

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on October 6, 2004 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor  
FRANKLIN J. CHU  
ROBERT S. CYPHER (arrived at 9:30)  
MATTHEW FAHEY  
DUNCAN HENNES  
ROSAMOND LARR  
H. GERRY SEITZ  
Councilmen

ABSENT: None

An executive session was held prior to the regular City Council meeting commencing at 7:15 P.M. to discuss a personnel matter. Councilman Fahey was absent, but a quorum was present to conduct official business. The session adjourned at 8:09 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.

Announcements

Mayor Otis congratulated the Rye Historical Society on a successful historic walking tour of the Mill Town area in Rye, held on Saturday, October 2, 2004. He also congratulated the Landmarks Advisory Committee for their preservation program awarding certificates and plaques to 15 homeowners in the Mill Town area congratulating them for their efforts to preserve the community. The plaques do not convey landmark status, but recognize the contribution of homeowners who are trying to preserve the historic nature of the area. He also congratulated the Rye Art Center for their new exhibit "24/7 Photos of Rye" which captures a day in 2004 in photography and is also part of Rye's Village Centennial celebration.

The Mayor congratulated City Manager, Paul Shew for bringing everyone together to plan this year's Westchester County Triathlon, ensuring that this often trouble laden event came

off smoothly. He also congratulated Mr. Shew for an excellent community meeting discussing the flooding situation in Rye.

Upcoming events include the rescheduled Festival Round the Green on October 16 and, also on the 16<sup>th</sup>, the Rock in Rye Concert at Rye Town Park to benefit the 9/11 memorial project.

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

Sis D'Angelo, resident, thanked the Corporation Counsel and City Manager for seeing that the gas station at the end of Wappanocca and Purchase Street, owned by the Thomachewsky Estate, got cleaned up. She asked what might happen next? Corporation Counsel Kevin Plunkett said the Public Administrator is Mr. Lambert and it is his job to liquidate the estate so he will control the sale of the property, but the sale and future use of the property will also be controlled by the zoning code of the City.

4. Report on Centennial Time Capsule Project

Mayor Otis reported that the Centennial Time Capsule had been completed and buried in back of the Square House by the side of the Baronio Memorial Herb Garden next to Haviland Lane. He thanked all the citizens of Rye who contributed to the capsule and especially to Janet Malang, president of the Lion's Club for spearheading this interesting Centennial project. The names of the committee members are listed at the end of the list of contents.

In her cover letter (enclosed in the capsule), Ms. Malang, explained that items were included which the committee believes will open a window for a glimpse into our lives in 2004 in Rye. The items reflect Rye life-style and give insight into the history or culture of Rye today. The full text of this letter and a letter from the Mayor (expressing indebtedness to the wise leaders of Rye in 1904 and through the last 100 years and his hopes for the next 100 years) are included below.

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

**RESOLVED** that the content of both the letter from the Mayor and from Ms. Malang, as well as the list of items included in the 2004 Centennial Time Capsule and the list of committee members be incorporated within these minutes (as a permanent reference for citizens of Rye 100 years from now).

Letter from Steven Otis, Mayor of Rye to the Residents of Rye

It is my privilege and honor to write this message in 2004 to the residents of the City of Rye, 2104.

Throughout this year we have celebrated the centennial of Rye's incorporation as a village. It has been a year filled with many events that honor our history as a community.

Numerous individuals, groups, and students have found ways for the people of Rye to honor the centennial together.

The community we enjoy today is the result of the work of the last 100 years. Rye is a special place today because our residents worked to make Rye better, always guided by our past with an eye on the future.

With the next 100 years in mind, I have been asked to extend our hopes and wishes to the Rye of 2104 in the form of this message.

First and foremost, our hope for 2104 is that the enduring values upon which our country is based continue a hundred years from now. Individual freedom, the promise of the American Dream, and support for the happiness and well being of all are ideas that set our nation apart. May the America of 2104 continue to hold these values in high regard. For 228 years America's spirit of freedom and optimism has endured and prospered. We are confident it will do so into the future.

For Rye we hope that the strengths that set the city apart today continue to distinguish it a hundred years from now. Rye is viewed as one of the leading towns in the United States, a place where people want to move, remain, and bring up their families. We are enriched both by families that have made Rye their base for generations and those who have moved here and now call Rye their home.

Rye has evolved through careful planning. We have tried to control growth and retain our historic and aesthetic character at the same time. While fully developed, we have worked hard to retain and enhance our environmental resources, open space, and access to Long Island Sound. Our schools, local government, not-for-profits, and private institutions are respected leaders in their fields.

Beyond the beauty of our town and the strength of our institutions, the most exceptional trait of Rye is its strong sense of community. It is typical for an individual to volunteer and support a number of community activities. The network of not-for-profits, education, environmental, recreation and cultural activities supported by volunteer service is outstanding. Through the donation of volunteer time and charitable giving, this network has succeeded in linking all of us as a community.

In 2104 we hope that the spirit of community purpose we share today continues to set Rye apart.

Today we are indebted to the wise leaders of Rye who came before us in 1904. The course that was set by establishing our independence as a village made it possible for us to direct our own future. We enjoy the benefits of that good judgment. For a century residents have participated in the key decisions on how Rye would evolve. We are grateful for the work of the last 100 years to secure Rye's success as a community.

The task for the next 100 years is to continue this legacy. As we celebrate our City today, our wish is that Rye of 2104 will be deserving of the same enthusiasm. It is our

hope that the small town traits of community, natural resources, aesthetic quality, a place people want to call home, and unity of purpose continue to set Rye apart.

In 2104, you will have the opportunity to reflect upon 200 years of Rye's independence. The challenge for those that follow us is to continue on the path set by our predecessors. We are confident that you will be able to share the same sense of gratitude we feel today.

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Letter from Janet Malang, President, Rye City Lions Club

Horace Greeley wrote in *The American Conflict 1864-1866*, "The illusion that times that were are better than those that are, has probably pervaded all ages." I suggest these are the best of times. Technology has advanced to bring us wonders in communication, information, health care, entertainment, life style and conveniences. It is the hope of the time Capsule Committee that we have succeeded in communicating this to you. However, in one hundred years, we may look naïve or advanced depending on the intervening events. Yet, as you look upon the items collected for this time capsule, you may wonder why certain things were chosen and you certainly will use them to compare us to yourselves, for better or for worse.

The group that gathered to design this time capsule chose those items we believed will open a window for a glimpse into our lives in 2004 in Rye. The group consisted of members of the Rye Lions Club and others from the community; their names appear at the end of the list of the collection. We invited residents of Rye to submit biographies, mementos, or family trees so that this time capsule could be a gift from the people of Rye 2004 to the people of Rye 2104. Our decisions to include other items in the capsule were based on a few guidelines discussed over four meetings. We attempted to include items that reflect the Rye life-style. Items are mostly current except where they give insight into the history or culture of Rye, and lastly, items had to fit into the capsule.

Some items, such as the menus of local restaurants and the list of best selling books from *The New York Times*, document our tastes. Others, such as the CD of *The City of Rye Web Site* and political brochures, document our government, and bulletins of local churches shed light on our beliefs. There are items that help to explain our economy, such as household bills, supermarket flyers, and real estate listings. The news of September 2004 is filled with issues about energy productions, from the controversy over Westchester's nuclear power plant to gasoline prices and the war in Iraq, a major producer of oil. Therefore, we included information on hybrid cars that run on both gasoline and batteries in an initial attempt to produce cars that curb "gas guzzling." Rye recently purchased its first hybrid car for the police department; the photos are included. We imagine 100 years from now the innovative Prius will be the equivalent of the horse and buggy.

Surely, as Euripides wisely taught, "time will explain it all. He is talker, and needs no questioning before he speaks." How interesting it would be if one were able to look back as those who follow us will, to see how it all turned out.

With best wishes for peace and prosperity.

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City of Rye  
Time Capsule Collection  
2004

1. \$20 bill  
Recently redesigned and the most used currency in the United States
2. A&P grocery store flyer
3. American Legion, History, Memorial Day 2004 Ceremony and Rye War Memorial Honor Roll
4. Annual Budget, 2003 City of Rye
5. B. J. Surhoff rookie baseball card  
Rye native plays for the Baltimore Orioles professional baseball team
6. Barbara Bush signed letter  
Born in Rye, Wife of the 41<sup>st</sup> President of the United States, George H. W. Bush and Mother of the 43<sup>rd</sup> President of the United States, George W. Bush
7. Bills from household of Rye resident
8. Biographies: see attached list of names. Biographies and photos contributed by Rye residents
9. Boards, Commissions, and Committees List, City of Rye
10. Campaign Literature, Democratic Party City of Rye, 2001 and 2003
11. Campaign Photo, Councilman Gerry Seitz, elected November 2003
12. Cartoons of Jacobson, David of the Journal News depicting situations of everyday life in Westchester
13. CD Photos: 2004 Prius Hybrid Vehicle purchased for Police Department
14. CD: "Cameos" Original Songs Composed and Sung by Louise Frost  
Rye resident
15. Centennial Flag
16. Century One, A Centennial History of The Rye Free Reading Room, 1984, by Stanley, Barbara W. Published by The Rye Free Reading Room
17. Check donated by Arthur Stampleman  
Example of a method of payment
18. Christ's Church Parish News, September 2004
19. Christopher Mello YMCA medallion donated by Coby Ellingwood  
Christopher Mello, a young Rye resident, died when the plane he was a passenger on was used as a missile to crash into the World Trade Center in Manhattan on 9/11/2001.
20. Clipped Wings Club, TWA with timeline from TWA
21. Community Directory: of City Government, Boards, Commissions, School Organizations, Clubs, Houses of Worship and Community Agencies
22. Community Synagogue News
23. Community Synagogue, message from Daniel Gropper, Rabbi and Judy Greenfield, President
24. Cookbook by Osborn residents 1977  
The Osborn opened on April 21, 1908 as a home for aged women
25. Council Meeting on DVD, May 5, 2004 at Square House City of Rye

26. Credit Card donated by Marian Shea
27. Crozier Gedney Architects, P.C. about the firm and photos of projects and Rex Gedney
28. DARE T-shirt  
DARE is an anti-drug educational program provided by local police departments to 5<sup>th</sup> grade school children.
29. Estates of Grace: The Architectural Heritage of Religious Structures in Rye by Barbara C. Abrams
30. Financial Trends Report 2003, City of Rye
31. Fire Department Gold Captain's Badge from William Ball 1962-1965
32. Fire Department Patch 1942 from Bill Ball's father, William
33. Fire Department, City of Rye, Poningoe Hook and Ladder Company Roll Call
34. Fire House Postcard (included with postcard donations in picture album)
35. Firefighters' Photo, City of Rye 2004
36. Football Jersey, Rye Garnet
37. Gemsacks, "A Mystical Sack with six gems, and book, "Earthly Travels" created by Rye resident Mary Amy
38. Guide to Centennial Events
39. Guide to Rye, NY
40. Halloween Window-Painting photos  
A local tradition in which school children decorate the windows of local merchants with paintings of Halloween themes
41. History of Rye 1960
42. History of Rye, Lecture at The Osborn, on DVD, by Kenneth Jackson, March 7, 2004
43. Hockey Puck from Mayor Steve Otis  
Mayor Otis plays hockey with the Rye Rangers team.
44. House Tour Brochure
45. Houses of Rye, Photos taken by Arthur Stampleman
46. Human Development Services of Westchester Newsletter and description from Andrea Kocsis, Director and VP of Rye Lions Club
47. Kirby, George, Golf Tournament to benefit Rye Seniors, program and outing photo
48. LaPanetiere menus  
Elegant French style restaurant with excellent rating for food and ambiance
49. Larsen, Helen message, grandson Dylan Maturro age 5 may have a child to witness the opening of the capsule in 2104.
50. Lions Club, City of Rye, business cards of members
51. Lions Club, City of Rye, flyer
52. Lions Club, City of Rye, members photos
53. Lions Club, City of Rye, President's Pin  
Belonged to Jim Shea, deceased, a Lions Club president and Board President of the Rye Free Reading Room, donated by his wife Marian Shea, a Lions Club member
54. Mayor Steve Otis, message
55. Meals on Wheels flyer
56. Medicine's Future: Predictions by Dr. William Martimucci, M.D.  
The Osborn Medical Director and Board Certified in Internal Medicine and Geriatrics

57. Menus from Belluscio's / The Corner Store / Town Dock Tavern / Playland Market / On the Way Café / Corner Store Caterers
58. Minutes of May 5, 2004 Meeting of the City Council of the City of Rye
59. Movies on DVD, "Big" scenes in Rye Playland and "Runaway Bride" scenes in Rye Presbyterian Church
60. New Haven Line Train schedule
61. New York Times Best Seller Booklist
62. NY State commemorative quarter
63. Osborn Cemetery Information
64. Parking License application, City of Rye
65. Parking Ticket, City of Rye
66. Playland, 75<sup>th</sup> anniversary mug
67. Playland, book of tickets for amusement rides
68. Playland, photos for movie, "Sweet and Low Down" and storm damage
69. Police Car Model, City of Rye Police Department
70. Police Department shield, City of Rye Police Department
71. Political Campaign Flyers: Republican 1995 & 1999
72. Postcards depicting Rye from 1905 – 2004
73. Posters created by schoolchildren of the Rye School District
74. RCTV Channel 76 Program Guide
75. Read About Rye by Arlene Hawkins
76. Real Estate News by Ann O'Neill Mulderrig
77. Recreation Department Program Brochure, City of Rye Winter 2002-2003 / Spring Summer 2004
78. Remembrances of Rye: delivered to Rye City Lions Club by R. Eugene Curry 4/17/72, Mr. Curry was the CEO of The Osborn and a Rye resident
79. Resurrection Church Bulletin August 22, 2004
80. Resurrection Church, message from Pastor, Msgr. Patrick Boyle
81. Resurrection Grammar School Class of 2004 list
82. Rotary Club of Rye, history and photo
83. Rye Centennial T-shirt
84. Rye Country Day School Graduation Program 6/11/2004
85. Rye High School 73<sup>rd</sup> Annual Graduation Program 6/19/2004
86. Rye High School Senior Athletes' Banquet Program 6/15/2004
87. Rye High School Senior Recognition Awards Ceremony Program 6/10/2004
88. Rye High School Yearbook 2004
89. Rye Historical Society News September 2004
90. Rye House and Home Section of The Rye Record
91. Rye in the Twenties by The Rye Historical Society
92. Rye Interfaith Housing, Article from the Rye Record, July 25, 2002
93. Rye Map and Visitors Guide
94. Rye Nature Center, 40<sup>th</sup> anniversary benefit invitation, newsletter and program information
95. Rye Presbyterian Church, Grace Notes, September 2004
96. Rye Record 6/10/2004
97. Rye Record Millennium Issue
98. Rye, demographic information from the internet

99. Ryeopoly, game
100. Sanitation and Recycling Schedule
101. School District, City of Rye, calendar
102. School District, City of Rye, curricula for AP Latin, Middle School Language Arts, Fourth Grade Language Arts and assessment guidelines
103. Seal of the City of Rye
104. September 11, 2001 photo taken of the World Trade Center after planes hit, from the tower of The Osborn
105. Softball Champions, Rye Colleens, The Rye Chronicle August 26, 1938
106. Streets and Buildings, photos of Rye taken by Rob van der Wateren
107. Summerfest 1904, commemorative program of Summerfest 2004
108. Telephone book, Rye
109. The Osborn, Mrs. Stratton, photo 1936  
One of the original 12 residents to move into The Osborn in 1908
110. The Osborn Rededication Program with historical timeline
111. The Square House: The Symbol of Rye's 300-Year History
112. Tide Mill, history and photo of Tide Mill Yacht Basin
113. Time Capsule flyer, "Your Moment in Time"
114. Time Capsule Invitation
115. Toyota Prius, The Hybrid Grows Up, Article from Consumer Reports, May 2004
116. Train schedule, Rye Metro-North
117. United Methodist Church Folder with photo of Rev. Don Howard, photocopy of chorus, informational flyer, historic well and church bell news items
118. United Methodist Church of Rye, Service for August 29, 2004
119. US Flag
120. Walk Old Mill Town, an historic walking / house tour presented by Rye Historical Society, flyer
121. Web Site on CD, City of Rye
122. Women's Club of Rye Directory
123. YMCA mission statement, directory, program description and photos

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City of Rye

Time Capsule Collection

Biographies

1. Anechiarico, Linda and Mike and family photos
2. Ball, Bill
3. Ball, Teresa V.
4. Brunner, Robert submitted by family Barbara Brunner, wife, Kimberly Worrell and Emily Howard, and family photos
5. Burbank, Tom and Deidre, Davis Ave. neighborhood history and family photos
6. Burke, Jim and Mary (DeeDee) and family photo
7. Conlon, Joan and house photos
8. Cunningham, Carolyn and John
9. D'Angelo, Ellen Coughlin
10. D'Onofrio, Peggy, About Rye Smoke Shop and family photos
11. Gedney, Rex and Laura Lee and family photo
12. Gray, Jeannette and family photo

13. Groglio, Tracey and Nick and family photos
14. Herbster, Ed and Eileen
15. Hernandez, Gigi
16. Hackenburg, Frederick and family photo
17. Hutchings, Bob and Norma and family photos
18. Johnson, Frank E. and Carol Anne White Johnson, former Secretary to the City Manager and Mayor
19. Kelly, Daniel photos of John and Gertrude Kelly, Daniel Kelly, Mary Gedney, Eleanor Lush and vintage photo of Kunigunda Neidringhaus, mother of Gertrude
20. Kennedy, Marie
21. Kirby family history submitted by Elaine Taylor O'Neill
22. Kirby, George Alan and Linda Mary and family photos
23. Klein, William Gerard about the Waldron family ancestry of Theodore Roosevelt
24. Malang, Janet
25. Maloney, Tommy and Dawn and family photos
26. Maloney, Kelsey, Bridget, Meaghan photos
27. Martin, Robert and Nancy and family photos
28. Matthews, Beth Griffin
29. McGuire, Eugene and Pamela
30. Morison, Susan, Rye City Clerk and family photos
31. Nordmann, Thomas, "Rye Liquor Store Closes" article from "Rye Record" Mar. 1998
32. Olbry, Peter and Lori in family photo
33. Perry, Kim with recipe for Caramel Frosting and family photos
34. Phillip, Edward
35. Rold, Ann and family photos
36. Sales, Patricia Randall and Nelson Edward and family photos
37. Saracino, Francesco, Paul and Rubina family photos
38. Siano, Andy
39. Sosin, Gloria Donen, about Donen's Music Shop and shop photos
40. Smith, Bradford and Tina
41. Stampleman, Arthur and Nancy
42. Trahar, Peggy and Jonathan
43. van der Wateren, Joost and Renata and wedding photos
44. van der Wateren, Robert and Irene and aerial photo of home
45. Weeks, Sarah Olmsted and vintage family photos
46. Werner family: Robert and including Jacob and George

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Addendum to Time Capsule Collection

N.B. These items were delivered to the time capsule immediately prior to its sealing and therefore are not listed on the index that is packed in the time capsule.

1. Ball, Bill and Constance biographical information and family photo
2. Fahey, Matthew, Councilman, photo
3. Heller, David and Terry biographical information and photo
4. Kennedy, C. Carroll Culhane family information and photos
5. Meyers, Kelsey, Christopher, John and Patrick family information and photo

6. Shine, Ed, Superintendent Rye City School District, message and Rye Public Schools Report Card, 2003 – 2004
7. Wood, John D. and Kathleen Herbster Wood and family information

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Committee Members

Members of the committee (members of the Lions Club and others involved in the community) included Bill Ball, Virginia Callahan, William Connors, Stephen Feeney, John Fullerton, Fritz Hackenburg, Bob Hutchings, Janet Malang, Tommy Maloney, Esther Martensen, Eugene McGuire, Joan Orton, Rosaleen O'Neill, Mayor Steven Otis, Catherine Parker, Marian Shea, Arthur Stampleman, Peggy Trahar, Rob van der Wateren, and Dan Kelly.

5. Offer of dedication to the City of Rye by Friends of Rye Nature Center of building addition at Nature Center facility

City Manager Shew reported that the Friends of Rye Nature Center have built a great classroom/solarium at the Rye Nature Center that they would now, as planned, like to dedicate to the City. Councilman Hennes called it beautiful and expressed thanks to the Friends; Mayor Otis thanked State Assemblyman Ron Tocci for securing a State grant to assist with the cost of construction.

Mayor Otis made a motion, seconded by Councilman Seitz, to adopt the following resolution:

**RESOLVED**, that the City of Rye accepts the gift of the Rye Nature Center building addition from the Friends of Rye Nature Center.

6. Presentation by consultant and consideration of acceptance of conceptual implementation plan for parking meters in the Central Business District

City Planner Christian Miller reviewed that on August 18, 2004 the Council had authorized City staff to retain a consultant to prepare plans and bid specifications and to provide other professional assistance towards the acquisition and implementation of a multi-space metering system for the Central Business District (CBD). He said Desmond Associates has been hired; that a preliminary scope of work had been proposed which, if acceptable, will be used to proceed with the formal specifications. Greg Sylvester and Brian Bartholemew from Desmond Associates made the following slide presentation:

*Desmond Associates role:* meet with city to assist in determining project goals, develop specifications on Multi-space meters to meet goals; develop related engineering drawings for proper installation; inspect completed installation and test all functional aspects of meters (hardware & software); develop punch-list/re-test if necessary; certify system meets specifications and has passed testing and acceptance.

*Lots and Locations of Units:* Car Park 1-71 spaces – 2 units; Car park 2-164 spaces – 4 units; Car Park 3 – 49 spaces – 1 unit; Car park 4-171 spaces – 5 units; Car Park 5 – 33 spaces – 1 unit. Total: 488 spaces – 13 units.

*Installation & signage* – various visuals

*Functionality:* Format Options; Rate options; Payment options; reporting; Hardware; software; and security. *Possible functionality additions and alternatives include:* communication, communication features, Credit Card Payment option; shelters/cover.

*Procurement & Installation Process:*

- 1) Finalize conceptual implementation plan
- 2) Finalize specifications and bid documents
- 3) City Council award bid
- 4) Train parking/maintenance staff
- 5) Public notification and education (very important phase)
- 6) Installation of equipment
- 7) Testing and punch list
- 8) Acceptance of equipment
- 9) Public notification and signage
- 10) Soft opening/Grace period
- 11) Full implementation (probably realistic to assume March/early spring, assuming 5-10 days to develop the specifications, 4-6 weeks to get the bids out and 2-6 weeks after bid awarded)

*Costs:* Capital Costs could be approximately \$12,000 per unit for hardware & software; approximately \$10,000 per unit for installation for an approximate total of \$286,000. Annual operating costs include \$10,000 for collection and \$15,000 for service contract for a total annual operating cost of \$25,000.

*Policy Implementation considerations* include identifying funding source, adopt parking rate structure, establish revenue allocation and define merchant permit validation and payment program.

The Council was concerned about the initial capital outlay required for this proposal and was expecting something simpler, especially if the program is to be undertaken on a trial basis. Mr. Miller said the costs were based on a worst case scenario and there were possibilities for lowering them, especially for the trial period (having the City do some of the trenching, having less units [therefore less convenience], doing less lots; leasing with a revenue-share concept). In response to questions from Councilman Hennes about the capital outlay, Mr. Miller said other cities had set up their systems on a revenue sharing basis, and said he would go back and re-look at how to be more cost effective. Mayor Otis agreed the initial cost is bothersome and would like to see alternatives, to know more about how this will impact our stores (especially as the Rye Ridge Shopping Center and the Food Emporium Shopping Center, both in Rye Brook, are free); about how the costs net out with revenues; how it will help turnover. The Consultants opined that enforcement is the most important issue (without enforcement why bother) and that the Council consider meters at curbside as well so it is uniform. Councilman Seitz recommended the consultants come back with a new plan at the next meeting that would be less costly even if it were less convenient. Councilwoman Larr, along with Councilman Hennes, wanted to hear more from the merchants although a special workshop might be difficult to set up between now and

the next council meeting. Councilman Fahey asked for a report on current enforcement and how it will be affected by the new meter system.

7. Consideration of setting a public hearing to amend Chapter 141, Peace and Good Order, of the Code of the City of Rye

Councilman Cypher made a motion, seconded by Councilwoman Larr and unanimously carried to defer this agenda item.

8. Consideration of setting a public hearing on application of A T & T Wireless PCS, LLC and Cellular Telephone Co. d/b/a A T & T Wireless to co-locate a wireless telecommunication facility at 66 Milton Road, Rye, New York

Christopher, B. Fisher, representing Cuddy & Feder LLP, legal counsel for AT&T Wireless PSC, LLC and Cellular Telephone, d/b/a AT&T Wireless, presented an application for a special permit to co-locate a wireless telecommunications facility at 66 Milton Road, Rye, New York. He said the application had been reviewed by the City Planner and referred to the City's consultant, Compcomm, who will provide their findings prior to the public hearing. He said the request was for a three-panel antenna, matches the building and is planned to be as small and minimal as possible. The application will also be referred to the Board of Architectural Review for their comments to be received prior to the public hearing. The Mayor said he liked the co-location request and was happy to hear the antennae will be lower. There being no further questions from the Council, Mr. Fisher requested that a date for the public hearing be set.

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

**WHEREAS**, a special use permit application (TC010) for permission to co-locate a wireless telecommunications facility at 66 Milton Road has heretofore been introduced at this meeting and placed before the Mayor and each Councilman; and

**WHEREAS**, it is now desired to call a public hearing on such proposed application, now, therefore, be it

**RESOLVED**, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City, on November 17, 2004 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:

**CITY OF RYE**  
**Notice of Public Hearing on a special use permit application by AT&T**  
**Wireless to co-locate a wireless telecommunications facility**  
**at 66 Milton Road**

PLEASE TAKE NOTICE that, pursuant to Chapter 196 of the Code of the City of Rye (Wireless Telecommunications), the Rye City Council has scheduled a public hearing for Wednesday evening 8:00 P.M., November 17, 2004 in the Council Room of the Rye City Hall on the following matter:

AT&T Wireless PCS, Inc. and Cellular Telephone Company d/b/a/ AT&T Wireless has applied for special permit approval for the purpose of installing a wireless telecommunications facility on a property located at 66 Milton Road. The property is known on the Rye City Tax Map as Sheet 146.11, Block 1, Lot 73, and is located in the RA-3 Apartments District. All information pertaining to this matter is available at the City Clerk's Office in Rye City Hall. Contact Christian K. Miller, (967-7167) if you require assistance in reviewing this matter. Any person interested or affected will be given an opportunity to be heard.

October 25, 2004

Rye City Planner

9. Discussion of Finance Committee recommendation regarding Amendment to City Charter Section 21-9 (Bond Resolutions) and consideration of setting a public hearing

The Mayor reported that the Finance Committee had made a recommendation regarding amending the City Charter Section 21-9 concerning bond resolutions to expand the exceptions to the bond referendum requirement in the law to include bonds issued to finance capital improvements or equipment where the debt service on the bonds is to be repaid by special assessments (such as a sewer district) and to exempt up to \$1 million annually in the aggregate bonds issued for a public safety purpose. He said the Council was being asked to set a public hearing to consider the proposed local law that also requires a change to the City's Charter. Councilman Chu said the committee was asking for this exception for such special items as the Kirby Lane Sewer District project or for something like the purchase of a fire truck. Councilman Fahey said it might be good to set an aggregate amount on the public safety bond exceptions. Councilman Hennes said he likes the size of up to \$1 million per year and suggested a total aggregate amount of \$2,500,000 so that any amount over the aggregate amount would be subject to a referendum. Corporation Counsel Kevin Plunkett said he was concerned that the process of changing the Charter be in accordance with New York State procedure, as the City's Charter does not spell out a procedure. He said he would like to review the matter and render a procedure decision before setting a public hearing date, as he doesn't want the integrity of the Rye City Charter compromised. Mayor Otis suggested the Finance Committee obtain more input from the City Comptroller and our outside Bond Counsel as well and tabled the setting of a public hearing until these matter are settled and the wording of the law is complete.

(Councilman Cypher arrived at this point.)

10. Resolution to approve updates to City Financial policies

City Manager Paul Shew asked the Council to approve a resolution updating the City's financial policies. Councilman Chu said he approved the changes but had comments on two substantive issues which he wished to discuss: raising the percentage of revenue recovery for Recreation programs to 50%; and 2) moving up the date for submitting a tentative budget to the Council.

Councilman Chu said while the Recreation Commission had done a great job of raising the percentage of return, he would like to see the rate established at 50%, rather than the 40% now being recommended in the Financial Policy. He recognizes that there is also variation in the recovery rate in programs (100% for camp; 10% for Seniors) and he wants to give the Commission a chance to see if the 50% is possible, and if not, why not. Councilman Cypher, Recreation Commission liaison, said he thought the Commission might be a victim of their own success over the past few years and suggested they could also become a victim of diminishing returns. He asked the Council to remember that the Department also bears a part of the Building and Vehicle Fund over which they have no discretion and cautioned the Council not to continue to take aim at the Recreation programs. Sis D'Angelo, Wappanocca Avenue said there needs to be a report on how non-residents are charged. Councilwoman Larr said she thought with more space in the new building there should be more opportunity to provide more services that could lead to more revenue so 50% could be attainable. Councilman Hennes said he believes in goals and suggested getting a list of users and giving Doug French and the Recreation Commission a chance to see if they can do it. The Mayor said Mr. French has already been doing a great job and should receive credit for the targets he has already met; that we should be careful before asking for more. It was agreed that a workshop, as suggested by Mr. French, be set up to discuss this matter further prior to the budget process.

On the second issue, Councilman Chu said the Financial Policy (and the Charter) requires that the tentative budget be delivered to the Council "on or before November 7" and he would like to see this date moved up to as early as September 15 so the Council can focus in on major issues and other constituency groups can prepare their cases. Councilman Fahey concurred, saying he doesn't see how it will affect the political process. Councilman Hennes emphatically agreed saying there is just not enough time to do a proper job on the budget process under the present timetable; that early forecasts can be remarkably accurate and getting the early information is essential. Councilman Cypher asked if such a date was really doable from a staff point of view. Mayor Otis said he thought this would be hard on staff; that the figures would be significantly less accurate; that a lot can be done during the year on major issues without the figures; and that the budget would become a political issue.

The Council resolved that the City Manager review this suggestion with the City Comptroller and see if it is practicable for the Council to receive the tentative budget earlier. It was also resolved that the City Comptroller review the Financial Policy again to address other questions raised during the evening, such as the meaning of an acronym (CLASS); some of the wording in the Budget Policy; why we do business with some banks, etc.)

Councilman Cypher made a motion, seconded by Councilman Chu, to adopt the following resolution as presented, provided the policy be reviewed again in the near future:

**WHEREAS**, the City of Rye financial policies provide that they should be reviewed and amended as necessary; and

**WHEREAS**, the City of Rye Finance Committee has reviewed the City's financial policies and by memorandum dated September 14, 2004 recommends certain amendments to those policies; and

**WHEREAS**, the City Council has reviewed and approves the recommendations of the City's Finance Committee; now, therefore, be it

**RESOLVED**, that the City of Rye Comprehensive Financial Policy Document be amended as recommended by the City's Finance Committee.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes, and Larr  
NAYS: Councilman Seitz  
ABSENT: None

11. Authorization for City Manager to execute an Agreement with the County of Westchester extending the current agreement for snow and ice removal from County Roads

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

**RESOLVED**, that the City Manager is hereby authorized by the Council of the City of Rye to execute an agreement with the County of Westchester extending the current agreement for snow and ice removal from County Roads for a period of five years, commencing on October 1, 2005 through September 30, 2010.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes,  
Larr and Seitz  
NAYS: None  
ABSENT: None

12. SEQRA determination regarding Inter-municipal Agreement with Westchester County

The City Manager reported that a SEQRA determination by the Council is required regarding the Inter-municipal Agreement with Westchester County concerning wood waste approved at the September 22, 2004 City Council meeting.

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

**RESOLVED**, that a SEQRA negative declaration determination regarding an Inter-municipal Agreement with the County of Westchester authorizing the operation of a transfer station for organic waste be adopted.

13. Resolution to accept CDBG affordable housing survey grant

City Manager Paul Shew reported that a grant had been received for an affordable housing survey (already completed by the City) and the Council needs to formally accept the grant.

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

**WHEREAS**, the City of Rye was awarded \$3,700 Community Development Block Grant for an affordable housing survey; and

**WHEREAS**, the City of Rye has incurred the expenditures and received the \$3,700 in accordance with the terms and conditions of the grant; and

**WHEREAS**, the adopted 2004 General Fund Planning budget did not anticipate the revenues or expenditures associated with this grant; now, therefore, be it

**RESOLVED**, that the 2004 General Fund Planning budget – estimated revenues and appropriations be increased, each in the amount of \$3,700.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes,  
Larr and Seitz

NAYS: None

ABSENT: None

14. Consideration of request of Recreation Department to hold a skateboard demonstration on Purchase Street the day of the Halloween window-painting contest

City Manager Paul Shew said the Recreation Department would like to hold a skateboard demonstration on Purchase Street the day of the Halloween window-painting contest. Councilman Cypher said this would be great entertainment; would use our own equipment; be an opportunity to display talent; and the kick-off to the fund-raising campaign to match a challenge grant from the City to create a skateboard park. He said all participants would be signing waivers and the insurance would be covered under the City's umbrella policy.

Councilman Hennes made a motion, seconded by Councilman Cypher and unanimously carried, to approve the request of the Recreation Department to hold a skateboard demonstration on Purchase Street during the Halloween painting contest.

15. Consideration of request for use of Village Green and City Hall for rescheduled Festival 'Round the Green on October 16, 2004

Councilwoman Larr made a motion, seconded by Councilman Fahey and unanimously carried, to approve the request of the Festival 'Round the Green Committee to use the Village Green and City Hall on Saturday, October 16, 2004 (originally scheduled for September 18, 2004). The festival will be preceded by the previously scheduled parade down Purchase Street.

16. One appointment to the Board of Assessment Review for a five-year term expiring September 30, 2009

Councilman Seitz made a motion, seconded by Councilman Hennes and unanimously carried, to appoint Paul Denton to the Board of Assessment Review for a five-year term expiring September 30, 2009.

17. One appointment to the Recreation Commission to fill and unexpired term

Mayor Otis suggested this agenda item be deferred, as the Council had still not decided upon a candidate. Councilwoman Larr said she had several resumes and suggested that they be considered at the meeting, as there was not sufficient support to approve the Mayor's candidate. The Mayor suggested amending the Charter to enlarge the Recreation Commission so that all three possible candidates (two women and Mack Cunningham) could be included. The Council expressed hope this matter could be brought to a close by the next meeting.

18. Miscellaneous communications and reports

City Clerk Susan Morison reported that the Centennial Forum series, sponsored by the Rye Historical Society, had included a Forum entitled "Rye Reflects on Politics" on Sunday, October 3 with all former Mayors, starting with Mayor Grainger, serving as panelists. She said

the next forum will be "Rye Reflects on Government," with representatives from City Staff serving as panelists. It will be held at the Rye Free Reading Room on Sunday, October 17 at 4 P.M.

Mayor Otis announced that the annual Fire Inspection Parade would be held at the Milton Firehouse on Thursday, October 7, 2004.

19. Old Business (Resolutions previously tabled, etc.)

Councilman Seitz said he recommended establishing a task force to look into the best way to use the space owned by the Thruway Authority on the Boston Post Road opposite Rye Country Day School.

20. New Business

There was no new business to be discussed.

21. Draft unapproved minutes of the regular meeting of the City Council held September 22, 2004 and special meeting held on September 27, 2004

Councilman Hennes made a motion, seconded by Councilman Fahey, to adopt the minutes of the regular meeting of the City council held September 22, 2004 as amended.

Councilman Hennes made a motion, seconded by Councilman Fahey, to adopt the minutes of the special meeting held on September 27, 2004 as submitted.

22. Adjournment

There is no further business to discuss, Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to adjourn the meeting at 10:55 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk