

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on October 1, 2003 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
FRANKLIN J. CHU
CAROLYN CUNNINGHAM
ROBERT S. CYPHER
ROBERT H. HUTCHINGS
ROSAMOND LARR
DOUGLAS McR. MCKEAN (arrived at 8:20)
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.

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

Gerry Seitz, Kirby Lane, spoke on behalf of the Kirby Lane Mill Pond Association, saying he hoped the Council would approve an upcoming request from the Association to donate a plaque to the Rye Nature Center to be placed on City land by the Mill Pond describing the area.

(The following agenda item was taken out of order.)

6. Consideration of a Corridor Agreement with Fibertech Networks LLC

Mayor Otis introduced Mario Rodriquez from Fibertech Networks, LLC who was present to respond to any questions concerning a proposed agreement between Fibertech and the City of Rye, requesting permission to work in the City's rights-of-way while providing services to the Rye City School system. Corporation Counsel Kevin Plunkett reported he has been working with City Engineer George Mottarella on the agreement and that the schools want this project done. He recommended the Council authorize the City Manager to sign it. In response to questions from Councilwoman Cunningham, he said the \$5000 fee is normal and high enough and there is adequate provision in the agreement for repairing and repaving. In response to

Councilman Hutchings, he said the company has agreed to place whatever wires they can underground. Mr. Rodriguez said the cables were ½ inch thick and, should other wires currently on poles be buried, they will do the same with these cables.

(Councilman McKean arrived at this time)

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to adopt the following resolutions:

RESOLVED, that the Negative Declaration declaring that proposed action to adopt the proposed Corridor Agreement with Fibertech Networks LLC will not have significant adverse environmental impact and should be accepted as presented, and be further

RESOLVED, that the City Manager be authorized to sign the Corridor Agreement with Fibertech Networks LLC on behalf of the City of Rye.

ROLL CALL:

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

4. Continuation of public hearing on proposed local law amending Chapter 196, Wireless Telecommunication Facilities, of the Code of the City of Rye

The Mayor announced the continuation of the public hearing on proposed local law amending Chapter 196, Wireless Telecommunication Facilities of the Code of the City of Rye. Councilman McKean thanked the staff (particularly Casey Liebst, Vincenzo Tamburro, Christian Miller) and Corporation Counsel Kevin Plunkett again for their help in rewriting the law by making sure the visual impact on the City would be minimal and by revamping the approval process so all applications can be reviewed by proper staff and boards before being presented to the City Council. Councilman Hutchings thanked everyone for all the changes and the emphasis on putting as much as possible underground. Mr. Plunkett reminded the Council that enacting the new law required Type II action under SEQR.

The Mayor closed the public hearing.

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

RESOLVED, that the Negative Declaration declaring that proposed action to adopt Local Law No. 7-2003 “Amending Chapter 196, Wireless Telecommunication Facilities, of the Code of the City of Rye,” will not have significant adverse environmental impact and should be accepted as presented.

Councilwoman Cunningham made a motion, seconded by Councilman McKean, to adopt the following local law (Deleted language is [bracketed] and new language is underlined):

**LOCAL LAW
CITY OF RYE
LOCAL LAW NO. 7-2003**

**A Local Law Amending Chapter 196,
Wireless Telecommunications Facilities,
of the Rye City Code by amending
Section 196-5, subsections J, L, M, N and T,
creating a new subsection E (25),
amending Section 196-12 subsection B, and
amending Section 196-16, subsections B,C,D,E, and F**

Be it enacted by the Council of the city of Rye as follows:

Section 1. Section 196-5 of Chapter 196 of the Code of the City of Rye is hereby amended to read as follows:

§ 196-5. Special use permit application and other requirements.

A. All applicants for a special use permit for a wireless telecommunications facility or any modification of such facility shall comply with the requirements set forth in this section.

B. An application for a special use permit for a wireless telecommunications facility shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the applicant, shall also sign the application. At the discretion of the Council, any false or misleading statement in the application may subject the applicant to denial of the application without further consideration or opportunity for correction.

