special Use Permit Application by Omnipoint Communications to upgrade an existing wireless telecommunications facility at 66 Milton Road

Mayor Otis opened the public hearing on the Special Use Permit Application (TC001 Modified) by Omnipoint Communications to upgrade an existing wireless telecommunications facility at 66 Milton Road. Greg Haber, attorney with Mintz Levin Cohn Ferris Glovsky and Popeo, PC, representing Omnipoint Communications, told the Council Omnipoint currently has three antennae and 1 transformer, approved in November, 2000. He said the company was now asking for permission to install three more antennae and two additional transformers, in order to

solve a coverage gap created by the increased number of users. He said the company usually requests 12 antennae, but, because of the newest technology, only three are necessary.

Councilwoman Cunningham said she had wanted input from the Board of Architectural Review (BAR) prior to the hearing because there were so many telecommunications installations on this one building and said she was reluctant to make a decision before hearing that input. City Manager Novak said that, typically, the BAR and the Planning Commission would review the application after permission was granted by the Council and prior to having a permit issued. Councilwoman Cunningham said if this is the case, perhaps it was time to review the procedure. She said she was concerned about the appearance of the panels (Mr. Haber said they were almost a perfect match) and, while she would agree to go forward at this time, she would agree with Councilman Chu that the results of the review by the BAR at a later date would be good. There being no further comments from the public, Mayor Otis closed the public hearing.

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

RESOLVED, that the City Council declare itself lead agency; issue a SEQRA Negative Declaration; that the application (TC001 Modified) by Omnipoint Communications be approved; and that the City staff report back to the Council with input from the Board of Architectural Review.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings
and Larr
NAYS: None
ABSENT: Councilman McKean

6. Discussion of the establishment of a Planning Committee to assist in preparing a Pre-Disaster Mitigation Plan

City Manager Novak reported that the City of Rye has been awarded a Pre-Disaster Mitigation Planning Grant in the amount of \$9,000 to complete an All-Hazard Mitigation Plan. The process for completion requires an open public involvement process including the formation of a planning committee. She proposed that committee be comprised of approximately 15 members as follows:

City Staff: City Planner (Planning Committee Leader); Assistant Engineer/Building Inspector; Assistant to the City Manager; Nature Center Director, Police Department Representative, Fire Department Representative
Local Government Members: City of Rye Council Representatives

Local Residents: Conservation Commission Member; Planning Commission Member, 4 residents of the Beaver Swamp Brook and Blind Brook Areas.

Local Businesses: Con-Edison Storm Recovery Specialist; Rye Merchants Association Representative, United Hospital Emergency Medicine Director

Non-Profit Organization: Westchester County Chapter of the American Red Cross Director; Ambulance Corp Director

Schools: Rye Country Day School

County Government: Westchester County Planning Department Representative

The Mayor suggested writing a letter to those who had served on the Project Impact Steering Committee to see if anyone was interested in serving. The Council also thought both the Rye City and Rye Neck Schools, as well as Resurrection, should be invited to participate. Mayor Otis and Councilwoman Cunningham both volunteered to represent Rye City Council on the committee. Manager Novak said she would begin to contact committee members and aim at a March 31, 2003 date for completion of the plan. Once the plan is in place she reported Rye would be eligible to receive Hazard Mitigation Grant Program (HMGP) project funding. She thanked her assistant, Julie Schmitter for all her work in procuring the grant.

7. Proposed resolution exempting certain positions from the Council-adopted hiring freeze

City Manager Julia Novak asked the Council to consider a resolution exempting certain positions from the hiring freeze adopted by the Council at its prior meeting. She said that there are part-time and seasonal positions (about 26, primarily at the Recreation Department) which need to be filled, often only for a brief period. She also requested that the positions hired through the Enterprise Funds be able to be filled without coming to the Council. While Councilman Hutchings felt all employees should be subject to the rules of the freeze, Councilwoman Cunningham said she had really thought of full-time employees when she suggested the freeze but would hope, in the spirit of the freeze, that only the bare minimum of seasonal and part-time employees would be hired. Councilman Cypher felt that if more children signed up to play basketball and more coaches were needed, they should be hired. Mayor Otis indicated children should not be denied coaches or positions on teams through this policy. Councilwoman Larr requested Manager Novak let the Council know who is hired and when.

