

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, October 18, 2016, at **8:00 p.m.** in Council Chambers at City Hall.

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the special meeting of the City Council held September 28, 2017 and the regular meeting of the City Council held October 4, 2017.
5. Issues Update/Old Business.
6. Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.
7. Resolution to adopt a Final Scoping Document on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA).
8. Consideration to set a Public Hearing for November 8, 2017 to amend local law Chapter 117, Landmarks Preservation, of the Rye City Code by amending Section §117-5, "Designation of Preservation Districts or Protected Sites and Structures", Subsection E, to add (10) Protected site and structures: the Milton Cemetery, Milton Road (Section 146-18, Block 4, Lot 51), the Purdy Cemetery, Milton Road (Section 146-18, Block 4, Lot 76), and Baird Square, Boston Post Road and Milton Road, as landmarks.
9. Residents may be heard on matters for Council consideration that do not appear on the agenda.
10. Resolution to transfer \$80,000 from the Contingency account to the Assessor Appraiser and Legal Services accounts to fund small claims assessment review (SCAR) proceedings.
Roll Call.
11. Resolution to authorize expenditure of police donation funds for the purchase of police boots or shoes.
Roll Call.
12. Miscellaneous communications and reports.
13. New Business.
14. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, November 8, 2017 at 7:30 p.m.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under "RyeTV Live".

* Office Hours of the Mayor by appointment by emailing jsack@ryeny.gov or contacting the City Manager's Office at (914) 967-7404.



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: October 18, 2017

CONTACT: Carolyn D'Andrea, City Clerk

AGENDA ITEM: Draft unapproved minutes of the special meeting of the City Council held September 28, 2017 and the regular meeting of the City Council held October 4, 2017.

FOR THE MEETING OF:

October 18, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Approve the minutes of the special meeting of the City Council held September 28, 2017 and the regular meeting of the City Council held October 4, 2017, as attached.

DRAFT UNAPPROVED MINUTES of the
Special Meeting of the City Council of the City of
Rye held in City Hall on September 28, 2017, at
11:15 P.M.

PRESENT:

KIRSTIN BUCCI
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA
Councilmembers

ABSENT:

JOSEPH A. SACK, Mayor
EMILY HURD
DANIELLE TAGGER-EPSTEIN
Councilmembers

The regular meeting of the City Council convened at 11:15 A.M.

1. Pledge of Allegiance.

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

2. Roll Call.

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

3. Resolution to transfer \$16,290 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget to retain The Buske Group to complete a community needs assessment review as part of the cable franchise renewal process.

Deputy Mayor Killian stated that the City had franchise agreements with Altice/Cablevision and Verizon to operation public access channels. Those agreements will be expired at the end of 2017 and in March of 2018. In order to prepare for negotiations, the City will need to perform a needs assessment as identified in federal law. The completion of this process can be worth about \$300,000 per year to the City for the duration of the agreement. It is important to make sure that the City has a good assessment in place. The City has recently retained and attorney to assist in this important negotiation.

Councilman McCartney asked about the possibility of a focus group. Councilwoman Bucci responded that while a focus group can be advantageous, time is of the essence. The cost/benefit did not suggest that it would be beneficial under this time constraint. Deputy Mayor

Killian added that the Cable Commission will be heavily involved which allows citizens to have an input in the process.

Councilwoman Bucci made a motion, seconded by Councilman Mecca, to adopt the following resolution:

WHEREAS, City staff has determined that the amounts required to perform a needs assessment review for the cable franchise renewal negotiations was not anticipated and was not provided for in the adopted 2017 budget by \$16,290, and;

WHEREAS, the Cable TV Unassigned Fund balance has enough funds to be appropriated to engage The Buske Group to complete the community needs assessment for the City, now, therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$16,290 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget to complete a community needs assessment review as part of the cable franchise renewal process.

ROLL CALL

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

4. Adjournment.

There being no further business to discuss, Councilman McCartney made a motion, seconded by Councilman Mecca to adjourn the Special Meeting of the City Council at 11:26 A.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk

DRAFT UNAPPROVED MINUTES of
the Regular Meeting of the City Council of the
City of Rye held in City Hall on October 4, 2017,
at 7:30 P.M.

PRESENT:

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

ABSENT:

None

The Council convened into executive session at 6:30 to discuss attorney/client matters. Councilman Mecca made a motion, seconded by Councilman McCartney to adjourn the executive session and convene to the regular meeting of the City Council at 7:30 P.M.

1. Pledge of Allegiance.

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

City Clerk D'Andrea reminded the community that renewals for Commuter Parking Permits are due on October 31, 2017.

2. Roll Call.

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

3. Recognition of the Rye Little League Boys Baseball District 20 Championship Winners.

Mayor Sack and Councilman McCartney congratulated the Rye Little League Boys Baseball team for winning the District 20 Championship over Port Chester. Councilman McCartney congratulated Mark Surhoff for winning as a player, as a coach, and as a manager. He presented each member of the team with a proclamation recognizing their efforts as a team. Mayor Sack also congratulated the team's coaches on another season of strong leadership.

9. Presentation on City Financials by Brendan K. Kennedy of the auditing firm of BST & Co, LLP.

Brendan Kennedy, BST & Co., presented the results of the 2016 City audit. As an overview of the process, he explained that the deliverables included an independent auditor's report resulting from a study of the City's 2016 financials and procedures. He said that earlier reported deficiencies had been satisfactorily resolved for this audit, such as internal controls that had improved at the Boat Basin. He said the firm did not identify any new significant deficiencies, and that the City had received a clean opinion on internal controls and compliance. The firm issued an unmodified, or "clean audit" opinion on each of the major funds. He said that the firm's Comprehensive Annual Financial Report (CAFR) was submitted to GFOA again for a possible award. Mr. Kennedy said the firm looked at internal procedures, various cash receipt procedures, and other items. He reported that personnel were friendly and knowledgeable. He said the City's financial records and accounting policies were compliant and in good order. Mr. Kennedy said that the methodologies used were appropriate and that there were no significant difficulties in the audit. He said that all departments were cooperative with the audit and everyone was responsive to inquiries.

Councilwoman Killian thanked Mr. Kennedy for his audit and presentation. She stated that in the past, there were pages of deficiencies, and the City has come a long way in dealing with those deficiencies. There was discussion about a future report on the IT Department progress.

City Manager Serrano thanked City Comptroller Fazzino and his staff for all of their hard work.

Items 13-16 were taken together:

13. Continuation of the Public Hearing to amend local law Chapter 161, "Sewers", of the Rye City Code by amending Article II, "Sewer Rents", to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.
14. Authorization for the City Manager to enter into an agreement with Brown & Weinraub, PLLC to represent the City before the New York Public Service Commission to allow municipalities to receive water usage data.
15. Consideration of a Resolution to petition the Public Service Commission (PSC) to order hydrant costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.
16. Consideration of a Resolution to petition the Westchester Joint Water Works (WJWW) Transportation Corporation Board to order hydrant costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

Mayor Sack, seconded by Councilman McCartney, made a motion to close the public hearing to amend local law Chapter 161, "Sewers", of the Rye City Code by amending Article II, "Sewer Rents", to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

Councilwoman Tagger-Epstein stated support for the local law amendment, as a sewer rent fund would be created to solely maintain and repair the sewer system. She reminded the Council and community that it could be beneficial for the Save the Sound litigation and I & I compliance.

Councilwoman Hurd stated that some of the major concerns with the local law amendment were that the fee would not be tax-deductible for the user. However, she felt that the amount would be so minimal and felt it was important to have a fund for sewer maintenance.

City Comptroller Fazzino said that the amount per taxpayer would be approximately \$67 per year.

Councilwoman Killian stated that she was against the local law amendment because there is a current uncertainty on the cost of fixing the sewers. She said that biggest concern was that the City would be increasing the cost to the tax payers. Also, the water company will not calculate the fee by water usage, and as a result, someone will need to be hired to do that work. She said that she felt it might make sense to wait to find out about how much the repairs will be.

Councilwoman Tagger-Epstein felt strongly that it was important to earmark the funds for sewer maintenance.

Councilwoman Bucci stated that the federal government is the big winner in this scenario. She cautioned the Council against adopting the local law, as it would simply move the funds to a non tax-deductible fee, opening the door for raising taxes for residents.

Councilwoman Killian stated that there will be an extra fee to hire an attorney to petition the Public Safety Commission to gather the data.

There was general discussion among the Council about options moving forward.

Councilman Mecca stated that Port Chester residents receive a monthly invoice for sewer rent based on water usage. He said if the City identifies what the infrastructure costs will be, funds can be allocated in that scenario. Councilman Mecca further stated that moving forward with this seemed to remove it from the budget process. He felt it might be a good idea the City waited a year in order to find out more about logistics. He was interested to find out about the process in other municipalities.

Mayor Sack commented that as far as he knew, the problem is the influx. Many influx issues come from illegal hookups in the basement of resident homes. Enforcement and compliance may help mitigate this issue. He stated that good points were raised on both sides.

Mayor Sack made a motion, seconded by Councilman McCartney, to amend local law Chapter 161, "Sewers", of the Rye City Code by amending Article II, "Sewer Rents", to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

CITY OF RYE
LOCAL LAW NO. 4 2017

A local law to amend Chapter 161, Article II "Sewer Rents" by adding provisions related to the imposition of sewer rents as follows:

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

Section 1:

Article II. Sewer Rents

Section 161-5. Imposition of sewer rent.

- A. Pursuant to Article 14-F of the General Municipal Law, there is hereby established and imposed a plan of sewer rents applicable to the City of Rye's sanitary sewer system. Such plan shall consist of annual charges against properties that utilize the City's sewers. The annual sewer rents as provided for in this chapter shall be applied to pay the costs of the operation, maintenance, upkeep, repair and replacement of the sanitary sewer system. The purpose of the local law is to preclude the cost of the sanitary sewer system from being funded solely from the property tax and to more equitably distribute such cost on all properties, including tax exempt properties.
- B. In addition to any charges provided by law, the owner of any real property within the City of Rye served by a sewer system maintained by a municipality other than the City of Rye shall pay to the City of Rye a sewer rent for the use of such sewer system. Such sewer rent shall be at the rate of \$210 per connection thereto or shall be such pro rata amount allocable to such property as the City of Rye shall be required to pay for the use of such sewer system.

Section 161--6. Definitions

For the purpose of this Section, the definitions set forth herein shall be controlling:

SANITARY SEWER SYSTEM – The system for the collection of sewage, including all sewer mains, pumping stations, appurtenances or other facilities, which are owned, operated and maintained by the City of Rye, whether in or outside the City.

SEWER RENTS – A schedule of annual charges established and imposed by the City of Rye for the use of the sanitary sewer system.

SYSTEM USERS – The record owners of real properties that have sanitary facilities which discharge into the sanitary sewer system, whether the properties are located in or outside of the City of Rye.

TOTAL WATER CONSUMPTION – Shall mean the total volume of water delivered to a property by the water source for which a sewer user is responsible. The total volume of water shall be the sum of the volume of water metered by, or otherwise calculated by, the water source.

WATER CONSUMPTION – The consumption of water, measured in hundreds of cubic feet (“CCF”); one CCF equals 748 gallons.

WATER SOURCE – Shall mean any entity that delivers water to a property such as United Water Westchester or its’ successors in interest or assigns

Section 161--7. Collection of sewer rent; lien.

[renumbered from existing law as § 161-6 will now become § 161-7]

All sewer rents imposed hereunder shall be levied, connected and enforced in the same manner and at the same time as provided for the collection and enforcement of city taxes. If such sewer rents are not paid when due, it shall be the duty of the City Comptroller to charge and collect interest thereon at the same rates specified for the collection of city taxes. Such sewer rents shall constitute a lien upon the real property served by such sewer system, and such lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment or other lawful charge.

Section 161-8. Sewer rent; adjustments; changes

- A. Sewer Rent. System users shall pay an amount based on the actual water consumption as determined by the water source using a water meter or other measuring device, or an estimated amount if the water source is unable to obtain a reading.**

B. Adjustment. System users may apply to the City Manager for an adjustment of the amount of water consumption. Such application shall in writing, accompanied by any prescribed filing fee, and include all evidence to support the degree and amount of water usage that is claimed to be applied for uses that do not result in discharges into the sanitary sewer system. The Manager may grant an adjustment on an appeal as provided hereinafter, but in no event shall such adjustment exceed ten (10) percent of the water consumption.

C. Changes. The initial rate of the sewer rent shall be established by resolution of the City Council after public hearing on five days' notice. Subsequent changes to the rate of the sewer rent and amount of penalty shall be made in the same manner.

Section 161-9. Annual costs of the sanitary sewer system

The annual operation and maintenance costs of the sanitary sewer system shall be determined as part of the City' budget process. The annual costs shall include, but not be limited to:

A. Personnel services, including salaries and fringe benefits

B. Contractual services

C. Repairs and replacement to the sanitary sewer system

D. Materials and supplies

E. Utilities

F. Building repair and maintenance

G. Equipment

H. Testing and sampling

I. Insurance

J. Indebtedness

K. Auditor's Fees

L. Reserve Fund

M. Contingency

Section 161-10. Billing and payments.

- A. System users shall be billed by the City or entity to which billing authority has been designated on a frequency established by the City.**
- B. Sewer rents shall be paid to the City of Rye.**
- C. Sewer rent bills shall be sent to system users to the address to which real estate bills would be sent.**
- (1) The failure of a system owner to receive a bill shall not excuse non-payment thereof, nor shall it act as a waiver of a penalty imposed herein prescribed.**
- (2) A system user that intends to convey property shall notify the City or entity to which billing authority has been delegated sufficiently in advance of the closing title for a final reading and new ownership information.**
- D. System users may be afforded the option of receiving e-bills or direct deposit of payments. System users may request that a tenant receive bills, and such additional notice may be given as an accommodation.**
- E. Any adjustments granted, issued or agreed upon with regard to actual water consumption shall be indicated to system users and reflected in the next succeeding bill.**

Section 161--11. Disposition of sewer rents.

[renumbered from existing law as § 161-7 will now become § 161-11]

Revenues derived from sewer rents, including interest, shall be credited to a special fund to be known as the "Sewer Rent Fund." Moneys in such fund shall be used for the payment of charges the City of Rye shall be required to pay for the use of such system.

Section 161--12. Exemption

The property of the City of Rye is solely exempt from the obligation to pay sewer rent.

Section 161-13. Agreement with water sources

Together with United Water Westchester, the City of Rye has petitioned the New York State Public Service Commission for authorization to contract with the water company to utilize its water consumption data, perform billing functions, as well as provide any other services necessary to administer this chapter. Similarly, the City of Rye has petitioned the Westchester Joint Water Works Board to utilize its water consumption data, perform billing functions, as well as provide any other services necessary to

administer this chapter for those users receiving water from Westchester Joint Water Works.

Section 161-14. Applicable rules and regulations

[renumbered from existing law as § 161-8 will now become § 161-14]

The owner and occupant of real property served by such sewer system shall be subjected to the rules and regulations of the City of Rye and the municipality maintaining such sewer system relating to the use of such sewer system, insofar as applicable.

Section 2: Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 3: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.

ROLL CALL

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

Specific to Item 16, City Manager Serrano explained that the water company charges a fee per hydrant. That fee would be spread over all users. City Comptroller Fazzino said that this cost in the budget is \$265,000 per year, which averages to \$42 per home.

Councilman Mecca asked if hydrant maintenance would be attached to the Fire Department budget. City Comptroller Fazzino confirmed that it would be. Councilman Mecca commented that therefore, the Fire Department budget would be reduced by \$265,000.

Councilman McCartney made a motion, seconded by Councilwoman Tagger-Epstein, to authorize the City Manager to enter into an agreement with Brown & Weinraub, PLLC to represent the City before the New York Public Service Commission to allow municipalities to receive water usage data.

ROLL CALL

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

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to petition the Public Service Commission (PSC) to order hydrant costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

Mayor Sack made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to petition the Westchester Joint Water Works (WJWW) Transportation Corporation Board to order hydrant costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

City Comptroller Fazzino stated that the budget can adjust for the hydrant issue decided at the meeting.

7. Presentation by BFJ Planning on the City of Rye Comprehensive Master Plan.

Susan Favate, BFJ Planning, presented to the Council on progress with their recommendations on the Comprehensive Master Plan. She said BFJ was working with the community task force, but it is up to the City Council to vote on the final Comprehensive Master Plan. She said there had been some focus groups and meetings with staff members and community members. Specifically, BFJ met with business owners in the central business district, those engagement in preservation and sustainability, real estate professionals, and others. Ms. Favate said that residents were asked what they loved about Rye. The key takeaway was that people love being in Rye for a multitude of reasons, including the waterfront, walkability, and small town community feel. These things make Rye unique and should be protected and preserved. Because the City is such a desirable place to live, there can be constraints on resources. Other aspects beyond the City's control that should be accounted for are climate change, flooding, and a challenging retail environment to name a few. Ms. Favate stated that from their perspective as land use planners, one item of importance is that Rye is space-constrained. At this point, there is very little land available to balance overlapping demands. This constraint requires creativity and collaborative thinking. BFJ has not yet offered any formal recommendations, but is currently information gathering. Ms. Favate said the goal for the rest of the fall is to start making recommendations.

Simon Kates, BFJ Planning, said there was a good turnout at the most recent community workshop, which had a brief presentation followed by four stations around the room explaining how the plan is organized. The first station asked "What is your vision for Rye?" which gathered general information from residents about what should be preserved and what is important. The next station focused primarily on preservation, specifically historic homes and neighborhoods and how to promote the historical importance of Rye to both residents and visitors. He also mentioned preservation natural resources, such as the beach, park, Edith Reed Sanctuary and others, which have both historic value and environmental value. The next station asked, "How should we grow?" This station dealt with both residential needs and strategies to help the downtown to continue to thrive. Mr. Kates said that the issue of parking came up at every station. He stated that there seems to be general acceptance that a parking deck might be a need worth considering. The final station

asked, "What should we provide?" The takeaways there were connections between neighborhoods, parks, safe ways to get around, sidewalks, bike paths, and other items. Mr. Kates said that they are working on a briefing of the public workshop and will be holding a task force meeting on October 16, 2017. BFJ would like to present future findings to the Council. Mr. Kates reminded the community that task force meetings are open to the public. One of the items on the task force agenda will be to set a date for the next public workshop. In terms of next steps, now that BFJ has heard from City staff, workshop groups and the public, there will be internal discussion, test ideas with the task force at the next public meeting and hopefully have the opportunity to hear from the Council.

Mayor Sack said that participation is key to the entire process and it has been going well so far.

Councilwoman Hurd asked if attention had been given to residential development and zoning. Mr. Kates responded that those items are continually considered, but there is not a definite recommendation yet, as there is a balance between preservation and property rights with current standards. Councilwoman Hurd felt it was important to include preservationists. Ms. Favate said that it was important to continue communication with the Council.

Councilwoman Tagger-Epstein asked about resident engagement. Mr. Kates responded that the community will continually be invited to participate, specifically again in the December workshop. In the meantime, Mr. Kates invited the community to obtain information on www.ryeplan.com.

Gerry Seitz, 141 Kirby Lane, made a statement to the Council. He said that the problem he has with the Comprehensive Master Plan is that it is missing Westmed and the Osborn, which he said were the two largest employers in Rye. He also expressed concern over aging in place, and parking issues within the downtown.

5. Draft unapproved minutes of the regular meeting of the City Council held September 13, 2017.

Councilwoman Killian recommended a revision to the minutes in Item 15 at the end of paragraph 2, in which "Councilwoman Killian agreed with Councilwoman Bucci and further added that it would increase costs to taxpayers because administering this change we would have to hire another person to City staff. Also Councilwoman Killian recommended waiting to move forward on this until the sewer study is done and the City has a better sense of what the costs will be to fix all the sewers which is estimated to be in the millions of dollars."

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the draft unapproved minutes of the regular meeting of the City Council held September 13, 2017 as amended.

5. Draft unapproved minutes of the regular meeting of the City Council held September 13, 2017.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the draft unapproved minutes of the regular meeting of the City Council held September 13, 2017 as amended.

4. General Announcements.

Councilman Mecca announced that recently, there was a swearing in for the new firefighters. Family members of the new firefighters attended this wonderful event. He also discussed emergency evacuation tactics and “two ways out” for safe exit in case of an emergency. The Annual Fire Inspection Dinner will be held on Thursday, October 5, 2017. Councilman Mecca also announced that his team lost in the Annual Member-Guest tournament to Councilman McCartney’s team. He commented that the golf course was in great shape and thanked the Golf Commission for their hard work.

Councilman McCartney said that the Rye Golf Club had a great summer, and that the golf course was in great shape. The Ryder Cup will be the October 7-8th weekend. There will be a Closing Scramble held on October 22, 2017. He said that greens will be expanded and improved once again this year. At 6:30 P.M. on October 26, 2017, there will be a Glow Golf event for families at the Golf Club. The greens will remain open until frost occurs. On the Recreation front, the Council is still waiting to hear from the Recreation Commission on the six outlined plans for Disbrow Park. Councilman McCartney announced that Rye Girls Soccer has a record of 6-1-1 this year. Proudly, he also announced that the Rye High School Varsity Football Team beat Harrison in the annual rival football game, bringing Rye ahead for the first time in history. The Rye Rotary Golf Outing will be October 12, 2017 to raise money for the Rotary program and the school system. Councilman McCartney will be the honoree for the event.

Councilwoman Killian congratulated Rye City TV on winning two awards at the ACM Northeast Video Festival. She also congratulated Officer Jonathan Klein, who was sworn in as a drug recognition expert. The selection process was intense, and Officer Klein passed with flying colors. Councilwoman Killian said she was excited for this addition to the City’s Police force. She also thanked Commissioner Corcoran for consistently making the department better.

Councilwoman Hurd spoke on the Chamber of Commerce, there will be a scarecrow making event in the downtown during the October 7-8th weekend. There will be also be an event with animals for the children on October 22, 2017. She was also happy to announce that the Granola Bar was open in the central business district. Councilwoman Hurd also announced that the Rye Nature Center will be having their Octoberfest event on Friday, October 13, 2017. Further, the Jay Heritage Center will be hosting their annual Zebra Soiree on October 21, 2017.

Councilwoman Tagger-Epstein announced that there are now 82 Healthy Yard signs throughout the community for the Sustainability Committee. She encouraged everyone to go to the committee’s website to fill out the Healthy Yard pledge. She announced that for those who want to learn more about the initiative, there will be a leaf mulching demo at the Rye

Nature Center on November 3, 2017. Further, there will be a landscaping forum on October 18, 2017 at the Jay Heritage Center. Councilwoman Tagger-Epstein said that she knows that people have been feeling disheartened with the national news, and there has been a lot of local outpouring to help. There is also an organization called the Hispanic Federation, which can be helpful to Puerto Rico in this time of need. She sent her heartfelt condolences for those affected by the helpless with the manmade tragedy in Las Vegas. She said she hopes we can come together to curb that needless violence.

Councilwoman Killian announced that Rye Town Park and Rye Arts Center are sponsoring a pumpkin painting event for children on October 22, 2017.

8. Presentation of the 2018-2022 Capital Improvements Program.

City Planner Miller made a presentation to the Council on the Capital Improvement Plan. He presented a slideshow to the Council on the overview of priorities for the future. As an overview, he stated that \$49 million would be required for 66 non-enterprise fund projects, \$7.6 million would be required for 21 projects, and \$56.7 million for 87 projects.

City Planner Miller discussed High priority projects, such as the Fremd/Purdy/Purchase Intersection and Purchase Streetscape. This project was being recommended again for higher priority safety. There is a cost estimate of \$600,000 for that project. This would include curb and sidewalk improvements. He also discussed the proposed Forest Avenue pedestrian improvement and street paving project. The study on that would cost \$150,000. Mr. Miller then discussed feasibility for a parking deck within the downtown area. He talked about court improvements, which would cost the City approximately \$2.4 million. Other items include Disbrow Park and Public Works facilities and garage placement. For sewer improvements, there is a need at the Stuyvesant Avenue Pump Station, and general SSES implementation. Other capital considerations include Rye Golf, Rye Boat Basin, Rye Town Park, and Rye City schools.

City Planner Miller discussed the CIP funding sources of 28% from general revenue, 31% debt, and 41% grants and aid. There was discussion about raising taxes; 2% increase equates to \$443,000. The average cost of a CIP project \$652,000. Mr. Miller then discussed designated capital funds. He then talked about actual fund balance used to fund capital, buildings and vehicles from 2007-2016. He mentioned that with grants and aid, challenges can present themselves as they can be increasingly competitive to secure, strings can create policy concerns, municipalities are often required to financially match the amount of aid, and there is a high cost of compliance.

6. Issues Update/Old Business.

There was nothing discussed under this agenda item.

11. Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.

Items 11 and 12 were taken together. Corporation Counsel Wilson stated that the City received comments from different groups, including the applicant and applicant's client. She recommended keeping the public hearing open on changes to the Rye City Code for Item 11; however, she also recommended closing the public hearing on Item 12 after comments are made. After the public hearing is closed on the scoping document, Corporation Counsel Wilson will prepare a draft of the final scoping document for Council review.

Tricia Agosta, 4 Ridgewood Drive, addressed the Council concerning the latest draft of the code amendments. She said that the City has provided no response to resident comments. She said the process of revising Chapter 196 should be deliberative and recommended that there should be a distance requirement of 200 feet from residential properties.

Councilwoman Killian made a motion, seconded by Councilman Mecca, to adjourn the public hearing to October 18, 2017.

12. Continuation of the Public Scoping Meeting on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA).

Sam Burrzano, 290 North, submitted a letter from his counsel for the citizens' group that was previously submitted by e-mail, and the report of a sound engineer who had spoken at a previous meeting. He said it was important to protect residential Rye, which can be done through the scoping document.

Corporation Counsel Wilson recommended closing the public hearing and she would present a final scoping document to the Council for review. The City Council is the lead agency.

Councilman Mecca motion, seconded by Councilwoman Tagger-Epstein, to close the public hearing.

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

Councilwoman Killian said that during election time, there are often lots of things said on both sides. She said she felt it important to correct the record on an assumption that Mayor Sack had been colluding with Port Chester on shared services with regard to the Thruway property. She said that she spoke with Port Chester, who suggested that this was

not the case. She also said that she was told by Port Chester that the issue of the Thruway property was a non-issue due to expense.

Anthony DiCaprio, 101 Glen Oaks Drive, asked if Councilwoman Killian meant that the issue was dead for Rye. She clarified that the issue seemed dead for Port Chester. Mr. DiCaprio felt the land would be too expensive for Rye to purchase.

Councilwoman Bucci reminded the community that the City Council on its own cannot purchase property over land that exceeds \$1 million without a public referendum.

Mr. DiCaprio asked about the process. Mayor Sack stated that the legislation is up for the governor's signature at this point. If the governor signs the legislation, acquiring the land for the City disappears as an option. If the legislation is signed, the City will need to work together with Rye Country Day on a use agreement. One way or another, there will be discussions with Rye Country Day and the community. Mayor Sack said that he had not suggested that the City acquire the land, but rather suggested that there be a conversation to be able to consider all options.

Mr. DiCaprio took issue with a letter written by the Mayor to the governor, asking him to veto the legislation.

Councilman Mecca stated that the Master Plan study strongly suggests that the City of Rye is constrained for space. He said that good municipal practices do not give up land for public purposes. Looking to the future, there are many needs to consider.

Mr. DiCaprio asked if the City could engage in conversation with Rye Country Day School to resolve issues. Councilman McCartney responded that he, Councilwoman Bucci, and Councilwoman Killian had sat down with the school to open the door for discussion, and the next day found out that the legislation had passed through the State legislature.

There was discussion generally about moving forward toward a positive solution. The Council was hopeful that if the land is sold to Rye Country Day, all children of the City of Rye are able to enjoy the land.

Councilwoman Killian expressed concerns over large rocks on private property within the right-of-way. City Manager Serrano responded that the Building Department was already handling the issue.

Gerry Seitz said that he disagreed with the recent immigration policy of the Rye Police Department.

17. Consideration of a request from the Rye Golf Club Commission to commence an Article 7 tax certiorari proceeding against the Board of Assessment Review.
Roll Call.

Corporation Counsel Wilson explained that by way of background, the Rye Golf Club filed a complaint requesting a reduction in its sewer tax. The Rye Golf Club currently has an assessment of \$557,500 which equalizes to a full market value of \$33.994 million based on the latest equalization rate. The request was heard by the Board of Assessment review and denied. The Rye Golf Club Commission is requesting that the City Council authorize an Article 7 tax certiorari proceeding against the Board of Assessment Review.

Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried, to approve a request from the Rye Golf Club Commission to commence an Article 7 tax certiorari proceeding against the Board of Assessment Review.

ROLL CALL

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

18. Resolution to transfer \$80,000 from the Contingency account to the Assessor Appraiser and Legal Services accounts to fund small claims assessment review (SCAR) proceedings.
Roll Call.