C. Applications not meeting the requirements stated herein or which are otherwise incomplete may be rejected by the Council.

D. The applicant shall include a statement in writing that:

(1) The applicant's proposed wireless telecommunications facility will be maintained in a safe manner and in compliance with all conditions of the special use permit, without exception, unless specifically granted relief by the Council in writing, as well as all applicable and permissible local codes, ordinances and regulations, including any and all applicable county, state and federal laws, rules and regulations.

(2) The construction of the wireless telecommunications facility is legally permissible, including but not limited to the fact that the applicant is authorized to do business in New York State.

E. No wireless telecommunications facility or tower or other tall structure shall be installed or constructed for the purpose of providing wireless telecommunications service until a plan of the site is reviewed and approved by the Council and, in situations involving towers, until the site plan is reviewed and approved by the Planning Commission. All applications for the construction or installation of a new wireless telecommunications facility shall be accompanied by a report containing the information hereinafter set forth. The report shall be signed by a licensed professional engineer registered in the state and shall contain the following information. Where this section calls for certification, such certification shall be by a qualified New York State licensed professional engineer acceptable to the city, unless otherwise noted. The application shall include, in addition to the other requirements for the special use permit, the following information:

(1) Documentation that demonstrates the need for the wireless telecommunications facility to provide service primarily within the city.

(2) Name and address of person preparing the report.

(3) Name and address of the property owner, operator and applicant, to include the legal form of the applicant.

(4) Postal address and Tax Map parcel number of the property.

(5) Zoning district or designation in which the property is situated.

(6) Size of the property stated both in square feet and lot line dimensions and a diagram showing the location of all lot lines.

(7) Location of all residential structures within 750 feet.

(8) Location of all habitable structures within 750 feet.

(9) Location of all structures on the property which is the subject of the application.

(10) Location, size and height of all proposed and existing antennas and all appurtenant structures.

(11) Type, size and location of all proposed and existing landscaping.

- (12) The number, type and design of the wireless telecommunications facility(s) antenna(s) proposed and the basis for the calculations of the wireless telecommunications facility's capacity to accommodate multiple users.
- (13) The make, model and manufacturer of the wireless facility and antenna(s).
- (14) A description of the proposed wireless facility and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above preexisting grade, materials, color and lighting.
- (15) The frequency, modulation and class of service of radio or other transmitting equipment.
- (16) Transmission and maximum effective radiated power of the antenna(s).
- (17) Direction of maximum lobes and associated radiation of the antenna(s).
- (18) Applicant's proposed wireless facility maintenance and inspection procedures and related system of records.
- (19) Certification that NIER levels at the proposed site are within the threshold levels adopted by the FCC. The certifying engineer need not be approved by the city.
- (20) Certification that the proposed antenna(s) will not cause interference with existing telecommunications devices. The certifying engineer need not be approved by the city.
- (21) A copy of the FCC license applicable for the use of the wireless telecommunications facility.
- (22) Certification that a topographic and geomorphologic study and analysis has been conducted and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed wireless telecommunications tower on the proposed site. The certifying engineer need not be approved by the city.
- (23) Propagation studies of the proposed site and all adjoining proposed or in-service or existing sites.
- (24) Applicant shall disclose, in writing, any agreement in existence prior to submission of the application that would limit or preclude the ability of the applicant to share any new wireless telecommunications facility that it constructs.
- (25) The applicant shall provide a notarized affidavit that either the proposed installation meets all laws, codes and ordinances or that it meets the same except as specifically listed on said affidavit.

F. In the case of a new wireless telecommunications facility, the applicant shall be required to submit a report demonstrating its efforts to secure shared use of existing wireless telecommunications facility(s). Copies of written requests and responses for shared use shall be provided to the Council.

G. Certification that the wireless telecommunications facility and attachments both are designed and constructed ("as built") to meet all county, state and federal structural requirements for loads, including wind and ice loads.

H. After construction and prior to receiving a certificate of compliance, certification that the wireless telecommunications facility and related facilities are grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.

I. The applicant shall submit a completed long form EAF and a completed Visual EAF addendum. The Council may require submission of a more detailed visual analysis based on the results of the Visual EAF addendum. Applicants are encouraged to seek preapplication meetings with the City Council to address the scope of the required visual assessment.

J. A visual impact assessment shall be provided with each application which shall [at the Council's request] include:

(1) A Zone of Visibility Map, which shall be provided in order to determine locations where the facility may be seen.

(2) Pictorial representations of before and after views from key viewpoints to be determined by Council or the city's Board of Architectural Review, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors or travelers. The city will provide guidance concerning the appropriate key sites at a preapplication meeting.

(3) An assessment of the visual impact of the facility base, guy wires and accessory buildings from abutting and adjacent properties and streets.

K. The applicant shall, in a manner approved by the Council, demonstrate and provide, in writing and/or by drawing, how it shall effectively screen from view its proposed wireless telecommunications facility base and all related facilities and structures, subject to Council approval.

L. All utilities serving any wireless telecommunications facility [site] shall be installed underground, embedded in existing construction or otherwise shielded from view and in compliance with all laws, rules and regulations of the city, including specifically, but not limited to, the National Electrical Safety Code and

the National Electrical Code, where appropriate. The Council may waive or vary the requirements of undergrounding installation of utilities whenever, in the opinion of the Council, such variance or waiver shall not be detrimental to the health, safety, general welfare or environment, including the visual and scenic characteristics of the area.

M. All wireless telecommunications facilities and accessory facilities applications shall contain a demonstration that the facility shall be sited so as to have the least adverse visual [effect] impact on the environment and its character, and the residences in the area of the wireless telecommunications facility site. The application shall also include appropriate information addressing the cumulative visual impact of future collocations by the applicant or other telecommunication service providers.

N. Where possible, wiring and other components shall be located within buildings. Wireless telecommunications facilities installed on the exterior of existing buildings/structures shall be integrated into the design of such buildings/structures. The intent of this provision is to make the installation invisible or indistinguishable from other existing architectural features. Both the wireless telecommunications facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and with the natural surroundings.

O. An access road and parking to assure adequate emergency and service access shall be provided, should such be deemed necessary by the Council. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and vegetation-cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

P. A person who holds a special use permit for a wireless telecommunications facility shall construct, operate, maintain, repair, modify or restore the permitted wireless telecommunications facility in strict compliance with all current technical, safety and safety-related codes adopted by the city, county, state or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsibly workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health and land use codes. In the event of a conflict between or among any of the preceding, the more stringent shall apply.

Q. A holder of a special use permit granted under this chapter shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or law and must maintain the same, in full force and effect, for as long

as required by the city or other governmental entity or agency having jurisdiction over the applicant.

R. The Council intends to be the lead agency, pursuant to SEQRA. The Council shall conduct a review of the proposed project in combination with its review of the application under this chapter.

S. An applicant shall submit to the Building Inspector the number of completed applications determined to be needed at the preapplication meeting. A copy of the notification of application shall be provided to the legislative body of all adjacent municipalities and to the Westchester County Planning Board.

T. If the applicant is proposing the construction of a tower or installation on an existing building/structure, the applicant shall examine the feasibility of designing [a tower] the installation to accommodate future demand for at least two additional commercial applications, e.g. future collocations. The scope of this examination shall be determined by the Council. The wireless telecommunications facility shall be structurally designed to accommodate at least two additional antenna arrays equal to those of the applicant and located as close to the applicant's antenna as possible without causing interference. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the wireless telecommunications facility is not technologically feasible, or is commercially impracticable and creates an unnecessary and unreasonable burden, based upon:

- (1) The number of FCC licenses foreseeably available for the area.
- (2) The kind of wireless telecommunications facility site and structure proposed.
- (3) The number of existing and potential licenses without wireless telecommunications facility spaces/sites.
- (4) Available space on existing and approved telecommunications towers.

U. Unless waived by the Council, there shall be a preapplication meeting. The purpose of the preapplication meeting will be to address issues which will help to expedite the review and permitting process. Where the application is for the shared use of an existing telecommunications tower(s) or other high structure, the applicant can seek to waive any application requirements that may not be applicable. At the preapplication meeting, the waiver requests, if appropriate, will be decided by the city. Costs of the city's consultants to prepare for and attend preapplication meeting will be borne by the applicant.

V. The holder of a special use permit shall notify the city of any intended modification of a wireless telecommunications facility and shall apply to the city to modify, relocate or rebuild a wireless telecommunications facility.

Section 2. Section 196-12 of the Code of the City of Rye is hereby amended to read as follows:

§ 196-12. Lot size and setbacks.

A. All proposed telecommunications towers and associated equipment shall be set back from abutting parcels, recorded rights-of-way and road and street lines a distance sufficient to substantially contain on site all ice-fall or debris from a tower or tower failure and to preserve the privacy and sanctity of any adjoining properties.

B. Free standing [W]wireless telecommunications [facilities] towers shall be [located with a minimum] setback from any property line at least a distance equal to the height of the facility[,], plus 10 feet, or the existing setback requirement of the underlying zoning district, whichever is greater. Further, any accessory structure shall be located so as to comply with the minimum zoning setback requirements for the principal building on the property on which it is situated.

Where the facility involves a collocation or attachment to an existing building or structure including but not limited to antennas, accessory structures, and/or other appurtenances, the facility shall be setback from any property line the distance of the setback requirement of the underlying zoning district. The City Council may require an additional setback of up to ten feet where it finds that such additional setback would reduce the visual impact of the facility.

Section 3. Section 196-16 of the Code of the City of Rye is hereby amended to read as follows:

§ 196-16. Action on application for special use permit.

A. The Council will undertake a review of an application pursuant to this chapter in a timely fashion and shall act within a reasonable period of time given the relative complexity of the application and the circumstances, with due regard for the public's interest and need to be involved, and the applicant's desire for a timely resolution.

B. The Council [may] shall refer any application or part thereof to the Board of Architectural Review (BAR) and[/or] may refer any application or part thereof to the Planning Commission for their advisory review and comment prior to the public hearing. This referral shall not preclude any final approvals of these or other city boards or departments required by this chapter or other law.

[C. Except for necessary building permits, and subsequent certificates of compliance, no additional permits or approvals from the city other than the special use permit granted under this chapter, shall be required for telecommunications facilities covered by this chapter.]

[D]C. After the public hearing and after formally considering the application, the Council may approve and issue or deny a special use permit. Its decision shall be in writing and shall be based on substantial evidence in the record. The burden of proof for the grant of the permit shall always be upon the applicant.

[E]D. If the Council approves the special use permit for a wireless telecommunications facility, then the applicant shall be notified of such approval, in writing, within 10 calendar days of the Council's action, and the special use permit shall be issued within 30 days after such approval.

[F]E. If the Council denies the special use permit for a wireless telecommunications facility, then the applicant shall be notified of such denial, in writing, within 10 calendar days of the Council's action.

[G]F. The city's decision on an application for a special use permit for a wireless telecommunications facility shall be supported by substantial evidence contained in a written record.

Section 4. This local law shall take effect immediately on filing in the office of the Secretary of State.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,
And Larr
NAYS: None
ABSENT: None

5. Continued consideration of a proposed resolution requiring scheduling of citywide referendums on general election dates

Councilman Chu reported that since the last meeting three actions had been taken: 1) the resolution had been amended to provide the Council more flexibility; 2) the Corporation Counsel had researched the legality of the proposal; and 3) the proposal had been reviewed by the Finance Committee.

Corporation Counsel Kevin Plunkett said he had spoken with Randy Meyer at Willkie Farr, the City's Bond Counsel, who had stated from a legal perspective the proposal was not significant.

Duncan Hennes, Chairman of the Finance Committee, after reporting on general topics discussed at the last meeting (such as financial trend reporting and the level of the undesignated fund balances), reported that the committee supported the resolution by a vote of 4 to 3, but wanted it to be a policy of preferred practice. He said the members opposed to the resolution felt that the Council already had control of the process; that delays in a vote could lead to additional cost; that it was the public's responsibility to vote; and that the policy might reduce the flexibility of the staff and Council in implementing capital projects. Those in favor of the policy felt it

would create greater voter turnout; would minimize the impact of special interest groups; that the Council would still have the right to choose another voting date (especially in the case of public safety); that voters would have more of a chance to prioritize if there was more than one issue; that it could save the City money and save voters time and effort. *Fred Dunn*, a member of the Finance Committee and Municipal Bond specialist, said flexibility was the key to getting good bond deals. *Matt Fahey*, also a member of the committee, said it was important to have more voters vote. *Steve Meyers* said he was convinced that the loss of flexibility was not good and believes it could be politicized. *Gerry Seitz* said it looks like the Corporation Counsel feels it is fine now and the City Manager agreed it was better.

Councilman Hutchings said once a referendum is passed there is a long time before bonds have to be issued, so the City can wait for the best time. Councilman McKean said he was worried that if there was not enough notification time to hold the vote during the General Election the City might have to wait over a year for the next opportunity to vote; and that the referendum runs the risk of becoming a political football. Mayor Otis said the City had always viewed capital projects on a multi-year basis and wants to make sure the resolution takes into account the importance of financial implications.

Councilman McKean presented an alternative draft that added more flexibility to the proposed resolution. After discussion, a compromise between Councilman Chu's draft and Councilman McKean's was reached.

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

WHEREAS, the scheduling of city-wide referendums on dates other than the General Election date in November has historically resulted in low voter turnouts; and

WHEREAS, it is the policy preference to the City of Rye to hold City-wide referendums on dates that will provide sufficient time to provide the registered voters with sufficient information to make an educated decision; and

WHEREAS, the purpose of a City-wide referendum on a specific issue or issues is expressly to determine the position of as many eligible voters as practicable; and

WHEREAS, scheduling City-wide referendums on dates other than the General Election date requires an expenditure of City funds, manpower and other resources that may be otherwise avoided; and

WHEREAS, the City seeks to maintain flexibility in scheduling of referendums that can provide important financial protection to taxpayers; and

WHEREAS, the City remains concerned regarding the public safety needs of the community; now, therefore, be it

RESOLVED by the City Council that henceforth it shall be the preferred general policy of the City Council to schedule any city-wide referendums on the General Election date; that such a preferred policy may be waived in the event that failure by the City Council to authorize a proposed referendum on any date other than the General Election date shall have a materially adverse public safety impact on the City of Rye; shall have a materially adverse impact on the City's financial position in borrowing or savings in capital or other costs; or is otherwise required by applicable law.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,
And Larr
NAYS: None
ABSENT: None

Agenda Item #6 was discussed at the beginning of the meeting. See above.

7. Consideration of a request by the Rye Merchants Association for use of the City streets and to close a portion of Purchase Street on November 30, 2003 from 1:00 to 3:00 p.m. for an "Old Fashioned Holiday Afternoon"

City Manager Paul Shew presented a request by the Rye Merchants Association for use of the City streets and to close a portion of Purchase Street on November 30, 2003 from 1:00 to 3:00 P.M. for an "Old Fashioned Holiday Afternoon." He said the insurance was in place, but it would involve 12-13 hours of police overtime. There was discussion as to whether or not this organization, or any other, had been charged for the cost of police overtime in the past.

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

RESOLVED, that permission be granted to the Rye Merchants Association to use City streets and to close a portion of Purchase Street on November 30, 2003 from 1:00-3:00 P.M. for an "Old Fashioned Holiday Afternoon" and that any charges for policy overtime be made according to past precedence.

8. Authorization for Corporation Counsel to commence action to abate the nuisance at 279 Purchase Street

Corporation Counsel requested that the Council formally authorize him to commence an action against the owner of the abandoned gas station at 279 Purchase Street. He said this was the last step before being able to bring a lawsuit against the owner and urged the approval be

given so the defendant can be served immediately. He presented Councilman Hutchings, who has been particularly interested in this matter, with his own personal copy of the summons.

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

RESOLVED, that the Corporation Counsel be and is hereby authorized to commence an action to abate the nuisance at 279 Purchase Street.

9. Acceptance of a donation to the Rye Police Department from Gretchen Stock for the Child Safety Seat Inspection Program in the amount of Fifty (\$50.00) Dollars

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

WHEREAS, the City of Rye is in receipt of a donation in the amount of \$50 from Gretchen Stock, specifically for expenditures related to the City's child safety seat inspection program; and

WHEREAS, the General Fund 2003 adopted budget did not provide for the receipt of such revenues or the related expenditures; now, therefore, be it

RESOLVED, that the fiscal 2003 General fund budget be amended as follows:

Increase Police Patrol Estimated Revenues – Donations \$50
Increase Police Patrol Appropriations – Patrol Equipment \$50

ROLL CALL:

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

NAYS: None

ABSENT: None

10. One appointment to the Board of Assessment Review for a five-year term expiring September 30, 2008

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the reappointment of Mark Gardner to the Board of Assessment Review for a five-year term expiring September 30, 2008.

11. Appointment of two student representatives to the Commission on Human Rights for the 2003-2004 school year

Mayor Otis said he had received resumes from Yoo Jin Cheong (Rye High School) and Amanda Elizabeth Hajjar (Rye Neck High School) who wish to serve as student representatives on the Commission on Human Rights. He said both were most impressive and Councilman Chu added that Rye Neck School is thrilled to be included. Councilman Cypher said application forms were also available for those who might be interested in serving on the recently established Rye Youth Advisory Committee.

Mayor Otis made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the appointment of Yoo Jin Cheong and Amanda Elizabeth Hajjar as student Representatives to the Commission on Human Rights for the 2003-2004 school year.

12. Authorization to fill Senior Account Clerk position in Finance Department

City Manager Paul Shew presented a request to fill a position of Senior Account Clerk in the Finance Office with a Junior Accountant. He said it is an essential position for the department that will now be filled by a salaried employee so there will be no overtime. He said the department was leaner than it has been in the past and asked for an exception to the hiring freeze.

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

RESOLVED, that the City Manager be and hereby is authorized to fill the Senior Account Clerk position in the Finance Department with a Junior Accountant.

ROLL CALL:

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

NAYS: None

ABSENT: None

13. Miscellaneous communications and reports

Councilwoman Cunningham commented on a flyer entitled "Let Nature Do the Work" announcing a conference, sponsored by the Westchester County Parks Department and others, on using nature to control the environment. She said last year's conference was excellent; that many communities are doing interesting things in this area which Rye is not; and she urged the City Engineer to attend if at all possible. She said she would leave some brochures with the City Clerk. Councilman McKean said he thought using natural materials was part of the plan for the wetlands at the Milton Field (a.k.a. Nursery) site.

Councilwoman Larr said she had received calls of gratitude from residents of Indian Village for what appeared to be correction of the Highland Road drain issue.

14. Old Business

Councilwoman Cunningham said she had had requests from those living across the road from the new Disbrow Park field that some of the screening be planted now, rather than later as long as it won't be injured by any continuing construction. Councilman McKean said he thought it would be a good idea, especially as some shrubs prefer Fall planting.

Councilman Hutchings inquired about the solicitors who have been in Rye and asked if there might not be a tightening of the Code. The Corporation Counsel said he had been working with the Clerk's Office to grant an appropriate permit to a young man who wishes to solicit in person now that he has been denied phone contact. Mr. Plunkett said there is no law against this, but as it may be a trend he and the appropriate departments would be looking again at the code.

15. New Business

There was no new business to be considered by the Council.

16. Draft unapproved minutes of the regular meeting of the City Council held September 3, 2003

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to adopt the minutes of the regular meeting of the City Council held on September 3, 2003 as amended.

17. Adjournment

There is no further business to discuss, Councilman McKean made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn the meeting at 9:55 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk