

**CITY OF RYE
1051 BOSTON POST ROAD
RYE, NY 10580
AGENDA**

**REGULAR MEETING OF THE CITY COUNCIL
VIA ZOOM**

Wednesday, December 15, 2021

6:30 p.m.

The meeting will be held via zoom video-conferencing with no in-person location and will be broadcast on the city website. A full transcript of the meeting will be made available at a future date.

Residents may email comments regarding the public hearing to:

publichearingcomments@ryeny.gov. All comments must be received by 4:15 pm on the day of the meeting. The subject of the email should reference the hearing topic. Please include your name and address.

TO PARTICIPATE IN THE PUBLIC HEARING, PLEASE ATTEND THE MEETING VIA ZOOM VIA THIS LINK:

<https://zoom.us/j/92566134349?pwd=MjBlnVE5VkUvM2RJMkowOXJsN2ZVUT09>

Or Telephone:

US: (646) 558-8656 or (312) 626-6799 or (301) 715-8592 or (253) 215-8782

Press *9 to raise your hand to speak during the public hearing

Webinar ID: 925 6613 4349

Password: 809914

[The Council will convene via ZOOM CONFERENCE at 6:00 p.m. and it is expected they will adjourn into a teleconference Executive Session at 6:01 p.m. to discuss pending litigation, personnel matters and pending contracts.]

1. Roll Call.
2. Draft unapproved minutes of the Regular Meeting of the City Council held December 1, 2021 and of the Budget Workshops held on November 16 and 29, 2021.
3. Post Ida Storm Update.
4. Continue the public hearing on the 2022 Budget.
5. Consideration to open the public hearing to adopt a Local Law to override the State enacted tax levy limitation, if necessary.

6. Resolution to adopt the 2022 Budget and establish the 2022 tax levy and 2022 tax rate. Roll Call
7. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers. Roll Call.
8. Resolution authorizing the Mayor to enter into an agreement with the Rye Free Reading Room to furnish library services for 2022. Roll Call.
9. Continue the public hearing to create a new local law, Chapter 122, “Landscapers and Leaf Blower Regulations” requiring all landscapers to obtain an annual permit in order to operate as a landscaper and restrict the use of leaf blowers.
10. Update on Rye Golf Club.
11. Residents may be heard on matters for Council consideration that do not appear on the agenda
12. 2021 Participation in the Tree City program.
13. Old Business/New Business.
14. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, January 5, 2022 at 6:30 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”.

UNAPPROVED MINUTES of the Budget
Workshop of the City Council of the City of Rye held
via tele/video conference on November 16, 2021 at
5:30 P.M.

PRESENT:

JOSH COHN, Mayor
SARA GODDARD
CAROLINA JOHNSON
RICHARD MECCA
JULIE SOUZA
BENJAMIN STACKS
Councilmembers

ABSENT:

None

1. Roll Call.

City Comptroller Fazzino took the roll; there was a quorum present at the budget workshop.

2. Discussion of the FY 2022 Budget:

- *Rye Free Reading Room Budget Review*

Chris Shoemaker, Director of the Rye Free Reading Room, addressed the Council. He reported on the ways the library worked to overcome the challenges the pandemic caused. He stated that despite the pandemic, the staff worked very hard to connect the community digitally to resources. He reported that RFRR is in the top 10 of “reference questions asked per capita.” The request from the library was \$1.335 million. This will allow the library to maintain the operations and the building, maintain their seven-day service. Mr. Shoemaker stated that the Children’s Room had just reopened after damage sustained during Hurricane Ida. Kathleen Riegelhaupt, RFRR Board President, recounted the ways the library has overcome the challenges of 2021.

- *Boat Basin Budget Review*

Mr. Fazzino gave an overview of the finances of the Boat Basin. Rodrigo Paulino, Boat Basin Supervisor, gave an overview of the Boat Basin, and spoke about the plan to increase revenue and the impact of Hurricane Ida. The Council and staff discussed items such as dredging and compliance with different agencies and additional revenues.

There was general discussion about Carefree Boat Club and the agreement between the Boat Basin and Carefree. The Council thanked Mr. Paulino and Mr. Pecora for their time.

- *Rye Recreation Budget Review*

Mr. Fazzino gave an overview of the finances of the Recreation Department. There was discussion regarding the changes in salary of the seasonal employees at Rye Recreation. City Manager Greg Usry reminded the Council that Rye Rec's summer camp program was the main revenue driver, and Rye Rec is still seeing the impacts of COVID in the department's financials.

Sally Rogol, Recreation Superintendent, provided additional details on the financials of each program for 2021, and projections for 2022. She also gave an overview of the new programming available at Rye Rec.

Ms. Rogol gave an overview of the park improvements that took place at Rye Recreation in 2021.

- *Rye Golf Club Budget Review*

Mr. Fazzino, along with Jim Buonaiuto, Golf Club Manager, gave an overview of the finances of the Golf Club. There was discussion regarding challenges and impacts on revenue faced due to the pandemic.

There was discussion on the overall impact of the pandemic on revenue and programs at the Golf Club.

City Manager Usry noted that there had been a contract renegotiation with Lessings.

There was discussion regarding the golf-related membership waitlist and increase in membership fees. Mr. Buonaiuto spoke about new events and programs that took place at the Golf Club during 2021 and expected events, maintenance, and hiring for 2022.

3. Adjournment.

There being no further business to discuss, the City Council adjourned the budget workshop at 7:15 P.M.

UNAPPROVED MINUTES of the Budget
Workshop of the City Council of the City of Rye held
via tele/video conference on November 29, 2021 at
5:00 P.M.

PRESENT:

JOSH COHN, Mayor
SARA GODDARD
CAROLINA JOHNSON
RICHARD MECCA
JULIE SOUZA
BENJAMIN STACKS
Councilmembers

ABSENT:

None

1. Roll Call.

City Comptroller Fazzino took the roll; there was a quorum present at the budget workshop.

2. Discussion of the FY 2022 Budget:

- *Police Department Budget Review*

Mr. Fazzino gave an overview of the finances of the Police Department. Michael Kopy, Public Safety Commissioner, and Thomas Scapaticci, Police Accountant, addressed the Council. There was discussion regarding expenses for the department, such as the migration and adoption of a new CAD system, consultant fees, and replacement of equipment (shotguns and ammunition).

There was general discussion regarding the clarity of audio on police body cameras.

- *Fire Department Budget Review*

Joseph Fazzino, Deputy Comptroller, gave an overview of the finances of the Fire Department. There was discussion regarding staffing levels and overtime.

There was general discussion about the replacement of Scott Air-Paks, in phases, that are reaching its shelf life over the next three years.

There was discussion on how the fire department is now participating in the new county wide dispatch system, which resulted in the County providing us new radios.

- *Public Works Department Budget Review*

Joseph Fazzino, Deputy Comptroller, gave an overview of the finances of the Department of Public Works.

Mr. Fazzino stated the overall DPW budget is flat in comparison to 2021. For 2021, while there was an increase in salaries, the overall budget was offset by a decrease in contributions to the New York State retirement system and workers compensation costs.

Ryan Coyne, DPW Superintendent and City Engineer, stated there are currently six unfilled positions that will soon be filled before year end.

3. Adjournment.

There being no further business to discuss, the City Council adjourned the budget workshop at 6:20 P.M.

DRAFT UNAPPROVED MINUTES of the Regular Meeting of the City Council via Zoom Conference on November 17, 2021, at 6:30 P.M.

PRESENT:

JOSH COHN, Mayor
SARA GODDARD
CAROLINA JOHNSON
JOSHUA NATHAN
JULIE SOUZA
BENJAMIN STACKS
Councilmembers

ABSENT:

RICHARD MECCA, Councilmember

The Council convened at 6:00 P.M. by videoconference pursuant to the NYS Legislature waiving requirements of the Open Meetings Law. Councilwoman Souza made a motion, seconded by Councilman Stacks, to adjourn briefly into executive session to discuss litigation and personnel matters. The Council reconvened in a public videoconference at 6:30 P.M. The meeting was streamed live at www.ryeny.gov for public viewing.

1. Roll Call.

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

2. Draft unapproved minutes of the Regular Meeting of the City Council held November 17, 2021.

There were three non-substantive, ministerial changes made to the minutes. Councilman Stacks made a motion, seconded by Councilwoman Goddard and unanimously carried, to adopt the minutes of November 17, 2021.

3. Post Ida Storm Update.

Mayor Cohn gave an update on the Post Ida storm efforts. He reported that there was a conference with Senator Schumer's office to secure their help moving forward with the Army Corps of Engineers. The Corps process is a very arduous one; Mamaroneck started the process in 2007 and 14 years later, they are getting close to an appropriation. This timeframe is too long, and so the City is looking at everything and anything else.

Mayor Cohn further reported the NYSDEC offered more expedited help, by further studying the Blind Brook which signal the Army Corps to move forward. The study would take extensive field work, which would move the City away from the initial 6-8 month timeframe.

Mayor Cohn reported further that there would be a conference call later this week with the County on flooding, among other things. The City continues its efforts, including with the Flood Advisory Committee, to have a calendar of funding opportunities. The goal will be to move forward with the most cost-effective projects and get them into the funding queue as soon as possible. A cost-benefit analysis will need to be done with all potential projects.

City Manager Usry reported that there were three projects that were part of the New York Rising grant program coming from HUD funding. The Milton Drainage Project is underway and should hopefully begin in February. The stream gauge was bid six or eight weeks ago. It came in over pre-engineering budget, so DASNY rebid this item. The combination of the stream gauge and pond clearing is over the adjusted budget. Originally, the City was allocated \$3 million for these projects. Because of cost overruns they found an additional \$330,000, but the projects are still over those totals. The worst case is that if the governor's office is not able to find the additional monies, the stream gauge would go forward but the pond clearing would not be funded. Mr. Usry reminded residents that FEMA resident damage registration is December 6, 2021. Lastly, the report from the studies on the non-brook areas that flooded should be forthcoming in mid-January.

Councilwoman Goddard asked if there was an estimate of total damage from Ida. City Manager Usry responded that he expected that the City would receive that information from FEMA.

4. Resolution to amend the 2022 Adopted Fees and Charges for the Boat Basin to increase mooring revenue for 2022.

City Comptroller Fazzino explained that commissions of the Boat Basin and Golf Club had proposed changes to the 2022 budget.

Joseph Pecora, Chairman of the Boat Basin Commission, explained that there has not been an increase to the fee schedule in over 2 years and the Commission has decided to increase rates of line items in small increments. Notable increases include a 5% increase to summer storage slip fees and raising the kayak fee from \$300 to \$325 for the season. Chairman Pecora explained the fee schedule is still below private marinas and are in line or lower than other municipal marinas, such as New Rochelle. He added that non-resident rates are slightly higher than the competition which is why the non-resident rates remained. Lastly, he stated due to the dredging issues, the rates need to remain slightly lower than neighboring marinas.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to adopt the following resolution:

RESOLVED, that the Council hereby approve an amendment to 2022 Adopted Fees and Charges for the Boat Basin to increase various rates for summer 2022.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Nathan, Souza, Stacks
NAYS: None
ABSENT: Councilman Mecca

5. Resolution to amend the 2022 Adopted Fees and Charges for the Rye Golf Club to increase various rates for 2022.

(For the full discussion regarding this agenda item, please see <https://ryeny.new.swagit.com/videos/148849>, at 14:13).

Rye Golf Club General Manager, Jim Buonaiuto, thanked the Council for their time. He stated that the renewing members will face a 4% increase in dues, a 10% increase for new residents, and a slightly larger increase for potential new non-residents. He noted that the increases were the result of several Finance Committee meetings, a Golf Club Commission meeting, and a public Golf Club Commission meeting. The due increases will help alleviate financial pressures caused by increases in personnel, materials, services, and the Club's need to address capital improvements.

Mayor Cohn and Councilwoman Goddard asked for clarification on the fee increases.

General Manager Buonaiuto provided general clarification on the percentage increase and stated that the fees were comparable with other near-by golf clubs, including other municipal golf clubs. Rye Golf Club Commissioner Mack Cunningham spoke to the reasoning behind the fee increases.

There was general discussion regarding the club's efforts to incentivize longtime members to continue with their memberships. Mr. Cunningham spoke to the fact that the club would like to recognize that long-term loyalty. Many of the long-time members are senior citizens that have been a part of the club for many years.

Councilwoman Johnson asked if non-residents were using the club as much as resident members. General Manager Buonaiuto stated that residents were playing golf more than non-residents.

Councilman Nathan asked if the fee increases might affect the waitlist for Golf Club membership. Councilman Stacks replied that the waitlist was a result of COVID, and membership had been dwindling until the pandemic.

Mayor Cohn asked if the Junior Golf Membership add-on had been eliminated. General Manager Buonaiuto noted that membership had been removed due to the adverse impact on fee collection and because it created more crowding. There was further discussion regarding the Junior membership add-on.

Mayor Cohn made a motion, seconded by Councilwoman Souza, to adopt the following resolution:

RESOLVED, that the Council hereby approve an amendment to the Fees and Charges Schedule for Rye Golf Club for 2022, as indicated in the agenda package for this Council meeting.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Nathan, Souza
NAYS: Councilman Stacks
ABSENT: Councilman Mecca

The Council asked that upon the approval the amended fee schedule, that the Golf Club and Commission return to the Council as soon as it may be possible with more detail regarding the economic impact and background that helped the Commission reach this conclusion.

Joseph Donley, Allendale Drive resident, expressed his concerns regarding the fees and charges schedule.

Mayor Cohn thanked the Rye Golf Club General Manager and the Commissioner for their time.

6. Mayor and Council amendments to the proposed 2022 City of Rye Budget.
Roll Call

City Manager Usry explained that the proposed changes to the Budget are 1) the Golf Club fee schedule as already amended above, and, 2) the Boat Basin revenues being increased by \$20,000. This is merely an accounting change to allocate those revenues to the Boat Basin Enterprise Fund.

Councilmember Nathan asked that we set aside a portion of the reserve to flooding mitigation.

Councilwoman Souza explained that a great deal of time and capital planning goes into identifying the projects, and recommended that City Manager Usry provide some background, as the Council and staff have regularly been reviewing this item.

City Manager Usry explained that there were several reserves set aside within the budget, and a \$25 million capital program is underway. As the budget is passed, the Council will be able to identify the specific projects that it deems to be a priority in 2022, upon the exact numbers that the City learns regarding the project and consultant costs.

Mayor Cohn said that he was in favor of keeping full discretion as the costs and specific projects are still unknown. Councilwoman Souza echoed this feeling and said that as real numbers and real projects come about, the Council will move forward. This Council is dedicated to the flood mitigation, and she would rather see it done in a thoughtful, responsible way.

Councilman Nathan felt that it was important to show the community that the Council was dedicated to these projects by allocating funding at this juncture to those projects, as flooding has had a massive impact on the community.

Councilwoman Souza said that the Council had been discussing the mitigation at every single meeting, and working with federal, state and county representatives to make sure these

projects are completed. However, at this juncture, the City is not fully certain on what its share will be, and should continue to work hard with these entities to move these projects forward so that more concrete information on funding can be acted upon. She stated that making up a number at this point would be irresponsible without the full information.

Mayor Cohn talked about the projects and receiving more information to effectively make decisions on the funding of these, which the Council is committed to do.

Councilwoman Goddard felt that this was a good discussion to have, with the Council being committed to these projects for the community for the coming year.

Mayor Cohn made a motion, seconded by Councilwoman Souza, to adopt the following resolution:

RESOLVED, that the Council hereby approve the proposed amendments for the 2022 proposed Budget for the City of Rye, in accordance with the agenda package for this Council meeting.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Nathan, Souza, Stacks
NAYS: None
ABSENT: Councilman Mecca

7. Open the public hearing on the 2022 Budget.

Councilwoman Souza made a motion, seconded by Councilwoman Goddard, to open the public hearing on the 2022 Budget.

There was no one to speak this evening on the budget.

Councilwoman Souza made a motion, seconded by Councilwoman Goddard, to hold the public hearing open on the 2022 Budget to December 15, 2021.

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

Robert van der Wateren, Boston Post Road, stated that he would like to speak at the next scheduled public hearing for the issue regarding leaf blowers.

Suki van Dijk, 62 Garden Drive, asked for there to be a community discussion regarding the Rye Golf Club and future plans.

9. Consideration to set a public hearing to create a new local law, Chapter 166 “Steep Slope Protection” regulating development on steep slopes.

Councilwoman Johnson provided an overview to the Council and community regarding the work of the Zoning Revisions Committee that was put in place during the moratorium regarding certain building applications. The Committee's goal was to responsibly consider zoning revisions for Rye that would ensure the existing infrastructure remains adequate for residents, while addressing quality of life issues and the future of development in the community. The three proposed local laws that are being set for public hearing are directly a result of the committee's hard work.

Councilwoman Johnson made a motion, seconded by Councilman Stacks and unanimously carried, to set a public hearing to create a new local law, Chapter 166 "Steep Slope Protection" regulating development on steep slopes, for January 5, 2021.

10. Consideration to set a public hearing to create a new local law amending Chapter 197 "Zoning" of the Code of the City of Rye setting new restrictions on lot width and configurations of properties in new subdivision.

Councilwoman Johnson explained that this local law is a reflection on the concern within the community of density of neighborhoods, flooding, loss of mature trees, and quality of life.

Councilwoman Johnson made a motion, seconded by Councilwoman Souza and unanimously carried, to set a public hearing for January 5, 2021 to create a new local law amending Chapter 197 "Zoning" of the Code of the City of Rye setting new restrictions on lot width and configurations of properties in new subdivision.

11. Consideration to set a public hearing to create a new local law amending Chapter 53 "Architectural Review" of the Code of the City of Rye to amend authority and scope considered by the Architectural Review Board in reviewing applications.

Councilwoman Johnson explained that the Board of Architectural Review is there to safeguard the integrity of the neighborhood when new projects are put forth. This would amend the authority and scope of the board when reviewing applications.

Councilwoman Johnson made a motion, seconded by Councilman Stacks and unanimously carried, to set a public hearing for January 5, 2021 to create a new local law amending Chapter 53 "Architectural Review" of the Code of the City of Rye to amend authority and scope considered by the Architectural Review Board in reviewing applications.

Councilwoman Johnson thanked City Planner Miller and Corporation Counsel Wilson for their hard work with the Zoning Revisions Committee to draft up this legislation. She was hopeful that what comes out of it will be transformative in keeping lots of green space and maintaining quality of life.

12. Consideration to extend through March 31, 2022 the moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any new application related to a subdivision or re-subdivision of property plans filed after April 7, 2021, development on steep slopes or the placement of a residential structure with its front not oriented towards a front yard for the duration of this moratorium.

Mayor Cohn stated that this extension may be more time than the City needs, but as the proposed legislation that the Council will hear in January is considered, it can provide a safeguard extension in the meantime.

Councilwoman Johnson made a motion, seconded by Councilwoman Souza, to adopt the following resolution:

RESOLVED, that the moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any new application related to a subdivision or re-subdivision of property plans filed after April 7, 2021, development on steep slopes or the placement of a residential structure with its front not oriented towards a front yard for the duration of this moratorium, is extended through March 31, 2022.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Nathan, Souza, Stacks
NAYS: None
ABSENT: Councilman Mecca

13. **Resolution to authorize the City Manager to execute an amended contract with the Firefighter's Union.**

City Manager Usry presented the amended contract with the Firefighter's Union. The important updates are as follows: 1) the four new lieutenants will be part of the bargaining unit; 2) pay for a lieutenant will be 16% higher than the highest paid firefighter, with 14.5% to start and graduated to 16% after the education is complete; 3) the ability to increase the fire inspections that are done city-wide; and lastly, 4) that if a lieutenant is out sick or for any reason, the City maintains the authorization to appoint someone in his or her place as supervisor. If the City directs someone to take that supervisor position on, there would be differential pay to that firefighter. These aspects are similar to other communities.

Councilwoman Johnson made a motion, seconded by Councilwoman Souza, to adopt the following resolution:

RESOLVED, that the City Manager is authorized to enter into an amended agreement with the Firefighters' Union as identified in the agenda backup for this Council meeting.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Nathan, Souza, Stacks
NAYS: None
ABSENT: Councilman Mecca

City Manager Usry thanked the Firefighter's Union and President, Clyde Pitts for their cooperation in reaching an acceptable contract to all parties.

14. **Resolution to declare certain City equipment as surplus.**

City Manager Usry explained that this was regarding a set of dining chairs that are many years old that the Recreation Department would like permission to dispose of to make room for programming.

Councilwoman Souza made a motion, seconded by Councilman Stacks, to adopt the following resolution:

WHEREAS, the City has been provided with a list of City equipment identified as being obsolete or has become obsolete during 2021, and,

WHEREAS, the Recreation Department recommended that said equipment be declared surplus; now, therefore, be it

RESOLVED, that said equipment is 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 Cohn, Councilmembers Goddard, Johnson, Nathan, Souza, Stacks
NAYS: None
ABSENT: Councilman Mecca

Councilwoman Johnson left the meeting at 8:20 P.M.

15. Adjourn until January 19, 2022 the public hearing for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District.

Councilman Stacks made a motion, seconded by Councilwoman Souza and unanimously carried, to adjourn until January 19, 2022 the public hearing for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District, at the applicant’s request.

16. Consideration of a request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, April 30, 2022 from 12:00 p.m. to 4:00 p.m.

Councilwoman Souza made a motion, seconded by Councilman Nathan and unanimously carried, to approve the request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, April 30, 2022 from 12:00 p.m. to 4:00 p.m.

17. Appointments to Boards and Commissions, by the Mayor with Council approval.

With Council approval, Mayor Cohn made the following appointments:

- Police Advisory Committee
 - John Love, for a term to be determined when all of the Police Advisory appointments have been made
- Finance Committee:
 - Fred Buffone to be reappointed for a three-year term, expiring December 31, 2024
 - John Souza to be reappointed for a three-year term, expiring December 31, 2024
- Planning Commission:
 - Andrew Ball, to be reappointed for a three-year term, expiring December 31, 2024
 - Laura Brett, to be reappointed for a three-year term, expiring December 31, 2024
- Traffic and Pedestrian Safety:
 - Brian Dempsey, to be reappointed for a three-year term and to remain as Chairperson, expiring December 31, 2024

18. Old Business/New Business.

Councilwoman Souza complimented the Chamber of Commerce for a successful Mistletoe Magic event, and the Rye Recreation for the annual Turkey Trot. Both events were held the weekend after Thanksgiving.

19. Adjournment.

There being no further business to discuss, Councilwoman Souza made a motion, seconded by Councilman Stacks, to adjourn the meeting at 8:23 PM.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: December 15, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Continue the Public Hearing on the proposed 2022 Budget.

FOR THE MEETING OF:

December 15, 2021

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and the Council continue the Public Hearing on the proposed 2022 Rye City Budget.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The City Manager presented the 2022 budget on November 3, 2021. The Council held Budget Workshops on November 16th and 29th.

The Public Hearing on the Budget was opened on December 1, 2021 and the Budget adoption is scheduled for today, December 15, 2021.

The proposed 2022 Budget is available on the City website www.ryeny.gov.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: December 15, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Open a public hearing to adopt a Local Law to override the State enacted tax levy limitation for December 15, 2021, if necessary.

FOR THE MEETING OF:

December 15, 2021

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and the Council open the public hearing to adopt a Local Law to override the State enacted tax levy limitation, only if necessary.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: New York State enacted a 2% tax cap on June 24, 2011. A provision in the law allows a municipality to override this tax cap under certain provisions including:

- Local governments may override the tax levy limit only by first passing a local law that allows for the tax levy limit to be exceeded.
- This override vote requires a 60 percent vote of the total voting power of the governing body to pass.
- In a case where a weighted vote is used to pass the budget, the override will require a 60 percent weighted vote of the local government ' s governing body.
- The override vote must precede the vote on adoption of the budget although both votes may occur on the same day.

See attached draft Local Law.

CITY OF RYE

LOCAL LAW NO. ____ FOR THE YEAR 2021

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C**

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

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the City of Rye pursuant to General Municipal Law §3-c, and to allow the City of Rye to adopt a budget for the fiscal year beginning January 1, 2022 and ending December 31, 2022 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

The City Council finds that this local law would provide the City the flexibility it may need when it adopts the 2022 budget. Thus, the City Council of the City of Rye finds that it is in the best interests of the City to enact the local law.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the City Council to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the City Council.

Section 3. Tax Levy Limit Override: The City Council of the City of Rye, County of Westchester is hereby authorized to adopt a budget for the fiscal year 2022 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: December 7, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Resolution to adopt the 2022 Budget and establish the 2022 City tax levy and 2022 tax rate.

FOR THE MEETING OF:

December 15, 2021

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, on November 3, 2021 the 2022 Tentative Budget was presented to the City Council, and;

WHEREAS, on December 1, 2021 Mayor Cohn made a motion, seconded by Councilwoman Souza, to adopt the following changes to the proposed 2022 budget;

NOW THEREFORE BE IT RESOLVED: the City of Rye proposed 2022 be amended to include the following:

- Increase mooring fees by \$20,000 in the Boat Basin Enterprise Fund.

RESOLVED, that the City Council does hereby certify to the City Comptroller the 2022 City of Rye tax rate of \$190.85 per \$1,000 taxable assessed valuation and the 2022 City of Rye tax levy of \$27,192,174 and be it further;

RESOLVED, that the City Council does hereby direct the City Comptroller to apportion and extend against each taxable property listed upon the assessment roll at the tax rate certified in this resolution to produce the tax levy certified in this resolution, and to render tax notices for, and receive and collect, the several sums so computed and determined, with interest as provided by law, and any special assessments heretofore authorized and approved.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: On November 3, 2021 the City Manager and City Comptroller presented the 2022 Tentative Budget to the City Council. The tentative budget has since been reviewed and amended by resolutions adopted by City Council at public meetings. The above resolution provides for the adoption of the 2022 Budget.



CITY COUNCIL AGENDA

DEPT.: Finance

DATE: December 15, 2021

CONTACT: Joseph Fazzino, Deputy Comptroller

AGENDA ITEM: Resolution authorizing the City Comptroller to make the necessary year-end closing transfers.

FOR THE MEETING OF:

December 15, 2021

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the City Council adopt the following resolution:

RESOLVED, that the City Comptroller is hereby authorized to make the necessary 2021 fiscal year-end budget transfers in City accounts, provided a list of such transfers over \$10,000 is furnished to the City Council after completion of such transfers.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: While at the fund level total actual expenditures do not exceed the total budgeted amount, there may be several detailed budget lines that show various over and under expended amounts. Funds that are not encumbered or reserved for a specific expense will be moved to Fund Balance from individual financial lines. This resolution authorizes the City Comptroller to make the necessary year-end budget adjustments to ensure that the line item budgets are properly allocated.



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: December 15, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Resolution authorizing the Mayor to enter into an agreement with the Rye Free Reading Room to furnish library services for 2022.

FOR THE MEETING OF:

December 15, 2021

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the City Council approve the following resolution:
RESOLVED, that the Mayor be and hereby is authorized to execute an agreement with the Rye Free Reading Room to furnish library services for 2022.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Each year the City of Rye financially supports the operations of the Rye Free Reading Room (RFRR). In FY 2021, the contribution was in the amount of \$1,315,000. The attached agreement for FY 2022 includes an appropriation of \$1,335,000. The agreement stipulates the specific rights and obligations of both parties, pursuant to section 256 of the Education Law of the State of New York.

See attached 2022 Agreement.

THIS AGREEMENT, made as of the ____ day of December, 2021, by and between the CITY OF RYE, a municipal corporation located within the County of Westchester and State of New York, party of the first part, and RYE FREE READING ROOM, a free library association duly registered by the Regents of the University of the State of New York at a meeting thereof on January 24-25, 1917, and maintaining a free library in the City of Rye, County of Westchester and State of New York, party of the second part:

WITNESSETH, that the parties hereto, pursuant to section 256 of the Education Law of the State of New York, do hereby mutually covenant and agree as follows:

1. The party of the second part does hereby agree to furnish library privileges to the people of the City of Rye, under reasonable rules and regulations of the party of the second part, during the terms of this agreement.

2. The party of the second part does hereby agree that the Rye Free Reading Room will make all best efforts to offer service to the public a minimum of 47 hours in the winter and 47 hours in the summer. The Library will make all best efforts to ensure that within its hours of operation that Saturday is open. In addition, the Rye Free Reading Room will guarantee that they will be open for "special events" in accordance with the policies and procedures of the library as they occur throughout the year.

3. The party of the second part does hereby agree to submit to the City of Rye a financial report within two months of the close of its fiscal year and to provide copies of an annual narrative report prepared for association members. Copies of all audit reports prepared by independent audit firms or the State of New York will be filed, within 30 days of receipt, with the City Comptroller and the City Council's Audit Committee.

4. In consideration of the foregoing the party of the first part does hereby agree to pay the sum of One Million Three Hundred Thirty Five Thousand Dollars (\$1,335,000) to the party of the second part during the calendar year: Six Hundred Sixty Seven Thousand Five Hundred Dollars (\$667,500) to be paid in January, and Six Hundred Sixty Seven Thousand Five Hundred Dollars (\$667,500) to be paid in July.

5. Pursuant to said statute, such total sum shall be a charge upon the City of Rye and shall be raised, appropriated and paid in the same manner as other City charges.

6. If the capital improvements that were part of the 2012 bond resolution are installed in 2021, the Rye Free Reading Room will be responsible for all maintenance and repair costs of same.

7. This agreement shall be effective and continue for the calendar year 2022.

IN WITNESS WHEREOF, the parties hereto have duly executed this agreement as of the day and year first above written.

CITY OF RYE

By _____
Mayor

RYE FREE READING ROOM

By _____
President

Attest:

City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: December 15, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Continue the public hearing to create a new local law, Chapter 122, "Landscapers and Leaf Blower Regulations" requiring all landscapers to obtain an annual permit in order to operate as a landscaper and restrict the use of leaf blowers.

FOR THE MEETING OF:
December 15, 2021

RECOMMENDATION: That the Council continue the public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: See attached law and proposed changes.

Summary of Differences: Leaf Blowers/Landscapers

	Previous Law	Proposed Changes
Permit	Landscaping permit not required	Landscapers must register ANNUALLY to operate within the City limits. <ul style="list-style-type: none"> • Proof of a valid and current Westchester County Home Improvement License and insurance information required • Stated and signed agreement that leaf blower laws are understood and will be followed • Landscaper Registration Tag issued and must be visible in vehicle
Permissible Dates to Operate Leaf Blowers and Other Lawn Equipment	October 1 and April 30 Weekdays 8 am – 8 pm Weekends 10 am – 6 pm	October 1 and April 30 Weekdays 8 am – 6 pm Weekends 10 am – 4 pm
Storm Exemption	Rye Department of Public Works may permit the use of leaf blowers from May 1 to September 30 for a period of time not to exceed seven days after significant storm events or during other emergency situations circumstances.	Rye Department of Public Works may permit the use of leaf blowers from May 1 to September 30 for a period of time not to exceed fourteen days after significant storm events or during other emergency situations circumstances.
Leaf Blower Noise	Gas and Electric leaf blower 85 db(A)	Gas and Electric leaf blowers 85 db(A) Effective January 2023, electric leaf blowers ONLY with maximum permitted intensity of 65 db(A)
Penalties	Owner of the property OR the person performing such violation shall be notified to suspend all work and be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.	The party operating the leaf blower AND the party who employed the person to operate the leaf blower at the time of violation AND the party who owns the property where the violation occurs will be subject to a fine of \$250 for the first offense, a fine not to exceed the sum of \$350 for the second offense and revocation of the Landscaper's permit for the next 6 (six) months upon the third offense. Any Landscaper found operating without a permit or after the permit has been revoked, or a property owner on the third offense, shall be punished by a fine of up to \$1,500.

CITY OF RYE

LOCAL LAW NO. __ 2021

A local law to add a new Chapter 122 “Landscapers and Leaf Blower Regulations” of the Code of the City of Rye to set forth permit requirements for Landscaping Companies and to regulate the use of gas and electric powered leaf blowers as follows:

Section 1: Chapter 122, Landscapers and Leaf Blower Regulations

§ 122-1 Purpose.

The City Council finds that landscaping activities generate noise, disseminate dust particles and other airborne pollutants into the air and onto other nearby properties and that the use of leaf blowers specifically can increase environmental pollution. In addition, there are numerous landscaping companies providing services to properties in the City and the City Council finds that it is in the City’s interest to ensure that such companies are properly licensed and are aware of the applicable regulations in the City. It is the intent and purpose of this Chapter to preserve and improve air quality, decrease the high and low-frequency noise pollution and decrease carbon and non-carbon emissions and dust particulate. It is the policy of the City to regulate the use of all leaf blowers and minimize and mitigate the harmful impacts of their use.

§ 122-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LANDSCAPER – Any person, corporation, partnership or business entity of any form who tends, plants, installs, maintains, or repairs lawns, or performs general yard maintenance work or leaf collection of any kind on real property which such person or business entity does not own or at which s/he does not reside. A Landscaper shall not include landscape designers or landscape architects.

LEAF BLOWER – a portable, handheld or backpack-style device powered by fuel or electricity and used for the purpose of blowing, moving, removing, dispersing, vacuuming or redistributing leaves, dust, dirt, grass clippings, cuttings, and trimmings from trees and shrubs or any other type of litter or debris.

§ 122-3 Registration required; requirements; fee; exemption

- A. No Landscaper shall operate or provide services within the City of Rye unless the Landscaper is registered annually pursuant to this Chapter.
- B. Registration requirements.
 - 1. All Landscapers shall submit a completed registration form provided by the City Clerk and pay a nonrefundable fee in an amount to be determined by the City Council.
 - 2. The registration form, at a minimum, shall state that the landscaper has read, understands and agrees to comply with the City’s leaf blower regulations and other relevant City laws and policies.

3. In addition, the Landscaper shall submit proof of a valid and current Westchester County Home Improvement License and such other insurance information that the City deems relevant.
- C. When the City Clerk determines that all requirements have been met, s/he shall issue a Landscaper Registration Tag, which must be placed on the rear view mirror of each vehicle the landscaper uses in the City. The Tag is not transferable.
- D. The Landscaper Registration Tag shall be valid from January 1 through December 31 each year, unless revoked.

§ 122-4 Use of Gas Powered Leaf Blowers Prohibited.

Effective January 2023, during the time that leaf blower use is permitted, only electric blowers shall be permitted. Gas powered leaf blowers are prohibited at all times.

§ 122-5 Maximum Sound Pressure [db(A)] and hours of operation of leaf blowers

- A. Effective January 2023, leaf blowers (electric only) shall have a maximum permitted intensity of 65 db(A). Effective immediately, all other lawn equipment, including, but not limited to, outdoor vacuum cleaners shall have a maximum permitted intensity of 85 db(A).
- B. Use of lawn equipment, including, but not limited to, leaf blowers and outdoor vacuum cleaners is permitted only between 8:00 a.m. and 6:00 p.m. weekdays and 10:00 a.m. and 4:00 p.m. on weekends and holiday. The permitted intensity and hours described in this subsection will apply to leaf blowers during months when the use of leaf blowers is permitted.
- C. The use of leaf blowers shall be prohibited between May 1 and September 30 every year.
- D. The head of the Rye Department of Public Works may permit the use of leaf blowers from May 1 to September 30 for a period of time not to exceed fourteen (14) days after significant storm events or during other emergency situations.
- E. Additional rules for any person operating a leaf blower between the dates of October 1 and April 30 are as follows:
 1. No leaf blower shall be operated simultaneously on the same lot with any other type of machine-powered lawn equipment.
 2. Two or more leaf blowers shall not be operated simultaneously except in R-1 Residence Districts as indicated on the City of Rye Zoning Map.

- F. This section shall not apply to the following entities and activities: municipal, schools, religious institutions, membership clubs, golf courses, hospital and retirement communities, cemeteries, and driveway/road paving and sealing activities, except that any leaf blower use shall be minimized to the maximum extent practicable in proximity to residences.
- G. Moving leaves or yard debris to City streets, public property, storm drains or abutting lots is prohibited at all times.

§ 122-6 Enforcement.

The provisions of this chapter shall be enforced by the City of Rye Police Department or the City of Rye Building Department.

§ 122-7 Penalties for offenses.

- A. The following parties shall have committed a violation of this laws if it is not complied with:
 - (1) The party operating the leaf blower; and
 - (2) The party who employed the person to operate the leaf blower at the time of violation; and
 - (3) The party who owns the property where the violation occurs.
- B. Any party violating any of the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed the sum of \$250 for the first offense. A second offense shall be punishable by a fine not to exceed the sum of \$350 and a third offense shall result in the revocation of the Landscaper's permit for the next 6 (six) months, or, if you are the property owner, a fine not to exceed the sum of \$1,500. Any Landscaper found operating without a permit or after the permit has been revoked shall be punished by a fine of up to \$1,500.

Section 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 3: Effective Date.

This local law will take effect on January 1, 2022.



POLICE DEPARTMENT

City of Rye, New York
21 McCullough Place
Rye, N. Y. 10580
Phone: (914) 967-1234
FAX: (914) 967-8341



Michael A. Kopy
Public Safety

Commissioner

December 8, 2021

To: Greg Usry, City Manager
From: Michael A. Kopy, Public Safety Commissioner
Subject: Leaf Blower Violations

During the month of November 2021, the Police Department responded to or observed 70 possible violations of Section 133-7 of the city code. These responses resulted in 36 summons being issued. No summons were issued for the remaining calls due to a variety of factors including:

- 1) the violators may have been gone prior to the arrival of the patrol, or
- 2) that a violation of the code ceased prior to the arrival of the patrol.

During the month of November 2020, there were 14 calls for potential violations of Section 133-7 with one summons issued.

I expect that enforcement levels will drop significantly during the month of December as the fall leaf clean up season ends.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: December 15, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: 2021 Participation in the Tree City program.

FOR THE MEETING OF:

December 15, 2021

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and Council agree to participate in the Tree City program again this year.

IMPACT: ☒ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

For 19 years, the City of Rye has been declared a Tree City. The Tree City USA program provides communities with a four-step framework to maintain and grow their tree cover. It also gives the City an avenue to celebrate our work, showing residents, visitors, and the entire country that we're committed to the mission of environmental change. The four-step framework includes:

1. Maintaining a tree board or department
2. Having a community tree ordinance
3. Spending at least \$2 per capita on urban forestry
4. Celebrating Arbor Day (celebrated on April 30 this year)