City Manager Serrano stated the City was hit with 350 SCAR proceedings, which is substantially more than usual. This funding would hire outside counsel and an appraiser. The staff confirmed that the breakdown would be approximately \$60,000 for the appraiser and \$20,000 for the attorney. Councilwoman Bucci asked about the value of the approximate assessment in a cost/ benefit analysis.

The issue was put over to the next Council meeting.

19. Resolution to transfer \$150,000 from the Contingency account to the Legal Department to fund legal services.
Roll Call.

City Manager Serrano stated that this amount would likely bring the City to the end of 2017 with all legal fees.

Councilwoman Bucci made a motion, seconded by Mayor Sack, to approve the transfer \$150,000 from the Contingency account to the Legal Department to fund legal services.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and
Tagger-Epstein

NAYS: None
ABSENT: None

20. Consideration of the proposed changes and additions to the Rules and Regulations of the City of Rye Police Department:
- General Order #102.2 regarding the rank structure of the City of Rye Police Department
 - General Order #102.3 regarding the authority and command of police officers on duty
 - General Order #102.4 regarding job classifications of the City of Rye Police Department
 - General Order #113.4 regarding policies and procedures for the identification, collection, and preservation of physical evidence
 - General Order #116.3 regarding the performance evaluation of City of Rye Police Personnel
 - General Order #117.7 regarding the use of safety belts/restraining devices in City of Rye Police Department vehicles

City Manager Serrano stated that Commissioner Corcoran is proposing changes and additions to certain regulations of the Rye Police Department, to ensure the utmost professionalism and safety.

Councilwoman Tagger-Epstein made a motion, seconded by Councilman McCartney, to adopt the changes and additions to the following orders:

- General Order #102.2 regarding the rank structure of the City of Rye Police Department
 - General Order #102.3 regarding the authority and command of police officers on duty
 - General Order #102.4 regarding job classifications of the City of Rye Police Department
 - General Order #113.4 regarding policies and procedures for the identification, collection, and preservation of physical evidence
 - General Order #116.3 regarding the performance evaluation of City of Rye Police Personnel
 - General Order #117.7 regarding the use of safety belts/restraining devices in City of Rye Police Department vehicles
21. Four appointments to the Rye Golf Club Commission for a three-year term expiring January 1, 2021.

Mayor Sack made a motion, carried by the Council to approve the Rye Golf Commission election results, and appoint Garrick Gelinias, Akhil Kumar, Neil O'Donnell and Benoit Ugeux for a three year term commencing on January 1, 2018 and expiring on January 1, 2021.

22. One appointment to the Board of Architectural Review for a three-year term expiring January 1, 2020.

Mayor Sack made a motion, carried by the Council appoint Nancy Patota to the Board of Architectural Review, filling a vacancy that will expire on January 1, 2020.

23. Consideration of a request by the Rye Little League to approve a parade to kickoff Opening Day of the 61st Little League Season on Saturday, April 14, 2018 beginning at 12:00 p.m.

All were in favor of the request.

24. Resolution to declare certain City of Rye equipment as surplus.
Roll Call.

City Manager Serrano explained that the IT Department had provided a list of equipment that has become obsolete. At this time, the City Council is being asked to declare the equipment as surplus so that the City can recycle it in an appropriate manner.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein to adopt the following resolution:

WHEREAS, the City has been provided with a list of City equipment identified as being obsolete or will become obsolete during 2017, and,

WHEREAS, the Information Technology Department and Rye TV has recommended that said equipment be declared surplus, now, therefore, be it

RESOLVED, that said equipment are declared surplus, and, be it further

RESOLVED, that authorization is given to the City Comptroller to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

ROLL CALL

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

25. Miscellaneous communications and reports.

Nothing was discussed under this agenda item.

26. New Business.

Nothing was discussed under this agenda item.

27. Adjournment.

There being no further business to discuss, at 11:05 P.M., Councilman Mecca made a motion, seconded by Councilwoman Hurd and unanimously carried, to adjourn the public meeting.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: October 18, 2017

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:

October 18, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That an update be provided on outstanding issues or Old Business.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager's Office

DATE: October 18, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new Article IV "Placement of Permanent Facilities in the Rights of Way", Sections §167-66 through §167-71, to regulate placement of devices in the right of way; and (c) local law Chapter 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.

FOR THE MEETING OF:

October 18, 2017

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the City Council continue the Public Hearing to approve the changes in the City Code regarding telecommunications devices.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Local law Chapter 196, "Wireless Telecommunications Facilities" was adopted in 1997 with modifications in 2003. Due to the continuing evolution of telecommunications technology and demands, the recommendation is to make changes to Chapters 133, 167 and 196 of the Rye City Code to address telecommunications devices regarding size, visual impact, placement and permit process.

Draft Local Laws revised as of April 3, 2017 are available on the City website.



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager

DATE: October 18, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution to adopt a Final Scoping Document on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA).

FOR THE MEETING OF:

October 18, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council adopt a Final Scoping Document on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA).

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Council issued the SEQRA Notice of Intent to serve as Lead Agency for Crown Castle's request to amend the Right of Way Use Agreement at their at their October 5, 2016 City Council meeting. Crown Castle submitted the Full Environmental Assessment Form (EAF) at the City Council meeting on October 19, 2016. The City Council issued a Positive Determination of Significance under SEQRA relating to Crown Castle's request to modify the existing Right of Way Use Agreement at their April 19, 2017 meeting citing the following reasons: (1) the potential for significant aesthetic/design/visual resource impacts and neighborhood character impacts, (2) the potential for significant impacts related to noise associated with the two and three ion boxes and (3) the potential for significant impacts to the community character and locally designated historic districts and landmarks. The Public Scoping meeting was closed at the October 4, 2017 City Council Meeting. The City Council is asked to adopt a Final Scoping Document on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA).

See attached Final Scoping Document.

**FINAL SCOPING DOCUMENT FOR THE PREPARATION OF A DRAFT
ENVIRONMENTAL IMPACT STATEMENT**

PROPOSED ACTION:

Crown Castle’s Request To Amend the Existing Right-of-Way Use Agreement and install Approximately 64 new nodes throughout the City of Rye on Existing Utility Poles and Other City Owned Infrastructure.

PROJECT LOCATION:

City of Rye, New York 10580

SEQRA CLASSIFICATION:

Unlisted

LEAD AGENCY AND CONTACT:

Rye City Council
Marcus Serrano, City Manager
Rye City Hall
1051 Boston Post Road
Rye, New York 10580

PROJECT SPONSOR/APPLICANT:

Crown Castle NG East, LLC

Description of Proposed Action:

Crown Castle NG East, LLC (“Crown” or the “Applicant”) seeks to install an additional sixty plus DAS nodes throughout the City of Rye on existing Consolidated Edison owned utility poles and other City owned infrastructure. The proposal includes an amendment to the existing Right of Way Use Agreement (“RUA”) to allow for a different size equipment box to house nodes provided by the Applicant and/or the Applicant’s wireless client. In addition to the equipment box, an antenna will be located on the top or within the “communication zone” of the utility poles/infrastructure.

SEQR Process:

The basic purposes of the State Environmental Quality Review Act (SEQR) is to incorporate the consideration of environmental facts into the existing planning, review and decision-making processes of state, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires a determination of whether a proposed action may have a significant impact on the environment, and if it is determined that the action may have a significant adverse impact, prepare an Environmental Impact Statement (EIS). It is not intention of SEQR that environmental factors be the sole consideration in decision-making.

The public will have an opportunity to comment on the draft environmental impact statement (the “DEIS”) and all the substantive comments will be responded to as part of the final environmental impact statement (the “FEIS”). Once the FEIS is accepted as adequate and complete, the City Council, as lead agency, will have to adopt a Findings Statement which must set forth a reasoned elaboration of its determination on the application. Please note, the Findings Statement is not the substantive approval of granting permission to construct/implement the proposed action. Any additional approvals and permits that are required must still be granted by the appropriate boards.

Draft Environmental Impact Statement Content

- Introductory Material – Cover Sheet, list of consultants, Table of Contents
- Executive Summary
- Description of Proposed Action:
 - Location and sites;
 - Project Purpose;
 - Need and Benefits – including the benefit for Rye residents and businesses and an assessment of the potential use of (or inability to use) the system for emergency purposes;
 - Project Description – including, but not limited to, specific reference to sites/properties that currently are, or are eligible for, listing as a federal, state or local designated historic site;
 - Involved Agencies and Required Approvals
- Impact Issues (described below)

Potential Impacts and Mitigation

I. Areas of Study

A. Noise

Existing Conditions:

- The DEIS will describe the existing noise levels in areas where no DAS nodes are located and those areas where DAS nodes are currently located.
 - A description of the sounds levels at different existing node locations in the City at different times of the day and at different temperatures;
 - A description or table of the base line ambient noise level for each proposed location (both a.m. and p.m. levels)

Potential Impacts:

- Sound levels greater than those permitted by the City of Rye City Code
 - Single, double and triple ion boxes should be analyzed as part of the description of potential impacts, including the possibility of cumulative impacts resulting from the proximity of node locations.
 - Cumulative impacts associated with future co-location of all size boxes should also be analyzed.

- Impact of topography and surrounding structures on sound travel/noise intensity.

Mitigation Measures:

- The DEIS will discuss alternative designs that include potential buffering material that can be used to mitigate the sound from the cooling fans. In addition, cooling equipment, transmission equipment and other advancements in technology should be included as potential mitigation factors.

B. Aesthetic Impacts

Existing Conditions:

- Description of existing visual conditions throughout the City of Rye. Existing conditions will be documented using captioned photographs and an accompanying map.

Potential Impacts:

- Description and analysis of the infrastructure within the surrounding residential context and description of any change in the visual character of the area as a result of the project. This analysis will include photographs and graphic depictions showing the proposed deployments from various vantage points (street view and adjoining property), possible use of balloon tests for visual impact comparison and leaf-on/leaf-off conditions.
- Description of the new equipment, illustrating the potential height, design and overall size of the infrastructure.
- Pictorial analysis of nodes, potential co-location, and all other pole “furniture” shall be included (e.g., transmission boxes, LED lights, utility wiring) for each of the proposed locations.

Mitigation Measures:

- Description of measures undertaken to mitigate impacts to residential neighborhoods, historical properties and other areas of public interest (parks, schools, placement on municipal property, etc.). Discussion will include use of different architectural features, color, materials, stealth concealment techniques, etc.

C. Community Character

Existing Conditions:

- Inventory of existing land uses throughout the various areas of the City and a description of the character of the surrounding community at each potential site.

Potential Impacts:

- Description of the compatibility of the proposed development with adjacent land uses and the effect of the project on the general land use pattern and community character at each potential site within the study area.
- Discussion of updated/new Comprehensive Plan.

Mitigation Measures:

- Discussion of any possible measures to mask the appearance of the infrastructure including architectural features, scale, color and use of materials.

D. Construction

- Description of extent of construction activities, including overall schedule, equipment that would be used to install infrastructure.
 - Estimate of installation time for equipment at each site.
 - Discussion of possible construction limitations during peak days/hours and proximity to sensitive locations (schools, religious institutions, etc.)

E. Socioeconomic Impacts/ Conditions

Existing Conditions:

- Describe the existing demographic and economic conditions that currently exist in the City site by site. Include the current real property valuation.

Potential Impacts

- Provide expanded information on the impact on property values for residential properties.

Mitigation Measures

- Describe any mitigation measures to address any negative economic impact on the neighborhood or specific residential properties

II. Alternatives

SEQRA mandates that environmental impact statements analyze a “range of reasonable alternatives,” including the No Action alternative, to a proposed action that are feasible, considering the objectives and capabilities of the project sponsor (6 NYCRR Part 6717.9(5)(v)).

The alternatives analysis section of the DEIS will examine a number of alternatives for the deployment of DAS, small cells, macro sites (roof top sites and towers) and other forms of infrastructure to provide capacity and coverage of wireless service within the City of Rye. Specifically, the DEIS will examine the following alternatives:

- A. No Action – no new deployments of any infrastructure takes place.
- B. DAS – Plan A deployment as submitted by Crown – with single, double and triple ion equipment boxes.
 - a. With Co-Location impacts, including aggregation of impacts from equipment
- C. DAS – Plan B deployment as submitted by Crown – with single, double and triple ion equipment boxes.
 - a. With Co-Location impacts
- D. DAS – Plan C deployment as submitted by Crown – with single, double and triple ion equipment boxes.
 - a. With Co-Location impacts
- E. Single monopole alternatives (100' or taller)
 - Publicly owned land
 - Disbrow Park
 - Rye Golf Club
 - Other municipally owned land (possible MTA location)
- F. Macro-site alternatives –
 - Publicly owned structures (roof top)
 - Privately owned structures (roof top)
- G. Stealth monopole alternatives (less than 100') – including scale and architectural designs (flag pole, spire, or other architectural feature)
- H. Stealth monopole alternatives (less than 70') - – including scale and architectural designs (flag pole, spire, or other architectural feature)
- I. Other alternatives developed during environmental review process

III. Mitigation

This section will include a summary of all proposed mitigation for significant impacts identified in the DEIS. Because these measures, if practicable, will become part of the Proposed Action, their formulation and analysis of their effectiveness will be undertaken in coordination with the lead agency, if necessary. Any mitigation measure which the Applicant will not either undertake directly or fund should be clearly identified as such.

IV. Unavoidable Adverse Impacts

Significant adverse environmental impacts identified in the DEIS that cannot be mitigated will be designated as unavoidable environmental impacts and summarized in this section. Such impacts may be either short-term or long-term in nature.

V. Additional Impact Evaluations

The DEIS will include analyses of additional potential effects of the Proposed Action on:

- Growth Inducing and Cumulative Aspects – potential impacts related to the growth of the infrastructure in physical dimension and number. This analysis will include how these facilities can expand under the Telecommunications Act without any further approval or review from the City.

VI. Appendices to Accompany DEIS

The following elements will be included in the Appendices to the DEIS

All SEQRA documentation – including all written submissions to the City of Rye during the review of the application, including a video of the public meetings.

References

Maps

Studies

Reports



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager's Office

DATE: October 18, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration to set a Public Hearing for November 8, 2017 to amend local law Chapter 117, Landmarks Preservation, of the Rye City Code by amending Section §117-5, "Designation of Preservation Districts or Protected Sites and Structures", Subsection E, to add (10) Protected site and structures: the Milton Cemetery, Milton Road (Section 146-18, Block 4, Lot 51), the Purdy Cemetery, Milton Road (Section 146-18, Block 4, Lot 76), and Baird Square, Boston Post Road and Milton Road, as landmarks.

FOR THE MEETING OF:

October 18, 2017

RYE CITY CODE,

CHAPTER 117

SECTION 5

RECOMMENDATION: That the City Council set a Public Hearing to landmark the Milton Cemetery, the Purdy Cemetery, and Baird Square.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Landmarks Advisory Committee is seeking approval to landmark the following City-owned properties:

- The Milton Cemetery, Milton Road (Section 146-18, Block 4, Lot 51)
- The Purdy Cemetery, Milton Road (Section 146-18, Block 4, Lot 76); the Purdy family burial ground belonged to the Purdy family and was used as the family's private burial plot.
- Baird Square, Boston Post Road and Milton Road; Baird Square is a small triangle of land at the intersection of Milton Road, Boston Post Road and Purchase Street (just below the Citibank building). It was gifted to the City of Rye by Reverend Charles Washington Baird.

See attached Draft Local Law and the Landmarks Committee proposal.

Chapter 117. LANDMARKS PRESERVATION

§ 117-5. Designation of Preservation Districts or Protected Sites and Structures.

- E. The designated Preservation District and Protected Sites and Structures shall be set forth in this subsection by block and lot number, street designation and, if appropriate, by local designation.
- (1) Preservation District: Village Green, the Square House, the Rye Free Reading Room and City Hall, Boston Post Road, Rye, New York, also known as Block 2, Lot Nos. 29 and 31, on the current tax assessment map of the City of Rye, and formerly known as Block 42, Lot Nos. 14A, 14B, 20, 21, 22, 23 and 24. Specifically designated as protected within the district are: [Added 9-15-1982 by L.L. No. 8-1982]
- (a) The Square House: the exterior and the grounds surrounding, a total of 1.88 acres. On the interior: the council room; tavern room; warming kitchen; small exhibit room; ballroom; nineteenth-century bedroom; the main entrance hall and staircase; adjoining hallways between the specified rooms and the Civil War period room in the attic, all exclusive of displays, furnishings or exhibits. All areas not specifically proposed for preservation as listed above should be deemed to be excluded.
- (b) The Rye Free Reading Room:
- [1] The exterior and grounds surrounding, a total of 0.26 acre. On the interior, only that portion of the 1913 building described as: in the first floor entrance vestibule: woodwork, excluding doors; in the first and second floor foyer: staircase, stairwell and landing space, including three arches; woodwork, excluding doors to north and south second floor rooms; in the first floor circulation area: woodwork, including square and circular columns and connecting beams only; in the first floor reading rooms, north and south: woodwork, including fireplace surrounds and mantels, trim above seven feet one inch (level of mantels), window trim, including sills, and fireplaces as working fireplaces.
- [2] The following portions of the interior and exterior of the 1913 building shall be specifically excluded: second floor, north and south rooms; toilet rooms and adjacent hallway: furniture, including circulation desk and bookshelves: furnishings, including carpet, vases, artwork, signage and paint colors. Interior and exterior exclusions: lighting, heating ventilation and electric; alarm systems, including fire and security; wiring and devices for telecommunications, including cable television, computer, phone and similar installations.
- [3] The following future possible changes are also excluded: installation of ceiling and attic fans, railing in foyer, exterior sign identifying the building, storm windows, security lights and glass doors or stoves (e.g., Stovalator) in fireplaces; waterproofing terrace.

- (c) The Rye City Hall be deemed protected as to exterior.
 - (d) The Village Green be deemed protected as to walks, walls, millstones and landscaping.
- (2) Protected site and structures: Alansten, the Jay Mansion, and the Carriage House, 210 Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 24.1, on the current Tax Assessment Map of the City of Rye. Specifically designated as protected sites and structures are: [Added 7-18-1984 by L.L. No. 10-1984]
- (a) Alansten: The entire site consisting of 22.46 acres and including a viewway, a trapezoidal area located between the Jay Mansion and the southerly property line in which there shall be no construction, except for the installation of utility services, which shall have a width of 90 feet at the rear of the building and a width of 300 feet along the southerly property line, the centers of which shall be the center of the rear facade of the building and the point at which a line extending from the rear facade and perpendicular to the rear facade intersects the southerly property line, respectively. The foregoing described orientation of the viewway to the mansion may be adjusted by the Planning Commission during site plan review if it finds that said adjustment will improve the public's view of the mansion.
 - (b) The Jay Mansion: The entire exterior.
 - (c) The Carriage House: The entire exterior.
- (3) Protected site and structure: the Hains-Robinson House, 556 Milton Road, also known as Sheet 153.06, Block 1, Lot 70, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 1-16-1985 by L.L. No. 1-1985]
- (a) The Hains-Robinson House: the entire exterior and the entire site, including the stone walls; the interior; the entire ground floor, which includes the original kitchen and tap room containing the ship's doors and paneling from the frigate Brandywine. Also deemed protected are the stair railings and newel posts and other Brandywine doors throughout the house.
- (4) Protected site: the Jay Family Cemetery, Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 33, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 9-17-1986 by L.L. No. 14-1986]
- (a) The Jay Family Cemetery: the entire site comprising 2.85 acres shall be deemed protected, including walls, fences, stones, monuments, paths and the access road. This designation shall not interfere with or prevent additional burials or placement of headstones.
- (5) Protected Site and Structure: the Timothy Knapp House, 265 Rye Beach Avenue, Rye, New York, also known as Sheet 146.19, Block 5, Lot 8, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 8-19-1987 by L.L. No. 9-1987]

- (a) The Timothy Knapp House: the entire site and entire building including interior and exterior.
- (6) Protected site and structure: the Parsons Estate, 260 Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 34, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 6-15-1988 by L.L. No. 11-1988]
 - (a) The Parsons Estate: the entire site; the exterior and interior of the main residence, the exterior of the gardener's cottage and the exterior of the carriage house and stables.
- (7) Protected site and structure: 235 Boston Post Road, Rye, New York, also known as Sheet 153.05, Block 1, Lot 74.1, on the Tax Map of the City of Rye. Specifically designated as protected is: [Added 10-6-2005 by L.L. No. 3-2005]
 - (a) The Stillman Residence: the entire site and the exterior of the main residence.
- (8) Protected structure: 5 Morris Court, Rye, New York, also known as Sheet 153.05, Block 1, Lot 74.3, on the Tax Map of the City of Rye. Specifically designated as protected is: [Added 10-6-2005 by L.L. No. 3-2005]
 - (a) The exterior of the one-story stone garage, including the chimney. The attached greenhouse-type structure shall be deemed to be excluded.
- (9) Protected site and structures: the Bird Homestead, 600 Milton Road, Rye, New York, also known as Sheet 153.6, Block 1, Lot 61, on the Tax Map of the City of Rye; the Rye Meeting House, 624 Milton Road, Rye, New York, also known as Sheet 153.6, Block 1, Lot 60, on the Tax Map of the City of Rye. Specifically designated as protected is:
 - (a) the Bird Homestead: the entire site and the exterior.
 - (b) the Rye Meeting House: the entire site and the exterior.

10) Protected site and structures: the Milton Cemetery, Milton Road, Rye, New York, also known as Sheet 146-18, Block 4, Lot 51, on the Tax Map of the City of Rye; the Purdy Cemetery, Milton Road, Rye, New York, also known as Sheet 146-18, Block 4, Lot 76, on the Tax Map of the City of Rye; Baird Square, Boston Post Road and Milton Road, Rye, New York. Specifically designated as protected is:

- (a) the Milton Cemetery: the entire site; this designation shall not interfere with or prevent additional burials or placement of headstones
- (b) the Purdy Cemetery: the entire site excluding the footbridge; this designation shall not interfere with or prevent additional burials or placement of headstones

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(c) Baird Square: the entire site including the greenspace encircled by hedges, the police booth, and the event sign

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Proposal to designate as historic:
Purdy Family Burying Ground & Baird Square

Purdy Family Burying Ground belonged to the Purdy family and was used as the family's private burial plot.

There are many references to the Purdy family in historical documents and history books; but there are few references to the Purdy family's cemetery. One reference is contained in the will of Daniel Purdy, dated May 15th, 1761:

"I will and order that the burying place on the neck shall be and remain as a burying place forever for the use of our family and relations, with full liberty to go to and from the same, to bury their dead."

During the Revolutionary War, Joseph Purdy—like the Havalands, Browns, Gedneys, Hortons, Halsteads, and Thealls—was imprisoned for being a Tory by Patriots in 1776. All were farmers, so they were released to conduct necessary duties. Many moved to Nova Scotia after the war in 1783.

According to Charles Baird's "History of Rye, 1660-1870" (1870's), Purdy Cemetery is situated on the "western Bank of Blind Brook creek, opposite the public cemetery." (p.198)

In 1922 & 1946, a text entitled "A Compilation of Graves in the Purdy Family Burying Ground (Across Blind Brook from the Milton Cemetery)" was transcribed by Henry Bird (of Bird Homestead), listing a number of named graves.

According to "Fifty Years of Rye, 1904-54" (M. Dalphin, 1955), the footbridge to the Purdy Cemetery was a gift from former Mayor J. Motley Morehead in Oct. 1950. Mayor Livingston Platt told how "Mr. Morehead had bought the land on Oakland Beach Avenue years ago, had given it to the city in order to make the park accessible and had built the entrance there as well."

In 2000, Rye resident Anita Schwarz created a map of Milton Cemetery with 8 graves in Purdy Family Burying Ground. All date between 1720 and 1825.

Rye's current Assessor says PFBG is city-owned and is part of the same parcel as Milton Cemetery (9/26/16).

Baird Square is a small triangle of land just below the Citibank building, at the intersection of Milton Road, the Post Road/Route 1 and Purchase Street. It was gifted to the City of Rye by a beloved pastor, Reverend Charles Washington Baird.

According to Rye historian Paul Hicks, Baird was "one of the longest serving and most respected ministers of the Rye Presbyterian Church, serving from 1861 until his death in 1887." Baird published "Chronicle of a Border Town, History of Rye, Harrison and White Plains, Westchester County, New York 1660-1870" in 1871, "...a detailed record of the first two centuries of colonization and development in this area [that] is an invaluable resource for students of history at all levels."

The land is encircled by a low hedge and edged on one side with a sidewalk leading uphill to Christ's Church. A tall evergreen tree stands at the center, next to a City-owned sign post (rented by local organizations to promote their events), and an old wooden octagonal structure intended for crossing guards.

The LAC would like to propose that Baird Square be landmarked. The property serves the City well as 1. a pedestrian-safe zone at a busy intersection, 2. as an aesthetically-pleasing parcel of open space, and 3. an historic reminder of one of our finest citizens. We would like to protect the space from potential road development projects.

REASON TO LANDMARK a Site or Structure

In 1977, "Chapter 117: "Landmarks Preservation" was added to Rye's City Code. The rules set forth were designed to encourage the protection of historic structures:

- To provide for the protection, enhancement, perpetuation, and use of those districts, sites, and structures which are illustrative of the growth and development of the City of Rye and which are of particular historic or aesthetic value to the City.
- To recognize and ensure the preservation of those elements of the City's past which represent many and varied architectural, artistic, and cultural achievements which cannot be duplicated or otherwise replaced.
- To promote the use of Preservation District and Protected Sites and Structures as a means of providing enjoyment and unique educational benefit by perpetuating the physical evidence of Rye's past.
- To stabilize and improve property values of such districts, sites and structures and otherwise promote their rescue.
- To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided.
- To provide an educative role in the community with regard to historic structures and landmarks preservation.



CITY COUNCIL AGENDA

NO. 10

DEPT.: Finance

DATE: October 18, 2017

CONTACT: Joseph S. Fazzino, Deputy City Comptroller

AGENDA ITEM: Resolution to transfer \$80,000 from the Contingency Account to the Assessor Appraiser and Legal Services accounts to fund small claims assessment review (SCAR) proceedings.

FOR THE MEETING OF:
October 18, 2017

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, City staff has determined that the amounts required to fund small claims assessment review (SCAR) proceedings was not anticipated and was not provided for in the adopted 2017 budget, and;

WHEREAS, the General Fund Contingent Account has a balance of \$190,459, now therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$80,000 from the General Fund Contingent Account to the Assessor Appraiser and Legal Services accounts.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Use and status of the Contingent Account:

01/01/2017 Beginning balance	\$523,559
01/25/2017 Transfer to Capital Projects Fund, Dearborn Ave Seawall	(40,000)
07/12/2017 Transfer to Legal Fees	(50,000)
09/13/2017 Transfer to Fire Salaries Expense Account	(93,100)
10/04/2017 Transfer to Legal Fees	(150,000)
10/18/2017 Transfer to Assessor Appraiser and Legal Services Accounts	<u>(80,000)</u>
10/18/2017 Balance	<u>\$110,459</u>



CITY COUNCIL AGENDA

NO. 11

DEPT.: Police

DATE: October 18, 2017

CONTACT: Michael C. Corcoran, Jr., Commissioner of Public Safety

AGENDA ITEM: Resolution to authorize expenditure of police donation funds for the purchase of police boots or shoes.

FOR THE MEETING OF:
October 18, 2017

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the City Manager and the Commissioner of Public Safety have approved a request of the Rye Police Association ("RPA") dated October 2, 2017 to purchase dress boots/shoes in the amount of \$4,200 for the Rye Police Department with funds available in the police donations account, and,

WHEREAS, sufficient funds exist in the police donations account to comply with the aforementioned request of the RPA; now therefore be it,

RESOLVED, that the City Comptroller is authorized to transfer \$4,200.00 from the police donations account to increase 2017 General Fund appropriations for Police uniforms.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Police Donations account was established to account for donations made by the general public for the specific purpose of benefiting City of Rye police officers. The process to release these funds requires that a request made by the Rye Police Association is approved by the Commissioner of Public Safety and City Manager, and finally by resolution of the City Council. The Commissioner of Public Safety and City Manager approved a request by the RPA dated October 2, 2017 for such funds to be used for the purchase of dress boots/shoes. 35 officers will each receive \$120.00 towards the purchase.

See attached request.

From: Rossi, Julio C.

Sent: Monday, October 02, 2017 10:57 AM

To: Serrano, Marcus A. <mserrano@ryeny.gov>

Cc: Fazzino, Joseph S.; Compagnone, Franco.; Anderson, Latoya; Larkin, Michael M.; Incalcaterra, Christine

Subject: PBA Request

Good Morning,

I am writing regarding appropriation of police donation funds made to the city for the PBA. We have taken a vote and would request for \$120 per member to be appropriated towards police boots.

Thank you in advance for your assistance.

Sgt. Julio Rossi
PBA Secretary