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

RESOLVED, that the part-time, seasonal positions as well as positions funded through the Rye Golf Club Enterprise Fund be excluded from the hiring freeze adopted by the City Council on October 2, 2002.

Bruce Boehmcke, Rye Golf Club Commission Chairman, thanked the Council and, in particular Councilwoman Cunningham for her good work as liaison to the Commission.

8. Proposed resolution supporting the acquisition of David's Island as a County Park

Councilwoman Cunningham reported on what she had found out about plans for making David's Island a park and reiterated her belief that a resolution supporting the plan to have the County acquire the island was appropriate. She said the plan to acquire the island for parkland was the best solution and an opportunity not to be missed. She said the County has hired a consultant who is to report on how much the clean up might cost and who else might help the County with this part of the plan. She said the plan is still in committee but would be funded in three separate stages, presumably all by bonds. Councilman Hutchings, who felt the issue was not what the Rye Council should be considering, said he had heard there would be ferry service from Playland, but the Mayor reported he thought any ferry service would be from Glen Island, especially as the County is committed to using the Playland pier only for park use. The Mayor agreed that purchasing the island for parkland was the best way to keep it out of the way of development detrimental to the environment and the Sound. Joe Murphy, member of the Conservation Commission/Advisory Committee agreed, and asked the Council to support the resolution. Councilwoman Larr said she likes the plan, but the timing is poor and, with the other financial needs of the County so great, she cannot justify spending more on acquiring the island at this time.

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

WHEREAS, the residents of Rye, residents of the Long Island Sound shore communities, and all Westchester County residents would benefit from the addition of a unique island County park on David's Island in New Rochelle; and

WHEREAS, use of the 78-acre island located in the most densely populated portion of the County adjoining Long Island Sound for public parkland is a wise and beneficial use of this land that will also help preserve the water quality in the Sound, as well as provide recreational and conservation opportunities for County residents; and

WHEREAS, a David's Island park presents a unique opportunity for increasing public access to the Long Island Sound shoreline while providing unmatched views, skylines, and open space away from the "mainland"; and

WHEREAS, a David's Island County park is a park jewel in the making; now, therefore, be it

RESOLVED, that the Rye City Council supports Westchester County's plans to acquire David's Island for park purposes and urges the County Executive and the Board of Legislators to move forward with its acquisition.

ROLL CALL:

AYES: Mayor Otis, Councilwoman Cunningham
NAYS: Councilman Cypher, Hutchings, and Larr
ABSENT: Councilman McKean
ABSTAIN: Councilman Chu

The resolution failed to pass by a vote of 2 to 3. Councilman Chu said he couldn't justify the money it would cost.

9. Consideration of resolution adopting a State Environmental Quality Review Act (SEQRA) Negative Declaration and Determination of Local Waterfront Revitalization Program (LWRP) Coastal Consistency in connection with the proposed Construction of Recreation Fields at Disbrow Park and 421 Milton Road

Mayor Otis asked the council to consider a resolution adopting a State Environmental Quality Review Act (SEQRA) Negative Declaration and Determination of Local Waterfront Revitalization Program (LWRP) Coastal Consistency in connection with the proposed construction of Recreation Fields at Disbrow Park and 421 Milton Road.

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

WHEREAS, the City of Rye is considering the construction of recreation fields at Disbrow Park and on property at the corner of Playland Parkway and Milton Road (a.k.a. "Rye Nursery"); 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, in October, 2001, the Rye City Council, as Lead Agency adopted a Negative Declaration of Environmental Significance and a finding of LWRP Coastal Consistency with respect to the proposed action, but specifically noted that an additional environmental and coastal consistency determination would be made after the completion of more detailed site development plans were prepared for the recreation projects; and

WHEREAS, detailed plans for the construction of the recreation fields were prepared and approved by the Special Athletic Fields/Wetland Committee in February 2002; and

WHEREAS, the original design of the fields was significantly modified by the Committee to address a variety of neighbor, community character, historic preservation and environmental concerns; and

WHEREAS, on July 23, 2002, the Rye City Planning Commission unanimously adopted an advisory recommendation that the proposed recreation projects are consistent with the 44 policies identified in the City's Local Waterfront Revitalization Program (LWRP);

NOW, THEREFORE, BE IT RESOLVED, that based on the 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; 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.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings
and Larr
NAYS: None
ABSENT: Councilman McKean

The resolution passed.

