

***DRAFT UNAPPROVED MINUTES*** of  
the Regular Meeting of the City Council of the  
City of Rye held in City Hall on November 16,  
2016 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor  
KIRSTIN BUCCI  
EMILY HURD  
TERRENCE McCARTNEY  
RICHARD MECCA  
DANIELLE TAGGER-EPSTEIN  
Councilmembers

ABSENT:

JULIE KILLIAN, Councilmember

The Council convened at 6:30 P.M. Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried, to adjourn the Executive Session at 7:45 P.M. The regular meeting convened at 7:45P.M.

1. Pledge of Allegiance.

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call.

Mayor Sack asked the City Clerk to call the roll; a quorum was present to conduct official City business.

3. General Announcements.

Mayor Sack stated that the month of November is Pancreatic Cancer Month. He announced that there was a pancreatic cancer cure advocate at the meeting that evening. Tara Shanes-Hernandez is the daughter of Gigi Hernandez, lifelong resident of Rye who lost her battle with pancreatic cancer seven years ago.

Ms. Shanes-Hernandez addressed the Council. She stated she has been a lifelong resident. She announced that November 17 will be World Pancreatic Cancer Day. She stated that pancreatic cancer is the third leading cause of death in cancers in the U.S. with an 8% survival rate. She mentioned that her mother was the first female auxiliary police officer in Rye and dedicated her life to those with special needs. Ms. Shanes-Hernandez

said that eight years ago, she founded the Pancreatic Cancer Research Walk in April, which has raised over \$2 million for cancer research. She said that her mother dedicated her time to helping others, which has continued through her legacy. Ms. Shanes-Hernandez encouraged everyone to wear purple on November 17 for pancreatic cancer awareness. She also thanked the Rye Police officers who help with the walk each year.

Mayor Sack thanked Ms. Shanes-Hernandez for coming, and presented her with a proclamation recognizing November 17, 2016 as Pancreatic Cancer Awareness Day within the City of Rye.

Councilwoman Tagger-Epstein announced that November 17, 2016 will be the award ceremony for the Healthy Yard sign design contest at 6:00 P.M. at the Rye Arts Center. She reported that the contestants' drawings have been wonderful. She encouraged the community to come to the event. She also stated that the Southern Poverty Law Center has reported hate crimes throughout the nation over the past few weeks. She urged parents to be "Careful the things you say, children will listen." She encouraged parents to set an example as role models of civility and kindness. She then congratulated the Rye Neck students who completed a workshop with the anti-defamation league, "No Place for Hate." She was hopeful that Rye City Schools look into this program.

Councilman Mecca stated that the Planning Commission met on November 15, 2016 to review the plan for 120 Old Post Road. After many months of consultation, there will be a public hearing on Tuesday, December 13, 2016 at 7:00 P.M. in Council Chambers. He invited the Council to attend the event and witness the process. The applicant has made a proposal for an underground parking garage with less impervious surface, with five buildings and a rain garden. He thanked his fellow Planning Commission members for all of their hard work.

Councilman McCartney thanked Councilwoman Tagger-Epstein for her thoughtful comments about children listening. He told a story about his own family with that message. He also announced that the Veterans Day ceremony was a big success on November 11, 2016. He said that the Mayor and Senator Latimer did a wonderful job. He stated he enjoyed Mayor Sack's account about Rye's Fred DeBarros and his Veteran's Day story. Councilman McCartney thanked the families for attending the event, as it is important that the children appreciate the generation veterans that the City is blessed with in Rye. Councilman McCartney also announced that Rye Town Park is having their beach cleanup on November 12, 2016 from 9:00 to 11:00 A.M. He also encouraged people to wear bright clothing when walking in the dark, especially in these winter months. On the Recreation front, Councilman McCartney reminded the community of the 40<sup>th</sup> Annual Turkey Trot, to be held on November 26, 2016. The fee is \$15 if you pay by November 22, 2016, and higher when you pay at the event. Councilman McCartney recognized Esther Martensen, who has been a longtime member of the Recreation Commission, and retiring from the Commission. He thanked her for her service to the community. He also announced that the annual holiday bonfire will be held at Rye Recreation on Sunday, December 4, 2016. There will be carolers at the event. He also encouraged residents to look forward to membership

at the Rye Golf Club for 2017. Councilman McCartney lastly announced that the golf course was still open until the frost comes.

Mayor Sack reminded the community that November 18, 2016 is the Rye Youth Council Annual Benefit at the Capitol Theater, featuring Robert Randolph and the Family Band.

Councilwoman Bucci announced that the Rye Free Reading Room will host Warren St. John at Rye High School on November 17, 2016 at 7:00 P.M., author of "Outcasts United."

Councilwoman Hurd announced that Mistletoe Magic will be held Sunday, November 11, 2017 after Thanksgiving. She also reminded the community that the deadline for Boat Basin slip holders to remove their boats from the water is December 1, 2016. She also reminded boat basin slip holders to vote in the Boat Basin Commission election.

4. Draft unapproved minutes of the regular meeting of the City Council held November 2, 2016.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to approve the minutes of the regular meeting of the City Council held November 2, 2016.

5. Issues Update/Old Business.

Mayor Sack discussed the Rye Town Park Commission. He thanked Mack Cunningham, Laura Brett and Terry McCartney who have attended the meetings when he or Councilwoman Killian could not attend.

Councilman McCartney updated the Council on the Seaside Johnny's issue. He stated that it was decided that there should be some friendly competition for the space. The formal RFP process will take months, and as a result, the Rye Town Park Commission offered one additional year to the owner of Seaside Johnny's with a one year option to renew its lease. Councilman McCartney said that the resolution to do so passed unanimously, but the Commission is unsure as to what will happen in the future.

Mayor Sack said that at the last Council meeting, a group from Waters Edge attended the meeting. They were under the impression that the damaged edge of the wall was an easy fix. As an update, Mayor Sack stated that the City has checked with its engineers, who have confirmed that the City of Rye portion of the wall will cost between 400,000 and \$500,000. Unfortunately, the City cannot lay out this funding without FEMA assurance for reimbursement.

Mayor Sack also stated that the Crown Castle issue will return on the agenda on December 7, 2016. There is a group of residents who have banded together and hired an

attorney on this issue. They have submitted correspondence to the City which is now on the record for the public hearing, including the alternative of ten 70-100 foot towers.

There was discussion about the Master Plan progress for the City.

6. Presentation by the Landmarks Committee on the Benjamin Franklin Mile Markers.

Mayor Sack said that the historic preservation of the Benjamin Franklin Mile Markers was a very important issue that the Council has given a lot of thought to. About a month ago, the Council went out with members of the Landmarks Committee to view Mile Marker 25, which was very helpful and educational. He asked the chairs of the Landmarks Committee to provide the residents with an update.

Jack Zahringer, Chair of Landmarks Committee, stated that one of the most important items is preserving the Benjamin Franklin Mile Markers. He said that it helps keep Rye Rye.

Maurio Sax, Landmarks Committee, said that by way of background, the cost to preserve the Mile Markers will be minimal. The markers are the oldest items that have been preserved in Rye, from 1763. They were placed one mile apart, from New York to Boston, and New York to Richmond. The Committee would like to preserve that history. The City has four of them that were placed one hundred years ago by Mayor Morehead. There is one on the Post Road (Mile 25), one at the Jay Mansion, one at City Hall, and one at the grounds of United Hospital. Mr. Sax stated that they have discovered now that residents in this community do not know where they are. Mile Marker 25 has been covered with branches and no one can appreciate it in its current place. It was originally at the Osborn Wall on Boston Post Road. He stated that the Committee would like to move it back there for safety, preservation, and the ability for the community to appreciate this rich history. He introduced Ms. Arenstein, who is a conservator.

