

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

**REGULAR MEETING OF THE CITY COUNCIL
VIA ZOOM CONFERENCE
Wednesday, April 27, 2022
7:00 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 a 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://us06web.zoom.us/j/84741441068?pwd=SHVFVDZ5NE9pcnY2ZFVvakp6L3dsQT09>

Or phone: (646) 558-8656 or (301) 715-8592 or (312) 626-6799

Webinar ID: 847 4144 1068

Password: 124983

1. Roll Call.
2. Draft unapproved minutes of the Regular Meeting of the City Council held April 6, 2022.
3. Post Ida Storm Update.
4. Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department: General Orders #309 – Officer Response to Calls
5. Authorization for the City Manager to execute an updated short-term extension contract with Westchester Power with a new price target not-to-exceed 13.9 cents/kilowatt hour (instead of 12.5 cents as originally drafted).
6. City Council consideration of a preferred design alternative for the proposed new salt shed at the City's Public Works Facility at Disbrow Park.

7. Consideration of Pace program financing interest and penalty waivers for the Wainwright House.
8. Residents may be heard on matters for Council consideration that do not appear on the agenda.
9. Adjourn until August 10, 2022, 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. Consideration of a request from the Rye YMCA to use the Village Green on Saturday, June 18, 2022 from 10:30 am to 1:30 pm for a special yoga class and some kid activities to promote the opening the its new studio.
11. Old Business/New Business.
12. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, May 11, 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".

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on April 6, 2022, at 7:00 P.M.

PRESENT:

JOSH COHN, Mayor
BILL HENDERSON
EMILY HURD (present until 7:35 P.M.)
CAROLINA JOHNSON
JOSHUA NATHAN
JULIE SOUZA
Councilmembers

ABSENT:

BENJAMIN STACKS, Councilmember

The Council convened at 5:30 P.M. by videoconference pursuant to the NYS Legislature waiving requirements of the Open Meetings Law. Councilman Stacks made a motion, seconded by Councilwoman Souza, to adjourn into executive session to discuss litigation and personnel matters. The Council reconvened in a public videoconference at 7:00 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 March 16, 2022.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson to approve the minutes of the Regular Meeting of the City Council held March 16, 2022. The Council approved the minutes.

3. Post-Ida Storm Update.

Mayor Cohn reported that he has pursued the Army Corps of Engineers on the issue of their study of the Blind Brook Watershed with respect to the DEC, who indicated they had wanted to participate. City Manager Usry reported that the City will meet with SLR, who has been commissioned to do the study for the DEC, in the coming weeks. He confirmed that Ramboll, the City's consultant, has completed the watershed site visits. Screenings should be completed by the end of April, and there will be a lengthy presentation of Ramboll's findings in the first part of May. The Council and community will then focus on achieving the 20% design.

4. Westchester Power Update and Renewal.

Mr. Dan Welsh, Westchester Power, reviewed the Westchester contracting plan for the year. He said that renewable energy procurement continues to make an incredible impact with

over a million tons of CO2 mitigated to date. The contracted price of energy remains 7.41 cents, the contracted price from 2020, which allowed Westchester to stay positive through prices spikes. Updated procurement processes to increase competition at auctions and building capacity to support longer contract and more flexible supply formats are the highlighted goals and actions of the year. These initiatives can lead to opportunities for long-term price stability and more renewable construction.

Mr. Welsh reported that a firm was recruited to manage wholesale bids so they end up qualified ESCO bids. Retail and wholesale auctions will run on the same day, then the known service cost will be compared to the wholesale block and retail ESCO offers to determine the best option. Future buying power can be leveraged to help new facilities come online and help sleeve production into the supply. Mr. Welsh recommended a contract extension to allow more time to organize the enhanced auction function, discover new retail bidders, and move past the currently unstable energy market and premiums.

Mr. Welsh added that natural gas prices set the market standard for electricity and the price has more than doubled since the last contract signing. Last year was a record export year, but looking forward, the U.S. committed to boost exports. The MOU-compliant price-not-to-exceed of 12.5 cents per kWh is within a margin compatible with recent range of movement. The new MOU no longer refers to the RFP process, but to the short extension. Rye residents could get favorable green power or non-green power rates; they can also opt out, though most do not. Westchester requested the Council resolve to sign the MOU.

There was general discussion among the Council regarding the history of the program in Rye. Councilman Henderson reminded the community that residents are able to opt-out of the program.

Mayor Cohn requested a motion to enter into the MOU as presented. Councilwoman Souza made a motion, seconded by Councilman Johnson, to adopt the following resolution:

RESOLVED, that the City of Rye is hereby authorized to enter into an updated Memorandum of Understanding with Sustainable Westchester on the Westchester Power program.

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Henderson, Johnson, Nathan, Souza
Nays: None
Absent: Councilmembers Hurd, Stacks

5. **Presentation by The Rye Garden Club regarding the Square House beautification project.**

Rye Garden Club President Margo Ressa joined the meeting with members Allison Sellon and Annie Teillon to present the Square House Garden and Park renovation plans. The Garden Club took over the maintenance of the house and garden in 2005, and they are currently in need of renovation. The garden is not thriving, and residents are not enticed to visit the space.

Ms. Ressa stated that the Rye Garden Club and the Rye Historical Society came up with a plan to beautify the area and make it more usable. The plan considers long-term maintenance and selection of proper trees. The Rye Garden Club will be solely responsible for the renovation and maintenance of the garden, but the DPW will be helping with the installation and maintenance of Square House Park. The plan was submitted, and the project could be completed as soon as May.

Ms. Ressa shared an image of the landscape plan and explained the proposed changes. Notably, a path will be extended through the park to the library, and the changes require a minimal increase in DPW maintenance. Dogwood, hornbeam, and evergreen rhododendron would replace the current tired dogwood trees. The plan can be built upon by adding paths, benches, and statues. Councilmembers were supportive of the plan and excited to see beautification and increased utilization of the area.

The Council thanked the committee for their presentation.

6. Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department: General Orders #300 – Use of Force; # 307 – Vehicle Pursuits; # 1033 – Wellness Program; # 301 Use of Force Review Panel; # 1020 Overtime Compensation.

Before the meeting, Commissioner of Public Safety Mike Kopy forwarded documents to councilmembers explaining the contract with Lexipol, a national firm that develops policies and procedures for police and fire departments with industry-recognized experts and attorneys. Municipalities review the policies to ensure they are appropriate. A new use-of-force policy (#300) includes two new mandates: an officer who uses force must report it immediately, regardless of the result, and a sergeant must respond to the scene to review the incident. Vehicle and foot pursuits are now considered uses of force. Medical attention is now mandated for every individual injured by use of force.

A significant change to the vehicle pursuit policy (#307) places the responsibility on the superior rather than the driving officer to make determinations about how long a vehicle is pursued. The pursuit intervention technique, when a police vehicle intentionally collides with the other vehicle to end a pursuit, will no longer be a planned method, though it may still happen as a lawful intervention. Vehicle pursuits may not occur when a member of the public is riding in a law enforcement vehicle. Once a vehicle pursuit is over, the subject will no longer be pursued.

A third area of policy revision is a use-of-force review panel (#301) that would convene following any incident where force was used. The overtime compensation policy (#1020) has been developed with the union over a long period of time and was reviewed and approved by Lexipol. The wellness program (#1033) supports the mental health of police officers by increasing the number of professionals available. Lexipol will be conducting training on the policies and will amend them on a case-by-case basis. The policies are living documents that can be continuously updated with input from Council, the public, and the Police Advisory Committee.

Mayor Cohn asked for a motion to approve the described policy changes for the City of Rye Police Department. Councilwoman Souza made a motion, seconded by Councilwoman, to

adopt the policy changes for the Police Department as outlined by Commissioner Kopy, in the form included in the agenda packet. Acceptance of the policy changes was unanimous.

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Henderson, Johnson, Nathan, Souza
Nays: None
Absent: Councilmembers Hurd, Stacks

7. Open the public hearing to adopt a six-month moratorium in the City of Rye temporarily limiting the approval of any new mechanical rock removal, drilling or boring application to fifteen (15) calendar days and prohibiting the review, processing or approval of any blasting applications for the duration of this moratorium.

Mayor Cohn introduced the topic and explained that the Council and city staff would like to review the current blasting and rock chipping legislation as it looks to possibly amend and improve on that legislation. The reason for the moratorium is to avoid a rush to chip or blast rock out of concern that the law may be changing.

Councilman Nathan made a motion to open the public hearing, seconded by Councilwoman Souza and unanimously carried.

Johnathan Kraut, attorney and Rye resident, stated that most councils have gone back to in-person meetings. He stated that a moratorium is not appropriate for stopping a rock-clearing stampede. He quoted the case of Bell Harbor Reality wherein it was decided a municipality may not invoke its police powers as a pretext to assuage community opposition but should be used in dire necessity to relieve an existing crisis or prevent an emergency. He suggested asking a blasting inspector to testify and retaining Dr. Catherine Aimone-Martin who has previously advised the City about blasting before approving the moratorium.

Joseph Lorano stated rock is a fact of life in Rye and surrounding areas. He referred to infrastructure and flooding issues that have been overlooked. Rock has to be dealt with for improvements in Rye. Property owners should be able to remove rock just as the City does. He supported the ability for a homeowner to improve their property by rock chipping or blasting.

John Hobbins, Rye resident, commented that he and his neighbors oppose blasting due their experience with disruptive rock removal in recent years, including his own home flooding. He said that there is no master plan in Rye, the zoning laws are antiquated, and moratorium is the only way for the Council to sit back and fairly examine the laws that will affect the next 10 to 20 years.

Laura DeVita, Rye resident, expressed her concern about her realty clients who have invested much into plans to modify their properties with pools, et cetera, who will affected by the moratorium. She encouraged the Council to consider other options to avoid major inconveniences for all involved in the construction projects. .

Maggie Yon stated that she has endured rock shipping noise for years, including three projects in six months. Rock shipping affects residents' quality of life because the noise makes it impossible to work or study from home, talk on the phone, or even read a book. Children, especially those with special needs, are significantly affected by loud noise. She supports the 15-day limit in the proposed moratorium and asked the Council to consider an 18-month quiet period for the neighborhood to allow residents in hot zones to have a break.

Kathy Grainger-Hobbins spoke in favor of the moratorium, eliminating blasting, and further reducing chipping. She has experienced all the types of rock clearing methods in her neighborhood and it is all very disruptive to the residents. She asked the Council to consider foremost the opinions of the residents of Rye.

Darren Thomas, Rye resident, said that he is an engineer who has seen plenty of rock chipping and moving at Hudson Yard construction sites. Hudson Yards has highly effective safety policies that do not exist in Rye. Children cannot walk to school safely due to construction sites, which also cause unsafe conditions for driving. Vibrations move through the rock below and shake the foundations of homes a quarter mile away leaving damage that will result in lawsuits. He and his neighbors support the moratorium while better safety procedures are put in place to protect residents.

Joe Lorano commented that the Rye Building Department is the only department in the city that makes any money. Though Rye is not-for-profit, the huge fees they charge is not justified with six inspections and a planned review. With the prior law change of lowering the first floor height it pushed houses lower into the ground, into rock and/or water, perpetuating the issue. Rock blasting should be allowed with a high standard because it is safe, quick, and less invasive.

Mr. Kraut spoke again from the perspective of a Rye resident, agreeing that the noise is frequent and bothersome, but reminding the Council it is a temporary bother to achieve a long-lasting benefit, which is more valuable homes which benefits the entire neighborhood. As a lawyer, his perspective is that this is not a referendum on noise or rock removal. In order to consider saying yes to a moratorium there needs to be exigency to exercise police power and there must be an emergency.