10. Acceptance of a donation from Rye Ford/Subaru, Inc. to the City of Rye Police Department of two digital cameras at a cost not to exceed one thousand dollars (\$1,000) and approval of an amendment to the 2002 General Fund budget in that amount to provide for the unanticipated revenue and the appropriation of funds for the purpose specified by the donor

Manager Novak reported that Rye Ford/Subaru, Inc. has offered to make a donation to the City of Rye Police Department of two digital cameras in the spirit of being a good neighbor. She said the department was excited to have this gift and urged the Council to accept the donation.

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

WHEREAS, Rye Ford/Subaru, Inc. desires to donate two digital cameras at a cost not to exceed One Thousand dollars (\$1,000) to the Rye Police Department; and

WHEREAS, the fiscal 2002 General Fund budget did not anticipate this donation or the specific request as to how the funds should be spent; now, therefore, be it

RESOLVED, that the City Council of the City of Rye accepts the aforementioned donation; and be it further

RESOLVED, that the City Comptroller is authorized to amend the fiscal 2002 General Fund budget as follows:

Increase Police Investigations Revenues – Gifts and Donations \$1,000
Increase Police Investigations Appropriations - Audio & Visual
Equipment \$1,000

ROLL CALL:

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

NAYS: None

ABSENT: Councilman McKean

The resolution passed.

11. Approval of a supplemental appropriation of \$4,000 from the Police Agency Fund to the Police Department budget for the purpose of allotting each member of the Rye Police Association up to One Hundred (\$100) Dollars for the purchase of "Surefire" flashlights with leather carrying cases

Manager Novak explained that the Police Department receives donations from various grateful citizens that are placed in a fund and each year the Rye Police Association decides what to purchase with the funds. She said this year they would like to purchase "Surefire" flashlights with leather carrying cases, and she urged the Council to grant approval for this purchase.

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

RESOLVED, that the City Council of the City of Rye hereby approves an appropriation of \$4,000 from the Miscellaneous Trust Fund – Donations for

Police Purposes – for the purchase of “Surefire” flashlights with leather carrying cases for members of the Rye Police Association.

ROLL CALL:

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

NAYS: None

ABSENT: Councilman McKean

The resolution passed.

12. One appointment to the Planning Commission to fill the term ending January 1, 2004, by the Mayor with Council approval

This agenda item was deferred to a later date.

13. Miscellaneous communications and reports

Councilwoman Larr reported that since Emergency Medical Service (EMS) began collecting bills in house, collections were ahead of last year, but urged everyone to pay any outstanding bills right away. She praised EMS’ excellent public servants.

Mayor Otis reported on the following meetings

16. The Big House Workshop on September 25, 2002 had been well attended and a smaller group has been meeting each week and made lots of progress, especially with input from some of the local architects. He said the larger group would meet next Wednesday, October 23 to hear a report on some concrete concepts and tools. He thanked City Planner Christian Miller for his help.
17. The Annual Conference of the NY Association of Conservation and Environmental Managers covered many interesting topics, such a flood control.
18. The Federated Conservationists of Westchester County Conference (which he attended with Councilwoman Cunningham) was about the Hutchinson River Parkway, including a discussion on the state law concerning cell towers.
19. The First Annual Westchester Mayors Business Summit featured Mayor Otis along with mayors from Mt. Vernon, White Plains, New Rochelle and Yonkers. It was a good opportunity to learn and share and to talk about the fine job Rye merchants are doing. Rye has 850,000 square feet of commercial space. Less than 10% is available (compared to the Westchester County average of 15-18%).