Rachael Arenstein, A.M. Art Conservation, LLC, presented to the Council. She thanked the Mayor and Council for the opportunity to add onto Mr. Sax's presentation. As conservators, Ms. Arenstein said their job was to preserve works of art by groups and communities. This is a project that they have really enjoyed because it brings together interesting issues. There are four markers, three of which we have seen and looked at. She showed photos to the Council of Mile Marker 24, indicating a substantial amount of biological growth. She also showed photos of Mile Marker 26, now in City Hall. She then discussed Mile Marker 25 and the work that been done so far to preserve the stone. The stone is stable in its present condition, but the text will continue to erode. There are some things to do to slow the process of erosion. The proposed location is close to where it is placed right now. She said it is important to note whether the stone is preserved, and whether the community can enjoy it. She laid out the options of doing nothing, upgrading the mounting in the marker's current location, moving it to a new location, or moving it indoors (with or without replica for outdoors).

Mayor Sack thanked Ms. Arenstein for her presentation. He asked Mr. Sax and Mr. Zahringer for a future formal recommendation.

Councilman Mecca asked if the current location was a City-owned wall. Mr. Sax responded that it was, and that the new location would not be placed within the wall, but in the right-of-way.

Councilwoman Tagger-Epstein asked about the erosion and expressed concern that the inscription would be lost. Ms. Arenstein responded that any outdoor design would slow the inscription erosion, but that placing it indoors would stop erosion completely.

Councilwoman Hurd added that a cast mold has been made. There was discussion about balancing positives and negatives of all options.

Mr. Sax stated that each of the mile markers had been moved.

Councilman McCartney made a point that the proposed location is actually close to the original location during Benjamin Franklin's time.

Mr. Sax responded that their goal was to landmark and plaque it and give it legal and environmental protection.

Councilman McCartney and Ms. Arenstein discussed the different options of preserving the marker's history in the long-term.

Ms. Arenstein stated that her firm gave a proposal to the City for their part of the work and the pedestal, which would cost between \$12,000 and \$14,000.

Councilwoman Bucci confirmed that the City had spent \$32,000 on mile markers in the past. The \$14,000 would be extra. There was a confirmation that the City already put the money aside for this project.

Mayor Sack recommended that the issue be put over to a later date.

Councilwoman Tagger-Epstein stated that she struggled with the issue of the erosion control, and said that she felt that the writing gives it significance. She wanted to make sure she gave a well-thought out vote for a later time.

Ms. Arenstein stated that she did feel that there was power in the original artifact.

The issue was put over to December 21, 2016 for a Council vote.

Peter Roland, Landmarks Committee, stated that one of the things to be concerned about is that it is presently not in the original location, and also that it is inaccessible. He recounted the meeting earlier in 2016, in which the Police were required to come direct traffic in order for the group to view it.

- ~~● Rye Free Reading Room Budget Review~~
- ~~● Police Department Budget Review~~
- ~~● Fire Department Budget Review~~
- ~~● Boat Basin Budget Review~~
- ~~● Recreation Department Budget Review~~

8. Public Hearing for a Special Permit Application submitted by New Cingular Wireless PCS, LLC (“AT&T”) for modifications to its existing wireless telecommunications facility located at 66 Milton Road.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to open the public hearing for a Special Permit Application submitted by New Cingular Wireless PCS, LLC (“AT&T”) for modifications to its existing wireless telecommunications facility located at 66 Milton Road. (See discussion below Item 9, in which both public hearings were taken together).

9. Public Hearing for a Special Permit Application submitted by T-Mobile Northeast LLC (“T-Mobile”) for modifications to its existing wireless telecommunications facility located at 66 Milton Road.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to open the public hearing for a Special Permit Application submitted by T-Mobile Northeast LLC (“T-Mobile”) for modifications to its existing wireless telecommunications facility located at 66 Milton Road.

Corporation Counsel Wilson stated that procedurally, the Council had referred both applications to the BAR for aesthetics. The BAR has approved the sites for aesthetics. There have been no substantial changes proposed to the sites pursuant to the law.

Councilman McCartney asked where the City was on the 60-day requirement. Corporation Counsel Wilson responded that the City is beyond the 60 days, but the applicants are currently showing good faith.

Corporation Counsel Wilson stated that the City’s engineering consultant Lee Afflerbach has confirmed that the RF limits for both sites are well below the federal standards.

Daniel Allen, Cuddy & Feder, spoke on the application for AT&T. He explained that the proposed modifications were the replacement of three antennae and three remote radio heads. These upgrades will provide more robust service with faster speed for data upload and download.

Councilwoman Hurd asked when this equipment was first installed on Blind Brook Lodge. Mr. Allen responded that they were installed in 2004, and that there had been two or three modifications since that time.

Councilwoman Hurd asked if their application was a “6409 submission.” Mr. Allen replied that it was, which means that federal law requires that it be approved.

Robert Gaudio, Snyder & Snyder, on behalf of T-Mobile, explained that there were some replacements and slight additions to the current equipment.

Councilman McCartney asked if based on experience, if an update is needed every four years. Mr. Gaudio responded that it was more sporadic than that, whether it be a technological change, or license change.

Sandra Wyman, Blind Brook Lodge, asked if this would increase cellular power. Mr. Gaudio stated that the frequency would change, but not so much the power, and that two batteries would be added. There was discussion over the timing of the installation of equipment.

Councilwoman Hurd asked how long a modification takes. Mr. Gaudio responded that it takes usually less than one week, weather permitting. He said this was a relatively quick installation, to which Mr. Allen agreed.

Nancy Vincent, Blind Brook Lodge, asked if the applicants had presented photographs to identify what they proposed. Mr. Gaudio responded that they had given photographs to the Council within the record application. Mr. Gaudio stated that the new proposed equipment had no substantial different to the existing equipment. Mr. Gaudio and Mr. Allen explained that the equipment would be secured by mounting brackets.

It was confirmed that the carriers had lease agreements with Blind Brook Lodge.

Councilwoman Tagger-Epstein asked about the length of the lease with Blind Brook Lodge. Mr. Gaudio responded that it was likely 20-30 years. Councilwoman Tagger-Epstein expressed concern that if both applicants’ work coincided, it could cause noise. The attorneys responded that they would both be coordinating with the management on timing to avoid this issue.

Councilwoman Hurd asked if there were concerns about the roof holding the weight of the equipment. Mr. Gaudio responded that there were no concerns as the steel that spans from one brick wall to the other brick wall will help.

There was further discussion about the details of the telecommunications equipment in conjunction with the building.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to close the public hearing for a Special Permit Application submitted by New Cingular Wireless PCS, LLC (“AT&T”) for modifications to its existing wireless telecommunications facility located at 66 Milton Road.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to close the public hearing for a Special Permit Application submitted by T-Mobile Northeast LLC (“T-Mobile”) for modifications to its existing wireless telecommunications facility located at 66 Milton Road.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to grant the request for modification of a Special Permit Application submitted by New Cingular Wireless PCS, LLC (“AT&T”) for modifications to its existing wireless telecommunications facility located at 66 Milton Road.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, McCartney, Mecca and Tagger-Epstein  
NAYS: None  
ABSENT: Councilwoman Killian  
ABSTAIN: Councilwoman Hurd

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to grant the application for modification of a Special Permit Application submitted by T-Mobile Northeast LLC (“T-Mobile”) for modifications to its existing wireless telecommunications facility located at 66 Milton Road.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, McCartney, Mecca and Tagger-Epstein  
NAYS: None  
ABSENT: Councilwoman Killian  
ABSTAIN: Councilwoman Hurd

10. Residents may be heard on matters for Council consideration that do not appear on the agenda.

There was nothing discussed under this agenda item.

11. Consideration of the proposed new Rules and Regulations of the City of Rye Police Department General Order #114.9 regarding a Continuity of Operations Emergency Preparedness Plan.

City Manager Serrano said that the new Police Commissioner has been working toward documenting important policies and procedures of the Police Department. In an emergency, this policy would codify all procedures.

Councilman Mecca asked if this policy would be amended to include the Fire Department when the Police and Fire Departments are merged. City Manager Serrano responded that they would be.

Councilman McCartney said that one of the things that Judge Carey often reminds us of is that there are certain people who need help. The Commissioner is aware of these people who do need help in an emergency situation.

Councilman Mecca said that Councilman McCartney made an excellent point. He recalled assisting those in need during floods.

Councilwoman Hurd commented that including a community emergency response team could be beneficial.

Councilman McCartney made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried to adopt Rye Police Department General Order #114.9 regarding a Continuity of Operations Emergency Preparedness Plan.

12. Consideration of the proposed new Rules and Regulations of the City of Rye Police Department General Order #119.6 regarding a Visitor Log and Procedure Policy.

City Manager Serrano stated that the process has been very relaxed and this will safeguard the department by keeping a record of those within the building.

Councilman McCartney made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to adopt the City of Rye Police Department General Order #119.6 regarding a Visitor Log and Procedure Policy.

12A. Resolution to amend the 2016 Adopted Fees and Charges for the City Clerk Commuter Parking Waitlist Fee.

Roll Call.

City Clerk D'Andrea explained that with the opening of a new commuter waitlist, there is a proposed one-time fee of \$100 for applicants. This fee was not contemplated within the 2016 City of Rye Budget, and therefore would need Council approval to move forward.

Councilman Mecca made a motion, seconded by Councilman McCartney, that the Council amend the 2016 Adopted Fees and Charges for the City Clerk Commuter Parking Waitlist Fee.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, McCartney, Mecca and Tagger-Epstein  
NAYS: None  
ABSENT: Councilwoman Killian

- 12B. Consideration to set a Public Hearing on the proposed revision to the Rye City Charter to rescind Article 12 “Police Department” and Article 13 “Fire Department” and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety” which position shall have charge and supervision of the Police and Fire Departments.

Mayor Sack stated that starting in 2015, it has been new policy that the City Council give consent to hire a Police Commissioner. He thanked City Manager Serrano for his help hiring Commissioner Corcoran. The language regarding this item needs to be amended within the City Charter now that the Public Safety Commissioner position has passed within the City. He stated he was very happy to see that the community voted in the affirmative for the referendum to add the position of Public Safety Commissioner.

Councilwoman Bucci made a motion, seconded by Councilman Mecca and unanimously carried, to set a Public Hearing for December 7, 2016 on the proposed revision to the Rye City Charter to rescind Article 12 “Police Department” and Article 13 “Fire Department” and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety” which position shall have charge and supervision of the Police and Fire Departments.

13. Miscellaneous communications and reports.

Councilman McCartney announced that he and Councilwoman Tagger-Epstein met recently to discuss the committee on gun safety. He said that they were planning on researching all issues and engaging in public discussion on this important issue. He stated that he is motivated by gun safety, an important subject which he has witnessed in his career.

Councilwoman Tagger-Epstein said that she had been in touch with Harrison and a similar Harrison group. She stated that the group was in the beginning stages, and that the goal is public safety.

14. New Business.

Councilman Mecca asked for the 2017 proposed City Council calendar. Councilwoman Bucci asked for an update of legal fees for Crown Castle.

15. Adjournment.

There being no further business to discuss, Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the regular meeting of the City Council at 9:56 P.M.

Respectfully submitted,

Carolyn E. D’Andrea  
City Clerk