Rose Green, attorney representing Paul Versames Development LLC, addressed the Council. She read a letter from Mr. Versames who has overseen Rye construction sites for 20 years. The letter explained how important basement spaces are for families, contributing 30% more home space, and that without them property values will become worthless.

Joe Lorano, Jr. supported the development of Rye with legitimate stipulations in place. He encouraged the Council to read the stipulations of getting a rock blasting permit in Rye. The pre-blasting surveys are in place and are the responsibility of the blasting contractor hired. The proposed law has a note that includes borings which is an engineering item that should not be part of the law.

Suzanne O'Brien, Rye resident, agreed with continuing to pursue new development in Rye, but so many people now work from home and deal with their houses shaking and the intolerable

noise, especially over the last five years. Temporary has become permanent, and everyone needs a break from the disruption.

Hearing no further public comment, Mayor Cohn asked for a motion to close the public hearing. Councilmember Henderson made the motion and Councilmember Souza seconded the motion. The Council was in favor of closing the public hearing.

Mayor Cohn stated his concern about the wellbeing of people living next to chipping and blasting. The Council sought to achieve a balance between the rights of existing homeowners and new home builders. He favors moving the moratorium forward but asked that it would be noted to return to the issue subject to advice from the building department.

Councilwoman Souza received confirmation that the moratorium is for new applications, not ongoing projects. Councilmember Henderson echoed the mayor about finding a balance, as larger homes are being built than in 2015 when the laws were written. The six-month moratorium will give the Council time to study the issues and have a public hearing before changing the law. Councilmember Nathan agreed with colleagues and pointed out there is a process for appeal or waiver if necessary, so he sees no absolute harm caused. The greater good of peace and quality of life while the issue is investigated is incredibly important. Councilmember Henderson reminded that it is not a ban on rock chipping but limits it to 15 days, and exigent circumstances will be heard by the Council.

Councilman Henderson made a motion, seconded by Councilwoman Johnson, to adopt the local law as follows:

LOCAL LAW NO. 5 OF 2022

A Local Law adopting a six-month moratorium in the City of Rye temporarily limiting the approval of any new mechanical rock removal, drilling or boring application to fifteen (15) calendar days and prohibiting the review, processing or approval of any blasting applications for the duration of this moratorium.

WHEREAS, in recent years, the City of Rye has experienced an increase in the number of mechanical rock removal and blasting activities related to numerous projects on properties; and

WHEREAS, as a result of this increase, the City Council is becoming increasingly concerned about whether the current regulations in the Rye City Code are adequate to protect the interests of Rye residents; and

WHEREAS, properties that have remained unchanged for many years because they are constrained by topographic features, such as the presence of rock outcroppings, steep slopes, and other environmental features that can now be altered because of new technologies (for example, rock removal techniques and sump and sewer pumps); and

WHEREAS, mechanical rock removal, drilling, boring and blasting can be very disruptive and noxious activities, cause excessive noise, dust and vibrations and significantly

affect the surrounding neighborhood, the environment and the overall quality of life of its residents;

WHEREAS, the City Council has determined that it is appropriate to review the City's existing mechanical rock removal, drilling, boring and blasting regulations to ensure that there are appropriate mitigation measures in place, that there is an appropriate balance between individual projects and the impacts to the existing neighborhood, and that any adverse environmental impacts are understood and properly addressed; and

WHEREAS, it is the intent of the Council to include rock drilling and boring within the definition of Mechanical Rock Excavation activities as defined in Chapter 133 of the Rye City Code, thereby requiring a permit; and

WHEREAS, the City expects that it may require up to six months to consider the aforementioned issues and prepare any necessary legislative amendments.

NOW, THEREFORE, Be It Enacted by the City Council of the City of Rye as follows:

Section 1. Findings and Purpose.

The City Council wishes to review the existing mechanical rock removal, drilling, boring and blasting regulations currently in place. The goals of the City Council include, but are not limited to, protecting sensitive environmental features of property, ensuring that the appropriate mitigation measures are in place to best protect the quality of life of its residents, and that the health, welfare and safety of its residents can be maintained while enabling reasonable and appropriate development.

Section 2. Enactment of Moratorium. Prohibited Actions.

For a period of six months from the effective date of this local law, the City Council hereby declares a moratorium restricting the following action in the City:

A. Any approval of any new mechanical rock removal, drilling or boring applications shall be limited to a maximum of fifteen (15) calendar days.

B. If any mechanical rock removal or drilling or boring permit is necessary for utility infrastructure, as defined under Rye City Code Section 133-10(B), such activity shall be exempt from this moratorium for a maximum of two (2) – three (3) day periods (a total of 6 days). Such utility applications must be submitted to the City Building Department in accordance with Section 133-10(B). No utility exemptions shall be permitted if there was a permit issued for mechanical rock removal, drilling or boring related to the same property or project after the effective date of this moratorium.

C. There shall be no review, processing or approval of any mechanical rock removal or drilling or boring permit for a property that is located within a 1,000 foot radius of another property that has received a permit for such activities for at least thirty (30) days as counted from the last day of permitted mechanical rock removal, drilling or boring.

D. There shall be no review, processing or approval of any blasting permits.

Section 3. Appeals/waiver.

A. An aggrieved property owner may petition the City Council for a waiver of the 15-calendar day limit or the prohibition on blasting permits and the City Council shall have the discretion to grant such waiver, or as much relief as said City Council may determine to be necessary and appropriate. In determining the suitability of a waiver under this section, the City Council shall consider the following factors:

1. Hardship to the petitioner, which hardship is substantially greater than any harm to the general public welfare that would result from the granting of the waiver. The property owner shall have the burden of demonstrating to the City Council that a waiver is warranted due to extreme hardship and that such extreme hardship was not the result of an act or omission by the applicant or property owner. Delay in construction plans alone will not be considered extreme hardship. In considering this factor, the City Council may request information regarding alternatives in site planning or construction techniques that the Applicant has considered or whether there are additional long-term plans for the project or site; and
2. The project's harmony (or lack thereof) with the existing character of the community as a whole and the area of the community in which the property is located; and
3. Whether the application for which the relief is requested is consistent with any recommendations, or conclusions which may be drawn at the time of the public hearing from the aforementioned City Council's review and study; and
4. Whether the applicant is in compliance with all other City Code requirements with respect to its City's operations; and
5. Whether the application for which the relief is requested is consistent with any proposed regulations, if and as such may exist at the time of the public hearing.

B. Waiver procedure. Such petition shall be the subject of a public hearing before the City Council. Upon submittal of a written petition to the City Manager's office by the property owner or applicant seeking a waiver of this moratorium, and supported by such documentation as the applicant deems relevant, the City Council shall, within thirty (30) days of receipt of such petition, conduct a public hearing on said petition upon five (5) days public notification in the official newspaper of the City. The City Council shall, within ten (10) days of the close of the hearing, render its decision in writing, either granting or denying the petition.

C. It shall be within the discretion of the City Council to grant, in whole or in part, grant with conditions, or deny, the petition for relief from the terms of this moratorium. In granting a waiver, in whole or in part, the City Council must find that the waiver will not adversely affect the purpose of this Local Law.

D. If the City Council does grant a waiver, in whole or in part, the Applicant must still submit an application for any necessary permits to the appropriate department, board or commission and proceed through the necessary review process set forth in the Rye City Code.

Section 4. Length of Time. Early Termination or Extension of this Local Law

This moratorium shall be in effect for six (6) months from the effective date. In the event any new Local Law which addresses the substantive issues set forth herein, should be enacted and adopted by the City Council prior to the date that the moratorium imposed by this Local Law expires, then in that event, the moratorium imposed by this Local Law shall expire on the date such new Local Law takes effect in accordance with § 27 of the Municipal Home Rule Law.

In like manner, if more than six (6) months have passed since the implementation of this Local Law, and it shall be determined by a finding of the City Council that an extension of this moratorium is required, then the City Council by resolution, may extend this moratorium for such a period of time as it deems necessary in order to further the purposes of this law up to and including an additional 180 days from the date of the original expiration of this Local Law.

Section 5. Conflicts with State Statutes and Authority to Supersede

A. To the extent any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of New York State Law, this Local Law shall control. The City Council adopts this local law pursuant to authority in the New York State Constitution, Article IX, Section 2; Section 10 of the New York State Municipal Home Rule Law; Section 10 of the Statute of Local Governments; the relevant provisions of the General City Law of the State of New York; and the general police power vested with the City of Rye to promote the health, safety and welfare of all residents and property owners in the City.

B. During the time that this law is in effect, it shall take precedence over and shall be considered controlling over contrary laws, ordinances and provisions. It is the intent of the City Council, pursuant to its authority under section 10, subdivision 1(ii)(d)(3), and section 22 of the Municipal Home Rule Law, to supersede inconsistent provision of the New York State General City Law and the City of Rye Code.

a. In particular, it is the intent of the City Council, pursuant to authority under Sections 10 and 22 of the Municipal Home Rule Law, to supersede inconsistent provisions of the New York State General City Law and the City of Rye City Code relating to the time limits in connection with zoning and planning determinations and with respect to the jurisdiction and authority of the Board of Appeals with respect to hearing variances or waivers related to this local law.

Section 6. All other sections of Chapter 133 not modified by this Moratorium shall remain in effect and shall apply to any mechanical rock removal, drilling or boring activity permitted during this effective period of this Moratorium.

Section 7. Severability.

If any part of this Local Law is deemed by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Local Law.

Section 8. Effective Date.

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Henderson, Hurd, Johnson, Nathan, Souza

Nays: None

Absent: Hurd, Stacks

8. Adjournment of 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 to May 25, 2022. **No public comments will be taken on the matter at this meeting.**

Councilmember Souza commented that the agenda language does match up with the fact that the issue will be held over. The mayor clarified that this was a request of the Osborn as they continued to look at issues such as the traffic study, but he is not aware of what they will change during the period.

Councilwoman Souza made a motion to hold the matter over to May 25, 2022. Councilman Nathan seconded the motion. The Council unanimously carried the motion.

9. Consideration of a new Home Rule Resolution to create a new parking district at Mead Place.

Mayor Cohn explained that was a parking problem for the residents of Mead Place, who have small driveways, are so close to the downtown and train station, and share a street with the YMCA. The City must obtain Home Rule authority from the state legislature to create a special permit parking district, and now is the time to apply. Mead is smaller than other streets in the area that would benefit from special permit parking, so it is a good place to start; future permit projects can follow. TPS would weigh in, but it would be based on the city engineer and public safety commissioner.

Councilmember Souza made a motion, seconded by Councilman Nathan, to adopt the following resolution:

RESOLVED, that the City of Rye seeks Home Rule authority from the state legislature to create a new parking district on Mead Place within the City of Rye, New York.

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Henderson, Johnson, Nathan, Souza

Nays: None

Absent: Councilmembers Hurd, Stacks

Ellen Saya, a resident of Mead Place, stated her concern that the issue was not raised before tonight's meeting, and would have liked to have been notified. The Council appreciated her frustration but assured her this is an attempt to protect their parking in light of the upcoming YMCA expansion and the limited time to apply for the special parking permits or be forced to wait until next year. There will be time and opportunity to discuss all aspects of the project after the ball is rolling.

Louise Murray, also a resident of Mead Place, supported the special permit parking. She said it is not just an issue of not being able to find a parking spot in front of one's home, but the increased traffic on a street with no sidewalk is dangerous for residents, especially young children.

Mayor Cohn stated that the issue was a last-minute addition to the agenda because he just received notification from a state representative that there was limited time for this item to move through the legislature.

Mary Romanello stated she has lived on Mead Place for 45 years and has seen a lot of changes, all good, and she was happy to see the parking permits moving forward. She shared her concerns about the many children walking in the neighborhood because drivers disregard the speed limit and the signs alerting to the presence of children.

Katie Thomas of Mead Place, added her support to the long-overdue proposal for special permit parking. She expressed concern on behalf of herself and other mothers with regard to pedestrian safety for children on the street. Signs and pleadings do not seem to work, and more should be done.

Pete Archer of Mead Place thanked the Council for bringing up this major safety issue that has plagued the street for a long time. He encouraged the Council to communicate with Mead Place residents, so they are aware when the issue is on future Council meeting agendas.

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

Mayor Cohn reminded the public to save their comments about the Osborn until it was on the agenda at a future public hearing. The public may send their thoughts to the City at any time.

There were no public comments.

11. Resolution authorizing City Manager to enter into a Memorandum of Agreement with Christ Church to allow Rye Recreation to host Kiddy Camp in its facility for the summer of 2022.

Mr. Usry explained the agenda items 11 and 12, memorandums of agreement that Kiddy Camp and Day Camp will be held at Christ Church and Resurrection School, respectively, for summer 2022. The agreements are nearly identical to the agreements executed in 2020 except for

a change in length of stay which resulted in change of cost. The pricing of camp is set to recover the expenses of renting the facilities.

Councilmember Souza made the motion for a memorandum of agreement with Christ Church for summer camp 2022. Councilmember Johnson seconded the motion, which was unanimously carried and adopted.

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Henderson, Johnson, Nathan, Souza
Nays: None
Absent: Councilmembers Hurd, Stacks

12. Resolution authorizing City Manager to enter into a Memorandum of Agreement with the Resurrection School to allow Rye Recreation to host Day Camp in its facility for the summer of 2022.

Councilmember Souza made the motion for a memorandum of agreement with Resurrection School for summer camp 2022. Councilmember Johnson seconded the motion, which was unanimously carried and adopted.

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Henderson, Johnson, Nathan, Souza
Nays: None
Absent: Councilmembers Hurd, Stacks

13. Adoption of the 2022 County property tax rates.

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

RESOLVED, that the tax rates for the amounts of Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District charges for the fiscal year beginning January 1, 2022, shall be as follows:

<u>Westchester County</u>	
Levy	\$24,672,103
Taxable Assessed Value	142,413,845
Taxable Rate per \$1,000 Assessed Value	173.242307

<u>Blind Brook Sewer District</u>	
Levy	\$4,247,339
Taxable Assessed Value	142,876,489
Taxable Rate per \$1,000 Assessed Value	29.727347

<u>Mamaroneck Valley Sewer District</u>	
Levy	\$682,728

DRAFT UNAPPROVED MINUTES – Regular Meeting - City Council
April 6, 2022 - Page 13

Taxable Assessed Value	19,825,891
Taxable Rate per \$1,000 Assessed Value	34.436182

Refuse Disposal District No. 1

Levy	\$2,653,345
Taxable Assessed Value	143,714,660
Taxable Rate per \$1,000 Assessed Value	18.462591

And be it further

RESOLVED, that the Council does hereby certify to the City Comptroller the above stated levies and tax rates for Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District No. 1 charges, and the City Comptroller is hereby directed to apportion and extend against each taxable property listed upon the assessment roll of the City of Rye for 2022 at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums computed and determined, and, it is further

RESOLVED, that the tax warrant of Westchester County be signed by the Mayor and directed to the City Comptroller to collect the amount of said taxes with interest as provided by law and any special assessment heretofore authorized and approved.

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Henderson, Johnson, Nathan, Souza
Nays: None
Absent: Councilmembers Hurd, Stacks

14. Authorize payment of the balance of the 2021/2022 Rye Neck Union Free School District taxes collected by the City to the School District.

Mayor Cohn asked for a motion to authorize the payment, and Councilmember Johnson made the motion. Councilmember Souza seconded the motion, and the following resolution was adopted:

RESOLVED, that the City of Rye authorize the payment of the 12/31/21 balance of \$481,077.18 on 4/8/2022 to the Rye Neck Union Free School District.

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Henderson, Johnson, Nathan, Souza
Nays: None
Absent: Councilmembers Hurd, Stacks

City Manager Usry clarified for Councilmember Henderson that these are monies within the City of Rye and part of the Rye Neck School District that are collected and required to remit back to the school district.

15. Resolution to declare certain City equipment as surplus.

Mr. Usry presented three separate matters on the surplus list, the first being expired bulletproof vests. Blue to Gold Law Enforcement training is a not-for-profit asking for donations of expired vests from police departments all across the country to donate to Ukraine. No local or state laws prohibit such a donation.

In December the City purchased a number of COVID tests to be used by City employees, but unfortunately, they will be expiring in the next 45 to 60 days. The City would like to donate them as soon as possible to a not-for-profit so they are not wasted. Councilmember Souza brought up the point that there is another COVID wave going around and wanted to make sure the City has what they need in the immediate future. Mr. Usry stated there will be plenty of tests left over even if many of them are claimed.

The last item is a dock no longer needed by the boat basin and will be put up for public auction per the City's policy.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to declare the following items as surplus and to dispose of them according to the policies of the City and the applicable laws, by way of the following: donate the expired bulletproof vests to Ukraine, to donate the COVID testing kits, and to auction the dock.

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Henderson, Johnson, Nathan, Souza
Nays: None
Absent: Councilmembers Hurd, Stacks

16. Playland Parkway Beautification Resolution

Mayor Cohn stated that the resolution is intended to be supportive of an effort by those involved in the Daffodil Project, Rye Sustainability, County Legislator Parker, and County Executive George Vladimir. The parties will work together to improve the landscaping and maintenance along Playland Parkway. Councilmember Henderson added that Rye Sustainability will work with Westchester County to remove invasive vines and plants, plant native trees and shrubs, and expand old planting along the Parkway. The work will include Rye volunteers such as high school students and will not cost the City any money. Chris Cohan, James Ward, and Mike Buccieri were acknowledged for their hard work on the project.

Councilmember Henderson made the motion to support the resolution, and Councilmember Souza seconded the motion. The Council unanimously voted to support the resolution as follows:

**RESOLUTION OF THE RYE CITY COUNCIL ACKNOWLEDGING THE
EFFORTS OF THE RYE DAFFODIL PROJECT, THE RYE
SUSTAINABILITY COMMITTEE, and THE COUNTY**

WHEREAS, this Council is aware of the efforts of members of the Rye Daffodil Project, the Rye Sustainability Committee, County Legislator Catherine Parker and County Executive George Latimer to work together towards improving (by plantings and maintenance) the County-owned landscape surrounding Playland Parkway, a County road;

NOW, THEREFORE, BE IT RESOLVED, this Council wants to formally acknowledge its appreciation of these efforts, the product of which will be enjoyed by all who pass along this busy road.

17. Resolution supporting the proposed statute that would amend the general municipal law, the civil service law, the retirement and social security law and the public health law in relation to emergency medical services.

Mayor Cohn commented that the resolution was substantially approved by a Municipal Managers Association but was changed slightly so the City could retain the ability to choose how to handle certain items. City Manager Usry further explained in New York State law does not designate emergency medical personnel as essential, unlike police and fire departments. This means municipalities are not required to provide emergency medical services, and EMTs are not municipal employees and therefore not provided state-sponsored pensions and are not part of state health insurance plans. Westchester County receives exceptional emergency medical services as a member of the not-for-profit Port Chester - Rye - Rye Brook EMS, but because of the shortage of EMTs and COVID there have been significant staffing challenges. EMTs must work more than one job to obtain health insurance. The resolution is the first step in revising EMS policies to make the City responsible for such services.

Mayor Cohn asked for a motion to approve the resolution to amend emergency medical services laws. Councilmember Henderson made the motion, and Councilman Nathan seconded the motion. The Council unanimously approved the resolution as follows:

**Resolution supporting the proposed statute that would amend the general municipal law,
the civil service law, the retirement and social security law and the public health law in
relation to emergency medical services**

WHEREAS, proposed state legislation S.8432 entitled “An act to amend the general municipal law, the civil service law, the retirement and social security law and the public health law, in relation to emergency medical services” has been introduced that would require emergency medical service, define emergency medical services as essential services, expand the benefits available to emergency medical services personnel and set standards for emergency medical services, and

WHEREAS, the legislation amends the general municipal law to require that emergency medical services are provided in some form (to be determined locally) within all municipalities throughout the state, and

WHEREAS, the legislation amends the general municipal law to allow for (but not require) fees to be charged by governmental providers for emergency medical providers creating parity with not-for-profit emergency medical providers, and

WHEREAS, the legislation amends section 3000 of the public health law to clarify that emergency medical services are essential services, and

WHEREAS, the City Council recognizes the many concerns related to the service delivery of emergency medical services throughout the county, state, and nation involving such issues as staff recruitment and retention and the lack of access to alternative revenues such as grants and adequate insurance payments, training opportunities, and clear standards for EMS agencies; and

WHEREAS, emergency medical service agencies provide an essential service that should provide equal access to those in need of their services, and also provide essential early intervention health care to their patients; and;

WHEREAS, the City Council considers that this legislation is a good first step to resolving the crisis currently facing the emergency medical service community.

NOW, THEREFORE BE IT RESOLVED, that the City of Rye is in support of the passage of the proposed legislation S.8432; and be it further

RESOLVED, that the City Clerk distributes copies of this resolution to the Governor and to the City's representatives in the State Assembly and the State Senate.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Henderson, Johnson, Nathan, Souza

NAYS: None

ABSENT: Councilmembers Hurd and Stacks

18. Consideration of a request from the Rye Free Reading Room (RFRR) to use the Village Green for various events such as outdoor Wiggle Gigggle, family story times, classical musical concerts, and other common library programs on various days from May 1, 2022 – October 31, 2022. RFRR will coordinate with City staff to ensure there is not interference with maintenance of the Village Green.

Mayor Cohn noted that the day of the event will be July 21, 2022, and asked for a motion to grant the request, and Councilmember Souza made the motion. Councilmember Nathan seconded the motion. The Council unanimously approved the request.

19. Old Business/New Business.

There were no old or new business items discussed.

21. Adjournment.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to adjourn the meeting at 9:37 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: Police

DATE: April 13, 2022

CONTACT: Mike Kopy, Commissioner of Public Safety

AGENDA ITEM: Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department: General Orders: #309 Officer Response to Calls

FOR THE MEETING OF:
April 27, 2022

RECOMMENDATION: Approval of the listed General Orders.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:
Enhancement of the operational effectiveness of the Department.

BACKGROUND: The proposed revision of the following General Order updates the Department's procedures: General Order #309 Officer Response to Calls

A copy of the proposed policy is attached. It has been provided to the Rye Police Association for review pursuant to the provisions of the collective bargaining agreement.

Additional information to come.

Officer Response to Calls

309.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

309.2 POLICY

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

309.3 RESPONSE TO CALLS

Officers responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

309.3.1 EMERGENCY CALLS

Officers responding to an emergency call shall proceed immediately as appropriate and should continuously operate the emergency vehicle lighting and siren as required by law (Vehicle and Traffic Law § 114-b; Vehicle and Traffic Law § 1104).

Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to:

- (a) When in pursuit or apprehending a violator or suspected violator.
- (b) When responding to a reported emergency involving possible personal injury, death or significant property damage.
- (c) When immediate assistance is requested by an officer or other law enforcement agency.
- (d) When an emergency response would be deemed necessary by a reasonable officer.

Any officer initiated emergency response should be reported to the desk.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

309.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved department member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Location of the emergency situation
- Identifying call sign

Officer Response to Calls

- Suspect information, including weapons
- Reason for the request and type of emergency
- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the desk officer.

309.5 SAFETY CONSIDERATIONS

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However the officer may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property (Vehicle and Traffic Law § 1104):

- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing direction of movement or turning in specified directions.

When two or more emergency vehicles approach an intersection simultaneously, the emergency vehicle that otherwise would have had the right of way shall proceed first.

309.5.1 NUMBER OF OFFICERS ASSIGNED

The number of officers assigned to respond to an emergency call or request for assistance should be limited to that which is reasonably necessary.

An emergency response involving more than one police vehicle should be coordinated by the Desk to avoid any unanticipated intersecting of response routes. The desk officer shall notify the Tour Supervisor or field supervisor, who will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

309.6 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify the Tour Supervisor, field

Officer Response to Calls

supervisor or the desk officer of the equipment failure so that another officer may be assigned to the emergency response.

309.7 OFFICER RESPONSIBILITIES

An officer is expected to respond to all emergencies and calls as directed. The decision on how to respond should be based on weather, traffic, call type, and other mitigating factors that a reasonable officer would consider. The decision to initiate or continue an emergency response is at the discretion of the officer. If, in the officer's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify the desk officer. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, an officer shall immediately give the location from which he/she is responding.

The first officer arriving at the emergency call should determine whether to increase or reduce the level of the response of additional officers and shall notify the desk officer of his/her determination. Any subsequent change in the appropriate response level should be communicated to the desk officer by the officer in charge of the scene unless a supervisor assumes this responsibility.

309.8 THE DESK

When information reasonably indicates that the public is threatened with serious injury or death, or an officer requests emergency assistance and immediate law enforcement response is needed, the desk officer shall assign an emergency response and ensure acknowledgement and response of handling and assisting officers. In all other circumstances, the desk officer shall obtain authorization from the Tour Supervisor or a field supervisor prior to assigning an emergency response.

309.8.1 RESPONSIBILITIES

Upon notification or assignment of an emergency response, the desk officer is responsible for:

- (a) Confirming the location from which the officer is responding or requesting assistance.
- (b) Attempting to assign the closest available assisting officers to the location of the emergency call.
- (c) Continuing to obtain and broadcast information as necessary concerning the response and monitoring the situation until it is stabilized or terminated.
- (d) Notifying and coordinating allied emergency services (e.g., fire, emergency medical services).
- (e) Notifying the Tour Supervisor as soon as practicable.
- (f) Controlling all radio communications during the emergency and coordinating assistance under the direction of the Tour Supervisor or field supervisor.

Officer Response to Calls

309.9 SUPERVISOR RESPONSIBILITIES

Upon being notified that an emergency response has been initiated or requested, the Tour Supervisor shall verify that:

- (a) The proper response has been initiated.
- (b) No more than those officers reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing officers into or out of the response, if necessary. If, in the supervisor's judgment, the circumstances require additional officers to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the Tour Supervisor should consider:

- The type of call or crime involved.
- The type and circumstances of the request.
- The necessity of a timely response.
- Weather, traffic and road conditions.
- The location of the responding officers and the location of the incident.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 22, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Authorization for the City Manager to execute an updated short-term extension contract with Westchester Power with a new price target not-to-exceed 13.9 cents/kwh (instead of 12.5 cents as originally drafted).

FOR THE MEETING OF:

April 27, 2022

RECOMMENDATION: That the Council authorize the City Manager to execute the agreement.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Energy market volatility has caused renewable energy bids to jump above the original contract extension target price not-to-exceed 12.5 cents per kilowatt-hour. As such, Westchester Power is requesting a revised MOU from each municipality with a new price-not-to-exceed of 13.9 cents/kwh. This higher price-not-to-exceed would provide more flexibility and increase the likelihood of continuity of service in the program while still allowing Westchester Power to try to take advantage of any downturn in market pricing over the next weeks.

See attached revised MOU.

MEMORANDUM OF UNDERSTANDING
For
Participation in the Short-Term Westchester Power Extension Contract
For Communities in the Con Edison Service Territory

This Memorandum of Understanding is entered into by and between:

Sustainable Westchester, Inc., a New York non-profit corporation (“Sustainable Westchester”), and the City / Town / Village of _____
(the “Municipality”), a local government member of Sustainable Westchester (each a “Party” and collectively, the “Parties”).

1. Background:

- a. In February 2015, the New York Public Service Commission (“PSC”) issued an Order for Case 14-M-0564 as follows: “The Petition of Sustainable Westchester is granted to the extent that its municipal members are authorized to undertake a Community Choice Aggregation demonstration project consistent with the discussion in the body of this Order...”
- b. The PSC subsequently issued an Order for Case 14-M-0224 on April 21, 2016, which authorized Community Choice Aggregation (“CCA”) throughout New York State (the “CCA Order”) and on November 15, 2018 issued the “Order Approving Renewal of the Sustainable Westchester Community Choice Aggregation Program” reauthorizing the Sustainable Westchester CCA program under a Master Implementation Plan.
- c. Sustainable Westchester’s CCA Program enrolled Participating Customers from an initial group of 20 participating municipalities in April 2016. Since then, nine additional municipalities have joined and several other municipalities are actively working towards participation.
- d. For participating municipalities in the Con Edison utility territory, the current Electric Service Agreement for the Sustainable Westchester CCA Program will terminate on the first meter read date after June 30, 2022
- e. In compliance with the PSC CCA Orders, the Municipality has adopted local legislation to enable Community Choice Aggregation.
- f. As a member of Sustainable Westchester in good standing and participant in the Sustainable Westchester CCA Program, the Municipality wishes to continue to engage the services of Sustainable Westchester as the Program Manager for Community Choice Aggregation for the Operation and Maintenance of the Program.

2. Definitions:

- a. **2021 ESA:** The ESA which implemented the Sustainable Westchester CCA Program during the period from January 1, 2021 to the first meter read date after June 30, 2022.
- b. **2022 Extension ESA:** The ESA which will implement Sustainable Westchester CCA Program commencing on the first meter read date after July 1, 2022 for the Con Edison service territory. The 2022 Extension ESA shall have substantially the same terms outlined in the attached 2022 Extension ESA Template (Attached as Exhibit 1) and shall have a term of no longer than six months. The 2022 Extension ESA

Template sets out the new prices and terms, as well as any items which require clarification in the context of the extension

- c. **CCA Orders:** Collectively, the February 26, 2015 “Order Granting Petition in Part” issued by the PSC in Case 14-M-0564; the April 21, 2016 “Order Authorizing Framework for Community Choice Aggregation Opt-out Program” issued by the PSC in Case 14-M-0224 (the “CCA Framework Order”), which sets forth the requirements, terms, and conditions under which CCA programs can proceed through implementation; and the November 15, 2018 “Order Approving Renewal of the Sustainable Westchester Community Choice Aggregation Program” issued by the PSC in Case 14-M-0564, which reauthorizes the Sustainable Westchester CCA program under a Master Implementation Plan.
- d. **Community Choice Aggregation Program or CCA Program or Program–** A municipal energy procurement program, which replaces the incumbent utility as the default supplier for all Eligible Consumers within the Participating Municipality, as defined in the PSC CCA Orders.
- e. **Competitive Supplier:** An entity duly authorized to conduct business in the State of New York as an energy service company (“ESCO”) that procures electric power for Eligible Consumers in connection with this CCA Program.
- f. **Compliant Offer:** Electric power supply offer from a Competitive Supplier that meets the requirements specified in this MOU and the 2022 Extension ESA. A Compliant Offer price must be inclusive of fees owed to Program Manager and be less than:
 - i. Residential accounts: 13.90 cents/kwh;
 - ii. Small commercial accounts: 13.90 cents/kwh
- g. **Default Product:** The product selected by the Municipality for supply to its Eligible Consumers upon enrollment, unless they take action to select a different product or opt out.
- h. **Distribution Utility:** Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission in the Participating Municipality.
- i. **Electric Service Agreement (“ESA”):** An agreement that implements a CCA Program and contains all the terms and conditions of the Program.
- j. **Eligible Consumers** – Residential and small commercial consumers of electricity who have been served by the program under the 2021 ESA and have not opted out. For the avoidance of doubt, all Eligible Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the Municipality, as such boundaries exist on the Effective Date of the 2021 ESA. the 2022 Extension ESA.
- k. **Participating Municipality:** A dues-paying municipal member of Sustainable Westchester, which has adopted the applicable local legislation for the Community Choice Aggregation Program.
- l. **Participating Customers:** Eligible Consumers enrolled in the Program, including Opt-out Eligible Consumers who have been enrolled subsequent to the opt-out process and other customers who have opted in.
- m. **Program Manager:** Sustainable Westchester, a non-profit corporation of which the Participating Municipality is a member.

- n. **Public Service Commission (“PSC”)**: The New York State Public Service Commission or the New York State Department of Public Service acting as staff on behalf of the Public Service Commission.
 - o. **Qualifications Review**: A verification of the status of the Competitive Supplier as an electricity supplier in the Distribution Utility’s service territory. A precondition for attaining such status is that Competitive Supplier has met the credit requirements established by the New York Independent Systems Operator.
3. **Purpose**: The purpose of the Memorandum of Understanding is as follows:
- a. To establish participation by **The Municipality (hereafter, the “Participating Municipality”)** in a Community Choice Aggregation Program (hereafter, the “Program”) that will be managed on its behalf by **Sustainable Westchester, (hereafter, the “Program Manager”)** under the 2022 Extension ESA.
 - b. To affirm that the Participating Municipality and Program Manager agree to adhere to the terms and conditions of the 2022 Extension ESA in the event they execute it.
 - c. To affirm that the Participating Municipality and Program Manager agree to execute the 2022 Extension ESA, subject to the conditions of review and approval outlined in 4(c) and 5(a), below.
4. **Roles and responsibilities of the Program Manager**: As Program Manager, Sustainable Westchester agrees to perform all duties outlined in the 2022 Extension ESA and, prior to execution of that agreement, Program Manager agrees to:
- a. Provide the involved agencies and parties to the PSC CCA Orders, including, but not limited to, the Public Service Commission and Distribution Utility, requested information about and documentation of the actions undertaken by the Participating Municipality in furtherance of enabling participation in the Program;
 - b. Manage the contract extension process including:
 - i. the collection of indicative pricing and other inputs against which to evaluate the 2022 Extension ESA offers,
 - ii. the preparation of the 2022 Extension ESA,
 - iii. the acceptance, secure opening, and review of the indicative pricing and 2022 Extension ESA offers, and
 - iv. the organization of the Qualifications Review, offer evaluation, and selection of a Competitive Supplier, all in a manner that is transparent to the Participating Municipality and firms seeking to be the Competitive Supplier;
 - c. Sign the 2022 Extension ESA in a timely fashion subject to the conditions that:
 - i. the Competitive Supplier is deemed qualified for the duration of the 2022 Extension ESA by the Qualifications Review, and
 - ii. such Competitive Supplier’s offer is deemed by the Program Manager to be a Compliant Offer as defined in Section 2 above.
 - d. Fulfill any other responsibilities as may reasonably adhere to facilitating the implementation of the Program, subject to the Program Manager’s inherent and original role as an organization driven by the deliberated priorities of its constituent member municipalities.
5. **Roles and responsibilities of the Participating Municipality**: The Participating Municipality agrees to:

- a. Sign the 2022 Extension ESA, selecting the 100% Renewable Clean Power Product as the Default Product for its Eligible Consumers, in a timely fashion, subject to the conditions that:
 - i. the Competitive Supplier is deemed qualified for the duration of the 2022 Extension ESA by the Qualifications Review, and
 - ii. such Competitive Supplier's offer is deemed by the Program Manager to be a Compliant Offer as defined in Section 2 above.
- 6. Term and Termination:** Memorandum of Understanding shall expire on the earlier of June 30, 2022 or the date on which the 2022 Extension ESA is signed by the Participating Municipality, the Program Manager, and the selected Competitive Supplier. Participating Municipality shall have the right to terminate this Memorandum of Understanding for any of the reasons set forth in the Termination section of the 2021 ESA attached hereto as Exhibit 2.

IN WITNESSETH WHEREOF, the Parties have signed this MEMORANDUM OF UNDERSTANDING on the day and year appearing below their respective signatures.

City/Town/Village of _____

Authorized Official Name and Title: _____

Signature: _____

Address: _____

Telephone(s): _____

E-Mail Address: _____

Address for Notices: _____

Sustainable Westchester, Inc.

Authorized Official Name and Title: Nina Orville, Executive Director

Signature: _____

Address: 40 Green Street, Mount Kisco, NY 10549

Telephone(s): (914) 242-4725

E-Mail Address: nina@sustainablewestchester.org

Address for Notices: 40 Green Street, Mount Kisco, NY 10549

Attachments: Exhibit 1, 2022 Extension ESA Template
Exhibit 2, 2021 ESA



CITY COUNCIL AGENDA

DEPT.: Planning and Engineering

DATE: April 22, 2022

CONTACT: Christian K. Miller, Ryan X. Coyne

AGENDA ITEM: City Council consideration of a preferred design alternative for the proposed new salt shed at the City's Public Works Facility at Disbrow Park.

FOR THE MEETING OF:

April 27, 2022

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the City Council choose between either a fabric or timber salt shed structure to advance to final design.

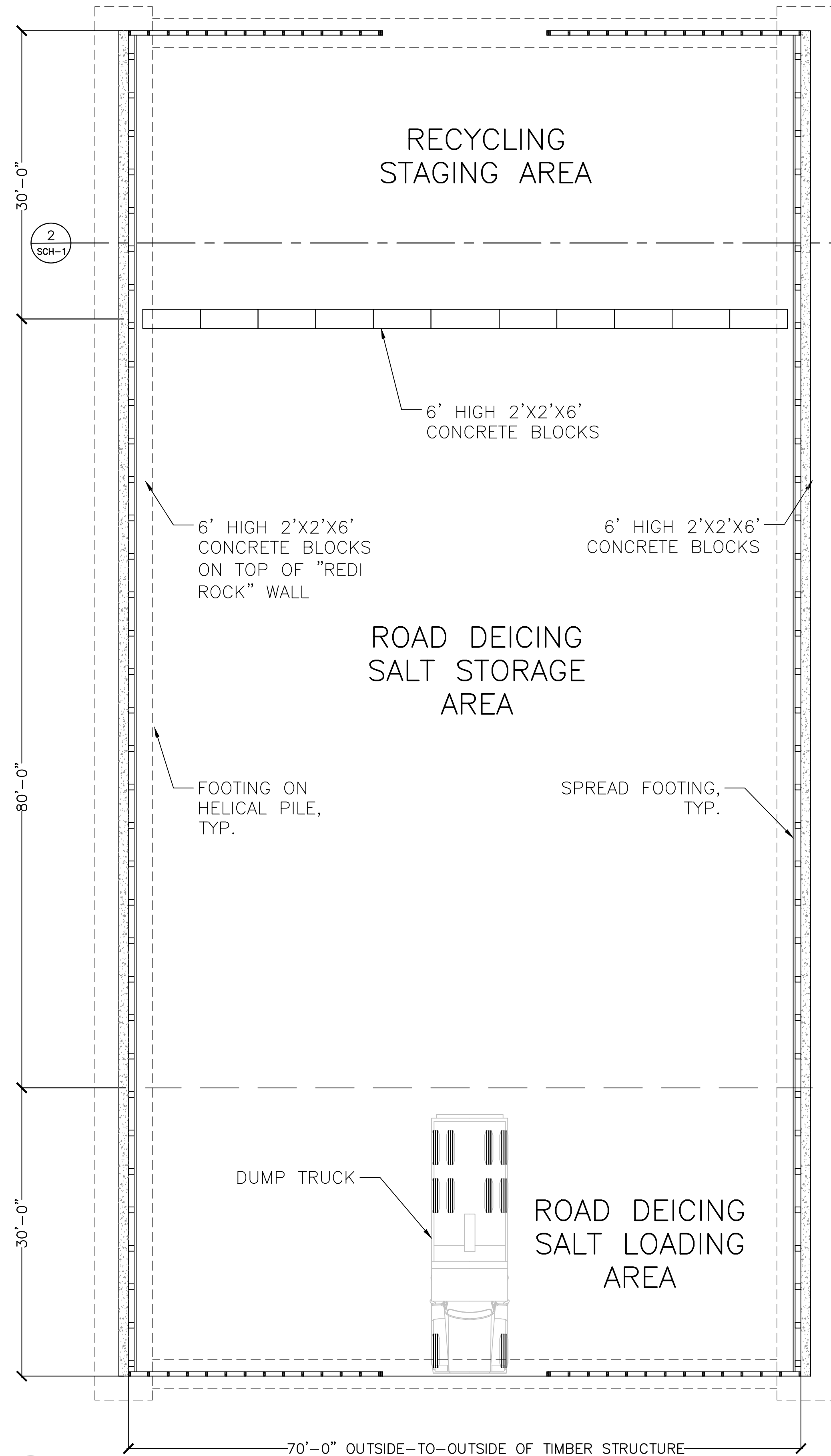
IMPACT: ☒ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

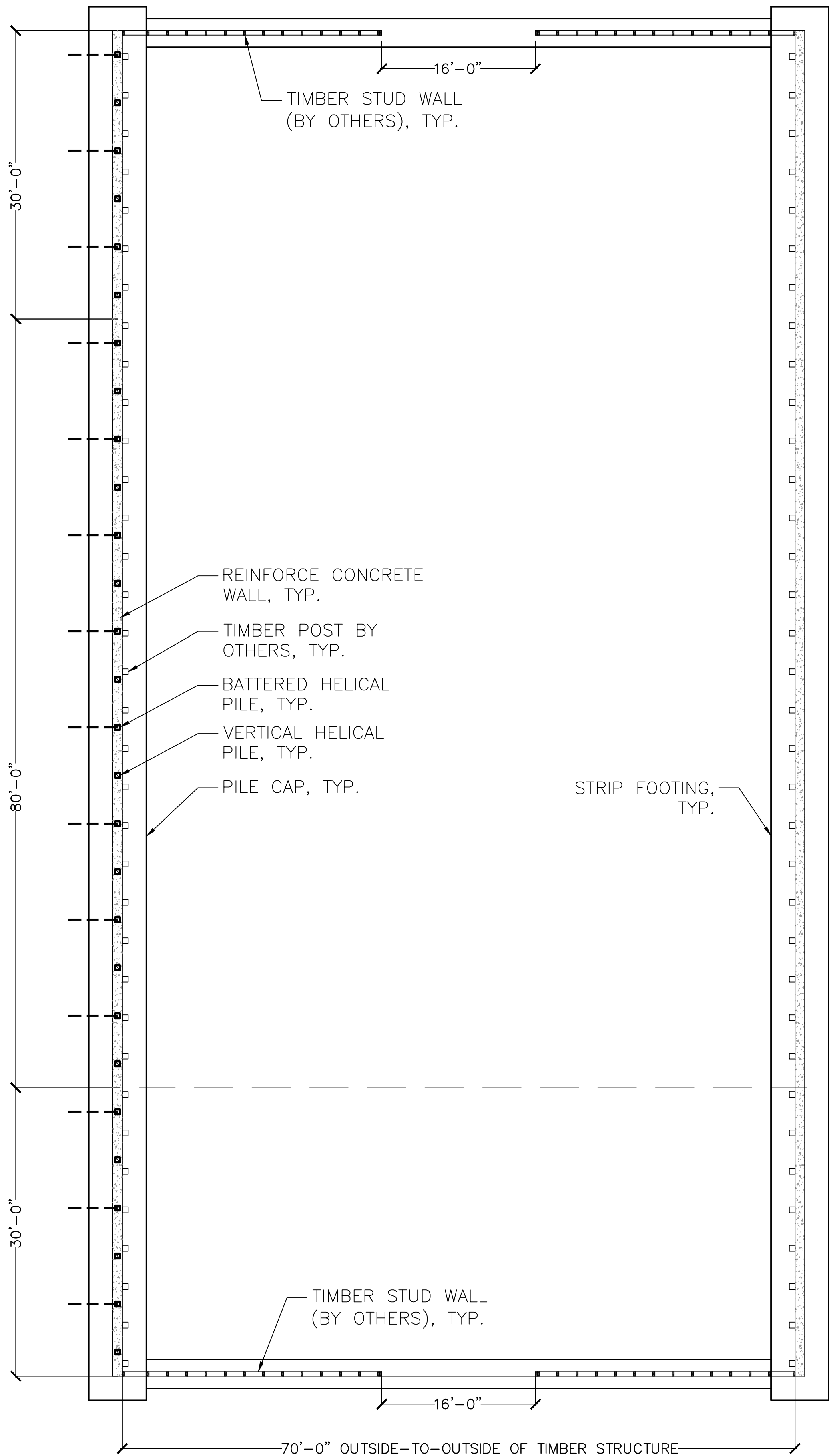
The City's Department of Public Works is constructing a new salt shed to replace its existing facility, which is deteriorating and beyond its useful life. As requested, the City's engineering consultant, Stantec, has prepared the attached information to assist the City Council in selecting either a fabric or timber salt shed structure. The Council's preferred alternative will advance to final design. Stantec will be available at the Council's next meeting to answer questions and present its analysis including visual simulations of each alternative, cost estimates, life-cycle costs, solar panel installation suitability and other considerations.

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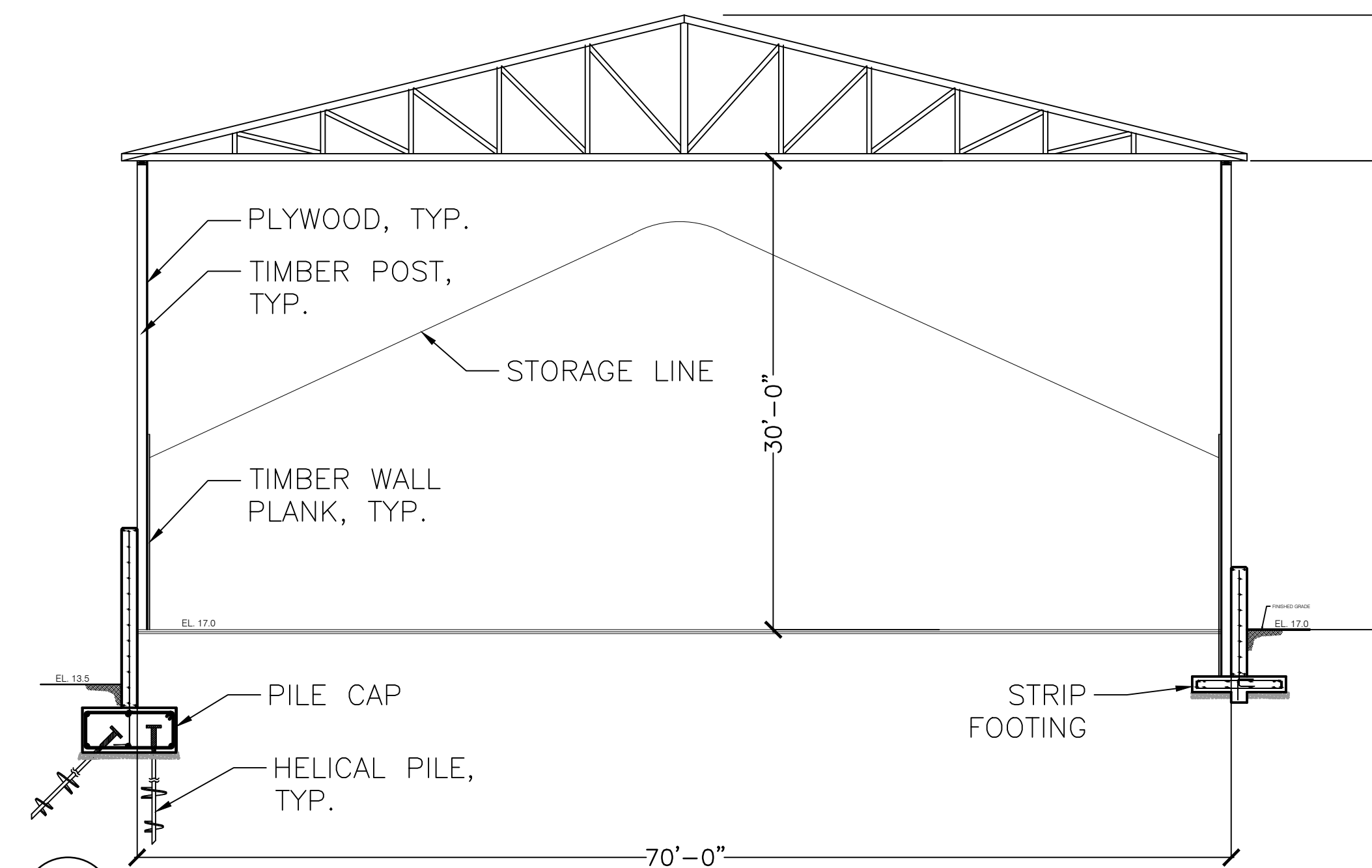
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1 PLAN
A-100 SCALE: $\frac{1}{8}'' = 1'-0''$



2 FOUNDATION PLAN
A-100 SCALE: $\frac{1}{8}'' = 1'-0''$



3 BUILDING SECTION
A-100 SCALE: $\frac{1}{8}'' = 1'-0''$

Permit/Seal

**PRELIMINARY
NOT FOR
CONSTRUCTION**

Not for permits, pricing or other official purposes. This document has not been completed or checked and is for general information or comment only.

Consultant



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55 Church Street, Suite 601
New Haven, CT 06510
Tel: (203) 495-1645
www.stantec.com

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Client/Project Logo

Client/Project
Department of Public Works
City of Rye
New York
Proposed Salt Shed

Rye, New York

File Name: S-100_Foundation Plan and
SECOND FLOOR FRAMING PLAN
Dwn. Dign. Chkd. 2021.06.29
YYYY.MM.DD

Title

TIMBER SALT SHED -
FLOOR PLAN FOUNDATION
PLAN, AND SECTION

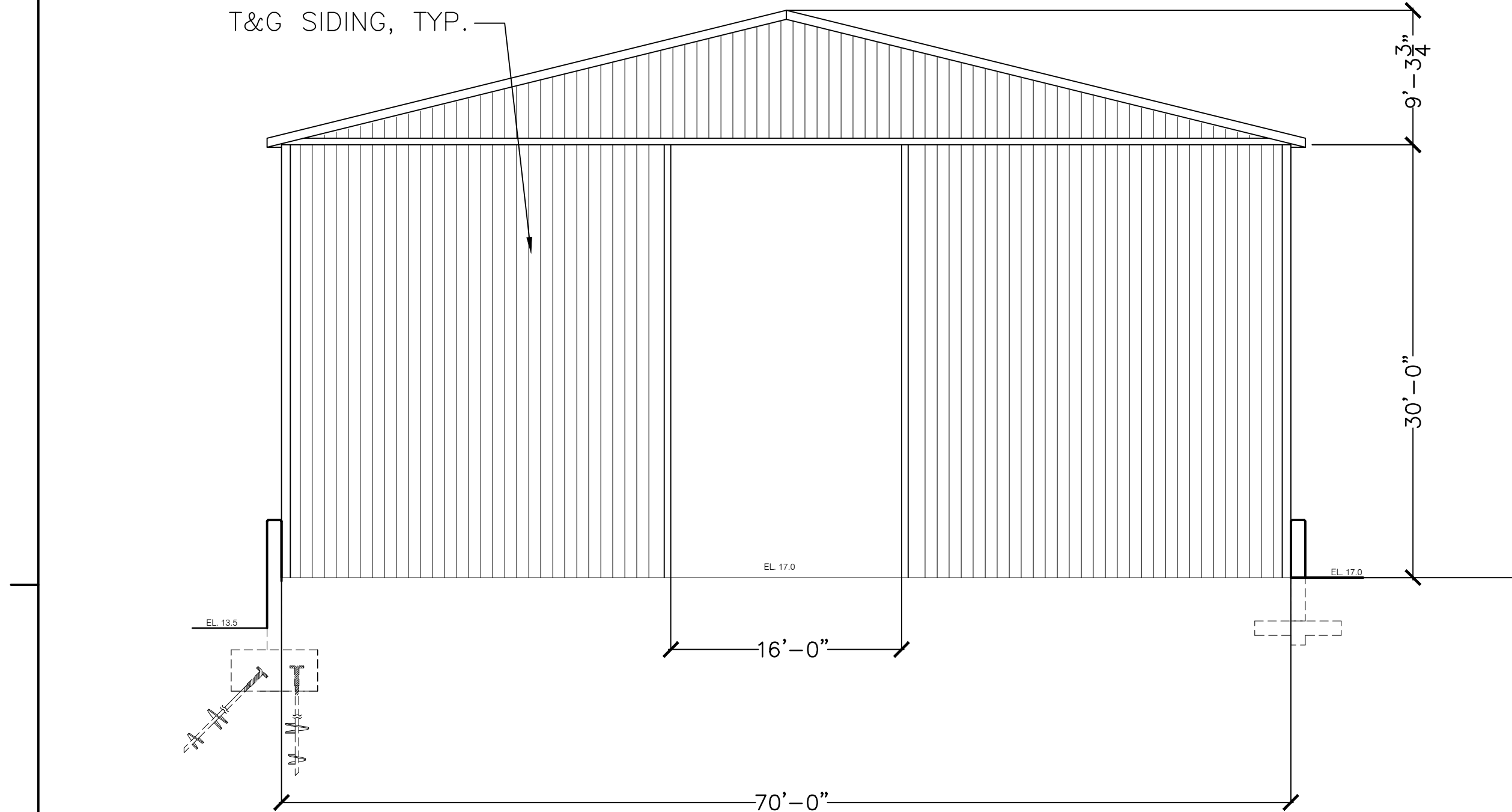
Project No.
192311092

Scale

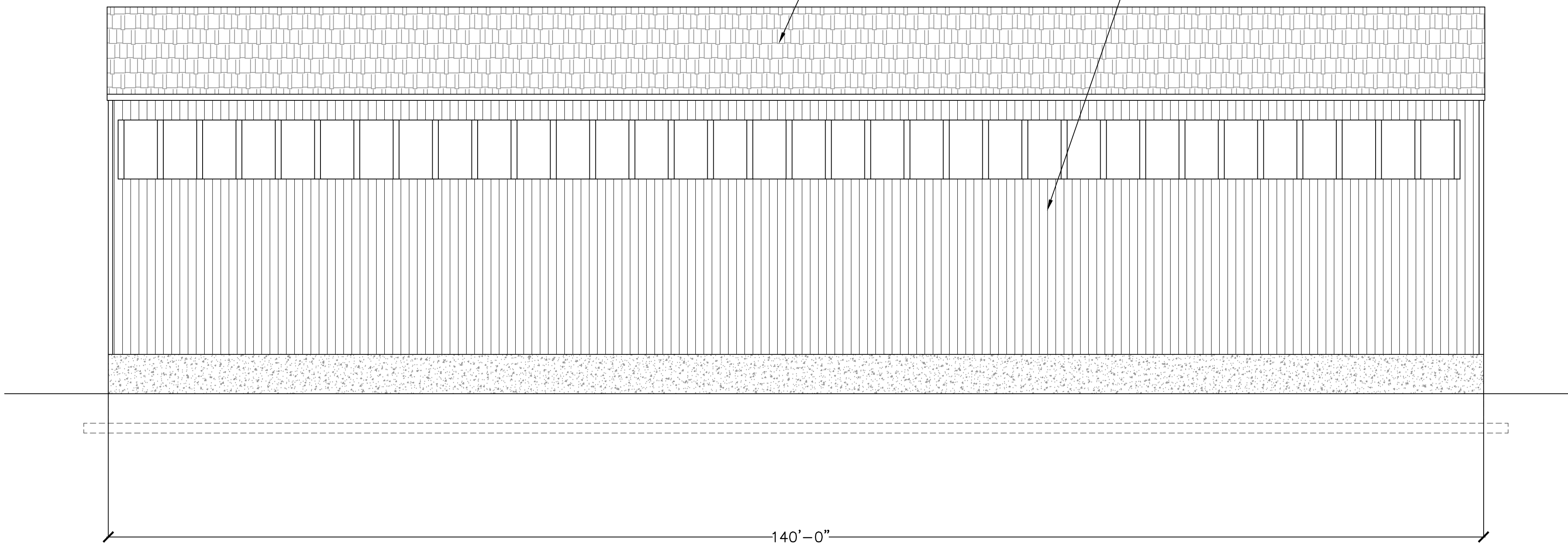
Revision Sheet
1 of 4

Drawing No.

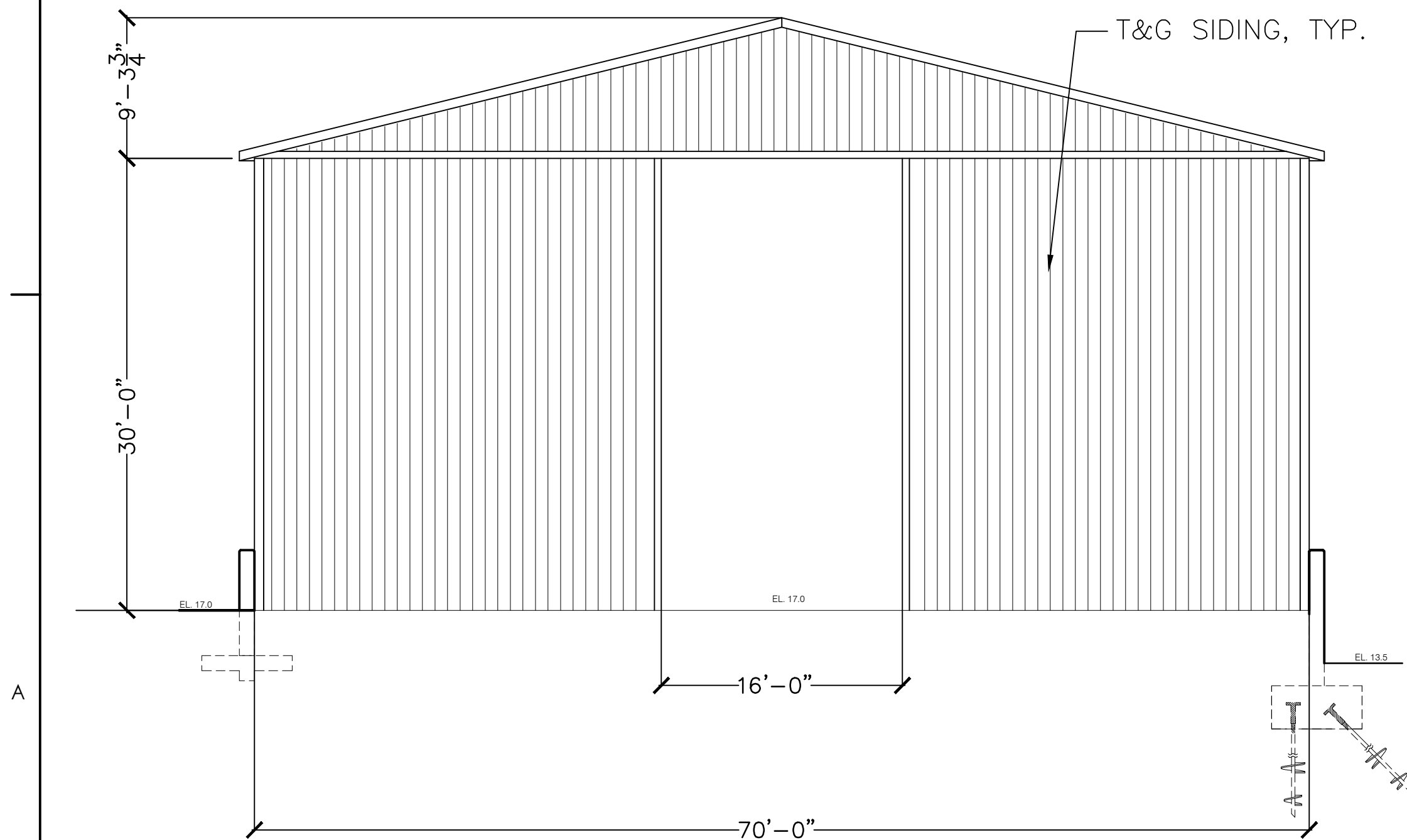
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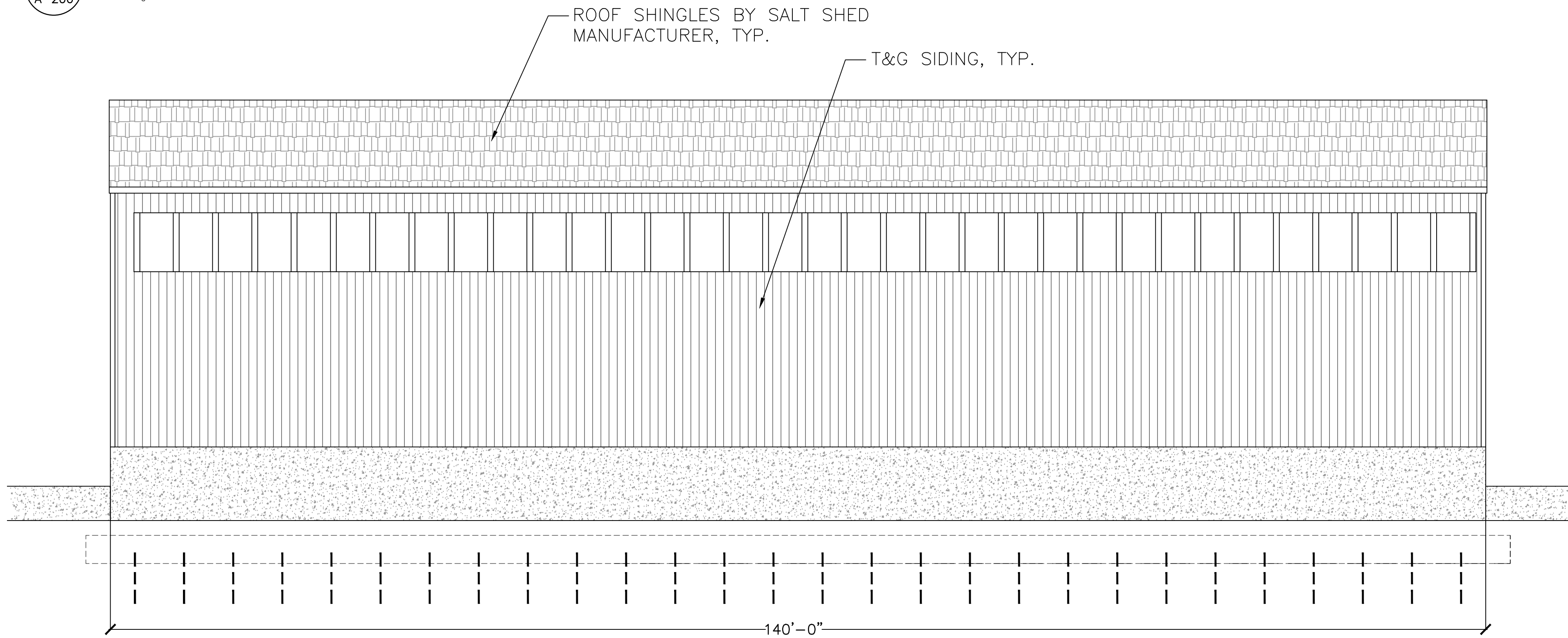
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SCALE: 3/8" = 1'-0"



2 EAST ELEVATION
SCALE: 3/8" = 1'-0"



3 NORTH ELEVATION
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4 WEST ELEVATION
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Revision
By Appd YYYY.MM.DD

Issued
By Appd YYYY.MM.DD

Permit/Seal

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Client/Project Logo

Client/Project
Department of Public Works
City of Rye
New York
Proposed Salt Shed

Rye, New York

File Name: S-100_Foundation Plan and
Second Floor Framing Plan
Dwn. Dign. Chkd. 2021.06.29
YYYY.MM.DD

Title

ELEVATIONS (TIMBER SALT SHED)


Project No. 192311092
Revision Sheet 2 of 4
Scale Drawing No. A-200



1 TYPICAL TIMBER SALT SHED
A-300 SCALE: N.T.S.

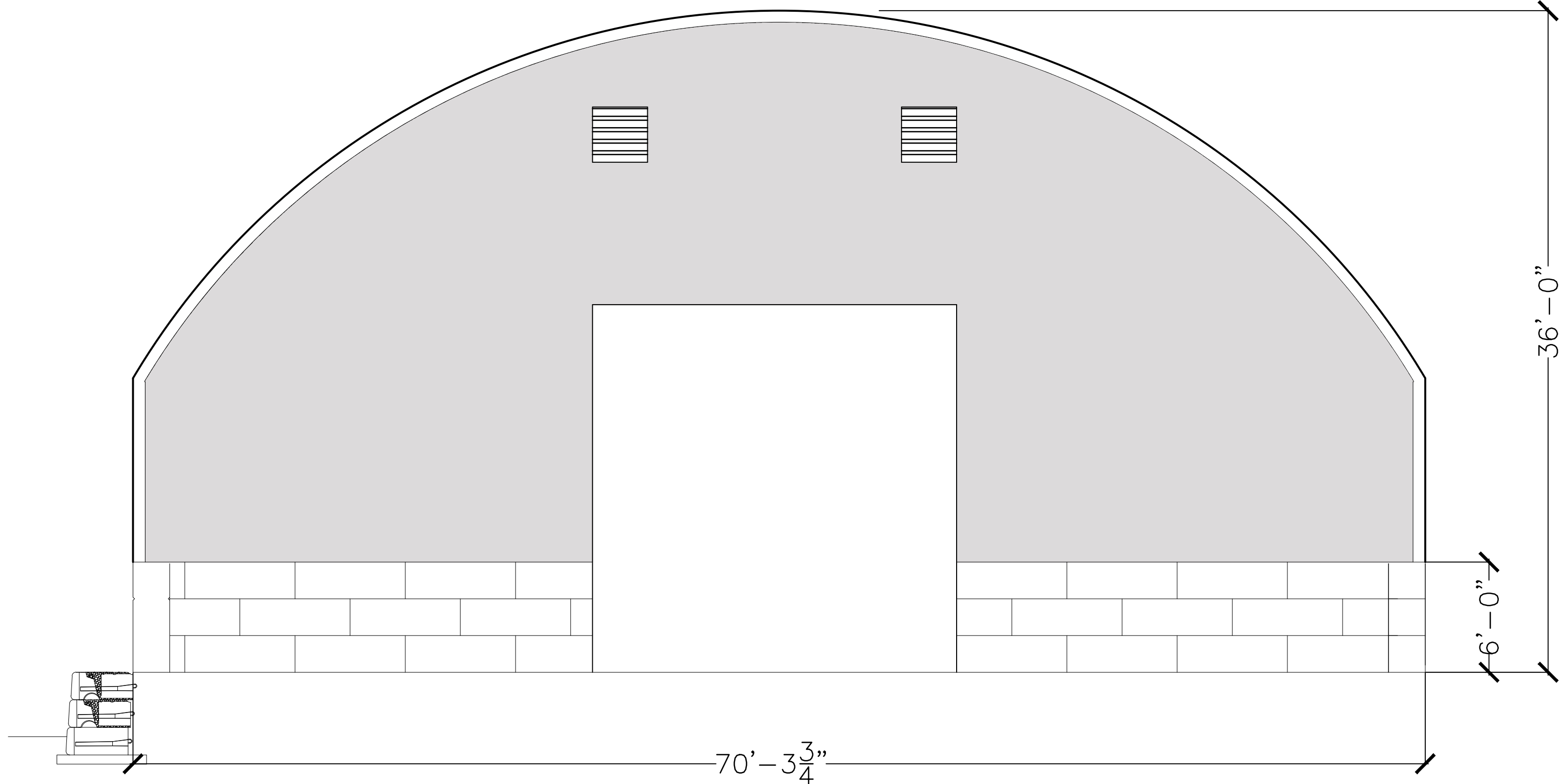
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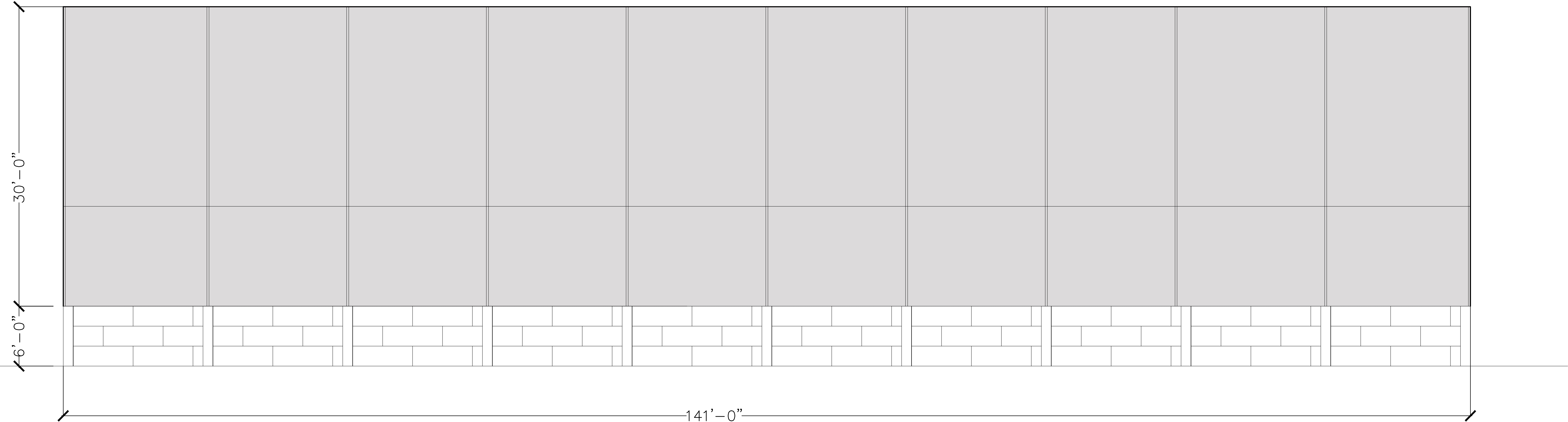
<div>Revision</div> <div>By</div> <div>Appd</div> <div>YYYY.MM.DD</div>		<div>Issued</div> <div>By</div> <div>Appd</div> <div>YYYY.MM.DD</div>		<div>Permit/Seal</div> <div>PRELIMINARY NOT FOR CONSTRUCTION</div> <div>Not for permits, pricing or other official purposes. This document has not been completed or checked and is for general information or comment only.</div>	<div>Consultant</div>	<div> Stantec</div> <div>Stantec Consulting Services Inc. 55 Church Street, Suite 601 New Haven, CT 06510 Tel: (203) 495-1645 www.stantec.com</div> <div>Copyright Reserved</div> <div>The Contractor shall verify and be responsible for all dimensions. DO NOT scale the drawing - any errors or omissions shall be reported to Stantec without delay. The Copyrights to all designs and drawings are the property of Stantec. Reproduction or use for any purpose other than that authorized by Stantec is forbidden.</div>	<div>Client/Project Logo</div>	<div>Client/Project</div> <div>Department of Public Works City of Rye New York</div> <div>Proposed Salt Shed</div> <div>Rye, New York</div> <div>File Name: S-100_FOUNDTION PLAN AND SECOND FLOOR FRAMING PLAN</div> <div>Dwn.</div> <div>Dign.</div> <div>Chkd.</div> <div>2021.06.29 YYYY.MM.DD</div>	<div>Title</div> <div>IMAGE TIMBER SALT SHED</div> <div>Project No. 192311092</div> <div>Revision</div> <div>Sheet 3 of 4</div> <div>Scale</div> <div>Drawing No. A-300</div>
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3 TYPICAL FABRIC SHED
SCALE: N.T.S.



1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



2 EAST ELEVATION
SCALE: 1/8" = 1'-0"

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Revision	By	Appd	YYYY-MM-DD

Issued	By	Appd	YYYY-MM-DD

Permit/Seal

**PRELIMINARY
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CONSTRUCTION**

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Consultant



Stantec Consulting Services Inc.
55 Church Street, Suite 601
New Haven, CT 06510
Tel: (203) 495-1645
www.stantec.com

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Client/Project Logo

Client/Project
Department of Public Works
City of Rye
New York
Proposed Salt Shed

Rye, New York

File Name: S-100_Foundation Plan and SECOND FLOOR FRAMING PLAN	Dwn.	Dign.	Chkd.	2021.06.29 YYYY-MM-DD
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Title

ELEVATIONS AND IMAGE
(FABRIC SALT SHED)

Project No. 192311092	Scale
Revision Sheet 4 of 4	Drawing No. SCH-2

PLAYLAND PARKWAY
VANTAGE POINT LOCATION



PLAYLAND PARKWAY



PROPOSED SALT SHED LOCATION

PLAYLAND PARKWAY

WOOD STRUCTURE



PLAYLAND PARKWAY

FABRIC STRUCTURE



CHARLOTTE STREET
VANTAGE POINT LOCATION



CHARLOTTE STREET



PROPOSED SALT SHED LOCATION

CHARLOTTE STREET
WOOD STRUCTURE



CHARLOTTE STREET
FABRIC STRUCTURE



CRESCENT AVENUE
VANTAGE POINT LOCATION



CRESCENT AVE

PROPOSED SALT SHED LOCATION

CRESCENT AVENUE
WOOD STRUCTURE



CRESCENT AVENUE
FABRIC STRUCTURE



To:	Ryan Coyne City of Rye, NY	From:	Joel Villaluz Stantec, New Haven, CT
File:	Rye DPW Salt Shed Life Cycle Comparison	Date:	April 15, 2022

Reference: Rye DPW Salt Shed Life Cycle Comparison**RYE DPW SALT SHED LIFE CYCLE COMPARISON**

- A. Timber Salt Shed
 1. All the timber being supplied for the salt shed is treated with an oil-borne preservative Copper Naphthenate. The preservative prevents the penetration of salt brine into the wood fibers. With the oil-borne preservative, resulted to most facilities still in service after 40 years.
 2. Since the roof of the timber salt shed consists of asphalt shingles, the most common warranty is 25 years. The current estimated cost to replace the asphalt roof shingles is \$5.00 per square foot. The total roof area is 10,360 square feet. The current estimated cost to replace the asphalt shingles is \$51,800.
 3. Anticipated maintenance will be any timber planks that will be hit by the equipment (i.e. loader). Any severely damaged planks need to be replaced with oil-borne preservative treated ones.
- B. Fabric Salt Shed
 1. Manufacturer gives 15-year warranty for the fabric salt shed. However, sales representative, says that they have observed that some structures lasted more than 20 years.
 2. Cost of the fabric is currently estimated at \$12. The area of the fabric is 15,000 sq.ft. Cost of replacement is \$180,000
 3. All steel frames are corrosion resistant.

Other notes:

1. Solar panels can be installed on the timber salt shed. Study on the solar panels installation shall be conducted by a solar company.

Stantec Consulting Services Inc.**Joelvito N. Villaluz, PE, LEED AP**
Civil EngineerPhone: 203 495 1645
Joelvito.Villaluz@stantec.com

Attachment: Attachment

c. Christian Miller
File

RYE DPW SALT SHED

OPINION OF PROBABLE COST COMPARISON

4/15/2022



	STRUCTURE TYPE	STRUCTURE COST	INSTALLATION/ CONSTRUCTION COST	SITE WORK COST	TOTAL
1.0	Timber Salt Shed Structure	\$ 500,000	\$ 975,000	\$ 650,000	\$ 2,125,000
2.0	Fabric Salt Shed	\$ 351,000	\$ 532,000	\$ 650,000	\$ 1,533,000

NOTES:

- a. Structure cost for the timber salt shed structure is only for the fabrication of the building and delivery to the site.
- b. Structure cost for the fabric salt shed structure is for the fabrication of the building, delivery to the site, and installation. Foundation work is not included.
- c. The installation/construction cost for the timber salt shed structure includes the foundation, helical piles, erection of the timber structure, the installation of exterior sidings along the long sides of the building, and paving of the floor.
- d. The installation/construction cost for the fabric salt shed structure includes the foundation, helical piles, and paving of the floor.
- e. This opinion of probable costs is based on the best current cost information available. Given the current volatility of the construction market we cannot guarantee the accuracy of this cost in the future.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 13, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of Pace program financing interest and penalty waivers for the Wainwright House.

FOR THE MEETING OF:

April 27, 2022

RECOMMENDATION: That the Council consider the request to waive penalties and interest for the Wainwright House.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Please see attached.

Greg Usry
City Manager
1051 Boston Post Road
Rye, New York 10580



Tel: (914) 967-7404
E-mail: gusry@ryeny.gov
<http://www.ryeny.gov>

CITY OF RYE
Office of the City Manager

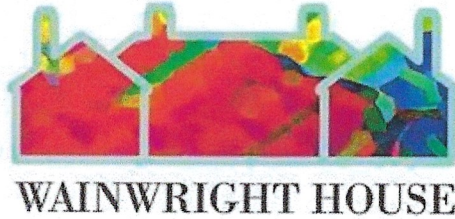
To: Mayor Cohn and City Council
From: Greg Usry, City Manager
Cc: Kristen K. Wilson, Esq.
Joe Fazzino
Re: Wainwright House PACE Program Delinquent Payments
Date: April 22, 2022

In February 2015, the City Council amended Chapter 176 to provide property assessed clean energy (PACE) financings for property owners to install renewable energy systems. The original program (subsequently amended) allowed the Energy Improvement Corporation (EIC), as the City's agent, to make funds available to qualified property owners. It further provided that any loan would be repaid by the property owners through charges on their real properties (property tax equivalent). The program further required the City to advance payment to the EIC, without regard to the status of the payment from the property owner and for the City to seek payment in a manner consistent with property taxes (including fines, interest and potential foreclosure).

The only property owner that took advantage of this program was the Wainwright House, who secured a 20-year loan through the EIC for \$338k. The resulting annual payment is approximately \$30k. Although Wainwright is not a property tax payer due to its tax exempt status, its PACE obligation operates the same from a lien standpoint.

For the tax years 2020 and 2021, the Wainwright House was unable to pay its annual obligation. Contractually, we were required to advance the monies to EIC, and at present the Wainwright House owes the City \$71,215.39. Of this amount \$10,628.05 is penalties and interest.

In recent months, representatives of the Wainwright House have requested that the City consider waiving the penalties and interest. (Please see the attached letter from the Board). Because we have advanced the principal payments to EIC, there is no way to waive any monies beyond penalties and interest (nor is Wainwright House requesting further consideration).



April 11, 2022

Rye City Council
Rye City Hall
1051 Boston Post Rd
Rye, NY 10580

Re: Waiver of Interest and Penalties for NYSERDA Loan Repayment

Dear Councilmembers:

The Trustees of Wainwright House respectfully request that the Council, during its meeting on April 20, 2022, vote to waive the interest and penalties due for 2020-2021 on a loan to Wainwright House for energy-efficient improvements to the main estate through a NYSERDA program, as to which Rye City has acted as guarantor. The amount of 2020-2021 interest and penalties due through April 20, 2022, will be \$10,549.96. Although Wainwright House has paid the principal amounts due on the loan with respect to 2020-2021, it has not been able to pay the interest and penalties for those years as a result of the impact of the pandemic on Wainwright House's operations and financial performance. Wainwright House is current on its 2022 obligations on the loan.

The Covid-19 pandemic and resulting restrictions forced Wainwright House to close its doors for many months in 2020 and, when we were able to reopen for only limited events, we had to observe strict safety protocols that increased our expenses and restricted our revenues (e.g., by limiting the number of attendees). Moreover, most of the ten weddings scheduled for 2020 were cancelled or rescheduled to 2021, and our two long-term space licensees did not fulfill their rental obligations during the pandemic and did not renew their leases.

Wainwright House promptly notified Rye City of our payment difficulties throughout 2020-2021. We thank City Manager Greg Usury for going above and beyond in helping us understand the NYSERDA program, and Corporation Counsel Kristen Wilson for helping us understand the relevant law. We also are grateful to Joseph Fazzino for his able assistance, including providing us with the updated interest and penalty figure above.

We thank you very much for your kind consideration of this request.

Very truly yours,



Robert Manheimer

President

The Wainwright House Board of Trustees



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 20, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Adjourn until August 10, 2022 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:
April 27, 2022

RECOMMENDATION: That the Council adjourn 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	<p>Landscapers must register ANNUALLY to operate within the City limits.</p> <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	<p>October 1 and April 30</p> <p>Weekdays 8 am – 8 pm</p> <p>Weekends 10 am – 6 pm</p>	<p>October 1 and April 30</p> <p>Weekdays 8 am – 6 pm</p> <p>Weekends 10 am – 4 pm</p>
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)	<p>Gas and Electric leaf blowers 85 db(A)</p> <p>Effective January 2023, electric leaf blowers ONLY with maximum permitted intensity of 65 db(A)</p>
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: April 13, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request from the Rye YMCA to use the Village Green on Saturday, June 18, 2022 from 10:30 am to 1:30 pm for a special yoga class and some kid activities to promote the opening the its new studio.

FOR THE MEETING OF:

April 20, 2022

RECOMMENDATION: That the Council authorize use of the Village Green per the YMCA's request.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The YMCA has requested use of the Village Green on Saturday, June 18, 2022 from 10:30 am to 1:30 pm for a special yoga class and some kid activities to promote the opening the its new studio.

See attached request.



FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

MEMO

TO: Noga Ruttenberg
Assistant to the City Manager

FROM: Diana Vita
Senior Director, Member Wellness

DATE: April 13, 2022

RE: Request to use Village Green for an event to celebrate the opening of The Studios at the Rye YMCA (1037 Boston Post Road)

As per our conversation of earlier today, please schedule the above-referenced request for discussion at the April 20, 2022 City Council meeting.

To celebrate the opening of The Studios at the Rye YMCA, the Rye Y proposes to hold a family-friendly event on the Village Green (which is just steps away from our new facility). We will have a table with information about the new "Studios", live acoustic music by one or two of our children's performers and activities for children and adults (e.g. face painting, arts and crafts, group exercise led by a Y instructor).

We propose to hold the event on Saturday, June 18, 2022 from 10:30 AM-1:30 PM.

Thank you for your assistance.

RYE YMCA
21 Locust Avenue, Rye, New York 10580
P 914 967 6363 F 914 967 0644 www.ryeymca.org