Councilman Hutchings reported that the Milton Point Association had heard an excellent presentation by Police Commissioner Connors about traffic control and speeding on Milton Point and about plans to address the problems of teenage drinking in Rye (including no tolerance and holding parents responsible).

14. Old Business

Councilwoman Larr reported that the Traffic and Transportation Committee will be discussing her “30 on 30” (30 mph on the 30th of the month) idea. She said the program will also be supported by the Police Department and she is looking for support from local businesses.

Councilwoman Larr mentioned that in a May 3rd memo the City Manager had offered to lead a retreat for the City Council during which they could examine their vision for the community. She said the City was lucky to have someone with this talent and suggested the City Council consider the offer. The Mayor suggested the City Manager re-send the memo but stated that it would be most important for the Council to deliberate in front of the public in accordance with the Open Meeting Law.

In response to a question from Councilwoman Cunningham, Manager Novak said the Police Firing Range was close to being opened.

The Mayor said that Kid’s Space had made two presentations to the Rye Town Park (RTP) Commission and that their architect and Lisa Easton, architect for RTP, were to meet soon.

Mayor Otis said he thought it would be a good idea to enclose the letter he had suggested to Rye Neck School District residents with the tax bill. Councilman Hutchings suggested the letter also be posted on RCTV.

Councilman Hutchings asked when the firemen were going to move into the Milton firehouse. Manager Novak said it was her understanding they had the keys. Councilman Cypher said he had heard they were waiting for the building inspector to issue the certificate of occupancy. In any case, the Locust Avenue firehouse will remain open until the proposed firehouse bond referendum has been voted on in March, 2003.

15. New Business

Councilman Chu suggested the implementation of a large e-mail list serve for Rye citizens so citywide communications could be sent via e-mail to those who sign up. The City Manager said the City has the technical capability to do this, but suggested that the communications committee work out issues such as how to collect and maintain e-mail addresses, what kind of communications would be involved, etc.

Mayor Otis reported that with the settlement of our tax issues with the Rye Neck School District, cases carried over from prior years could be withdrawn as precedence has been set. At the suggestion of Corporation Counsel Kevin Plunkett, Councilman Hutchings made a motion, seconded by Councilwoman Larr to approve the following resolution:

RESOLVED, that the City of Rye hereby withdraws with prejudice all pending proceedings vs. the New York State Office of Real Property Services.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings
and Larr
NAYS: None
ABSENT: Councilman McKean

The resolution passed

Mayor Otis said the Council had received a letter from the Fire Department requesting approval of the reinstatement of John Wickham as Second Assistant Chief, but said he thought this matter could be deferred as they had just voted to approve new officers at the last meeting. Richard Barber from the Board of Fire Wardens objected saying the Wardens want Mr. Wickham (who resigned because he thought he had a health problem) back now; that not reinstating him immediately would leave a gap in coverage because recently appointed Second Assistant Chief Peter Donahue was taking a leave of absence; and that it is not a question of who the Council wants, but of who the Wardens want. The Council said they were confused about what exactly is going on. The Mayor was concerned about the coverage issue, but Councilman Cypher, who had been at the Warden's meeting, said there were definitely two different scenarios and he advised delaying the approval until the facts could be determined. He said it is the Council's responsibility to know more and not to just rubber stamp appointments. The City Manager said she would work with all firemen to try and straighten things out. Tom Banahan, having just reached Chief Hogben on the phone, announced that Mr. Donahue would stay on until everything is straightened out and suggested that everyone meet together so everyone can be on the same track.

Joe Murphy asked if the Rye Senior Advocacy meetings could be posted on the weekly meeting notices. The City Manager asked him to communicate this to the City Clerk.

16. Draft unapproved minutes of the regular meeting of the City Council held October 2, 2002

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the regular meeting of the City Council held October 2, 2002 as amended.

Councilwoman Larr made a motion, seconded by Councilman Cypher and unanimously carried, to adjourn to Executive Session at 10:05 P.M. to discuss a personnel matter.

The Council reconvened at 10:15 P.M.

17. Adjournment

As there was no further business to come before the meeting, Councilman Cypher made a motion, seconded by Councilman Chu and unanimously carried, to adjourn the meeting at 10:16 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk