

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

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, April 26, 2023
6:30 p.m.**

Residents may email comments regarding the public hearing to:
publichearingcomments@ryeny.gov. All comments must be received by 4:00 pm on the day of the meeting. The subject of the email should reference the hearing topic. Please include your name and address.

Please note: The Council will convene at 6:00 p.m. and it is expected they will adjourn into Executive Session at 6:01 p.m. to discuss pending litigation, personnel matters and pending contracts.

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the Regular Meeting of the City Council held April 12, 2023.
4. Flooding Update - Presentation by Envision Strategies on proposed federal funding strategies.
5. FEMA Financial Recovery Update.
6. Presentation of the 2022 preliminary financial results.
7. Capital Projects Finance Plan Update.
8. Open the public hearing to amend Chapter 187 “Trees” of the Rye City Code. [OR Discussion of revised draft of law to amend Chapter 187 “Trees” of the Rye City Code].
9. Open a public hearing to adopt a new local law to amend Chapter 191 “Vehicles and Traffic” by adding a new Part 4 “Residential On-Street Parking Permit System” and adding Article IX “Residential On-Street Parking Permit Regulations” to the Code of the City of Rye. (Mead Place parking district)
10. Councilman Henderson on Rye Golf Club.

11. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.
12. Set a public hearing to adopt a Local Law to amend Chapter 161, Article III “Private Sanitary Sewer Laterals” by adding § 161-17.1 “Standards for connection to a common force main,” to the Code of the City of Rye.
13. Resolution to amend the 2023 Adopted Fees and Charges for the Clerk’s office.
Roll Call.
14. Resolution to appropriate \$25,000 from contingency for Arborist services.
Roll Call.

CONSENT AGENDA

- a) 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, Robert the Guitar Guy, classical musical concerts, and other common library programs on various days from May 1, 2022 – October 31, 2023. RFRR will coordinate with City staff to ensure there is no interference with maintenance of the Village Green.
 - b) Consideration of a request from the Rye Free Reading Room (RFRR) to use the Village Green on Friday, September 8, 2023, until Monday, September 11, 2023. The sale will take place Saturday and Sunday from 12 pm – 5 pm and the Village Green will be completely cleared by Monday morning.
15. Old Business/New Business.
 16. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, May 10, 2023, 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 12, 2023, at 6:30 P.M.

PRESENT:

JOSH COHN, Mayor
LORI FONTANES
CAROLINA JOHNSON
JOSHUA NATHAN
JULIE SOUZA
BENJAMIN STACKS
Councilmembers

ABSENT:

BILL HENDERSON, Councilmember

The Council convened at 5:30 and adjourned into executive session to discuss litigation and personnel matters. They reconvened in the public meeting at 6:30 P.M. The meeting was streamed live at www.ryeny.gov for public viewing.

1. Pledge of Allegiance.

After the Pledge of Allegiance, Mayor Cohn acknowledged the passing of Bill Lawyer, a Rye resident for over 50 years. Mr. Lawyer was a teacher and the director of Greenburg Nature Center for 30 years. He demonstrated the utmost care for the community and the environment, and provided affable assistance with Rye Town Park. The City Council took a moment of silence to honor Mr. Lawyer.

2. Role Call.

The City Clerk called the roll and there was a quorum.

3. Draft unapproved minutes of the Regular Meetings of the City Council held March 1 and March 15, 2023.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to approve the minutes of the Regular Meetings of the City Council held March 1 and March 15, 2023. The minutes were unanimously approved.

4. Flooding Update.

Mayor Cohn reminded the Council that while much flood resiliency work had been done on the Blind Brook, Beaver Swamp Brook had similar problems. At Rye's request, the NY State Department of Environmental Conservation began a resilient stream study for Beaver Swamp Brook. The unfinalized DEC resilient stream study provided recommendations to Rye, but advised no dramatic action be taken until upstream mitigation had been achieved.

City Manager Greg Usry stated that City staff had engaged Envision Strategies to provide funding strategy support at the federal and state levels on various projects related to Blind Brook, Beaver Swamp Brook, and other areas within Rye. City Manager Usry expected Envision to present at the next Council meeting. Councilman Nathan thought it may benefit the community to have a future meeting with homeowners and businesses along Blind Brook to discuss flood mitigation progress and future steps. Mayor Cohn responded that the DEC report is not yet final, but he is aware that the cost for the aggregate projects is quite daunting.

5. Consideration of proposed additions to the Rules and Regulations of the City of Rye Fire Department:

Policy # 804 - Patient Medical Record Security and Privacy
Policy # 805 - Personnel Records
Policy # 806 - Release of HIPAA Protected Information
Policy # 903 - Personal Alarm Devices
Policy # 904 - Hazard Communications
Policy # 905 - Illness and Injury Prevention Program

Public Safety Commissioner Mike Kopy joined the meeting to explain proposed additions to the Rules and Regulations of the Rye Fire Department. Policy #804 established safeguarding patient information captured by firefighters. Policy #805 established the definition of a personnel record and how it will be stored, retained, and released. Policy #806 ensured seamless and protected sharing of HIPAA-protected medical information in the event of firefighter injury. Policy #903 provided instructions and guidelines for personal alarm devices. (Policies #904 and #905 were not mentioned.) Mr. Kopy confirmed for Mayor Cohn that the new policies were recommended by Rye's consultants, consistent with state and federal law, and properly reviewed by the Commissioner, commanding officers, and the union.

Mr. Kopy noted the recent policy adopted by City Council to perform constant review of Police and Fire Department policies. Mr. Kopy requested permission to insert minor/ ministerial changes instead of bringing them to the Council, while more significant changes would still require Council approval. The Council discussed possibly putting minor changes to policy verbiage on the Consent Agenda.

6. Consideration of a request by Friends of Rye Nature Center (FRNC) for a new deck in accordance with the license agreement with the City of Rye.

Christine Siller, Director of Friends of Rye Nature Center, presented a request for a new deck at the facility. The proposed 25' x 35' deck would be built adjacent to the main classroom to enhance learning and enjoyment of the space. An added door would provide deck access without passing through other rooms. The estimated cost of the project was \$51,000, which would be taken from the '23 FRNC operating budget. The deck site ground was clear, save one hemlock that was incorporated into the deck's design. The plan included a deck access ramp and upgraded bird feeders for birdwatching.

Councilwoman Souza made the motion, seconded by Councilwoman Johnson, to approve the deck construction at the Friends of Rye Nature Center. The motion was unanimously approved.

7. Presentation by Spring for Rye regarding planted trees.

Lucy Berkoff, 387 Forest Avenue, said that after the flooding events in recent years, she pursued a plan with other community members to plant 200 native trees at Rye School District campuses, and Spring for Rye was born. She said that Rye Sustainability and the superintendent supported Spring for Rye, and fundraising had commenced. The 200 trees were selected for fall color and spring bloom. Multiple oak trees, valued for their vital ecosystem support, would be planted at every campus. The plan also included many red bud and dogwood trees for pollinators, and trees that drink excessive and problematic water.

Ms. Berkhoff explained that fundraising efforts would support tree maintenance for two years. Tree maintenance included deer protection and the installation of gator bags on every tree, which will be filled with water by the school district or perhaps high school volunteers. The native trees selected require less maintenance than non-native trees.

Jen Crozier, 14 Pine Lane, explained the financial details of the tree planting plan. The cost of the project was around \$200,000 which included removal of invasive species, planting preparation, professional tree installation, and replacement trees that do not survive. Initial fundraising efforts will focus on parent organizations. Additional funding will likely come from individual contributions, and \$59,000 had already been reached. The middle school and high school were committed, but the three elementary schools had yet to commit. Ms. Crozier introduced members of the Rye High School Civics Club to continue the presentation.

Sophia Tello explained to the Council that the Civics Club had been challenged with a competition to bring back native tree species to all Rye City School District campuses. Holbrook Langley spoke about the flooding and related damages and their impact to Rye. Fully grown trees drink thousands of gallons of water and will help mitigate flood water. Trees provide homes for wildlife and pollinators, shade for students, and oxygen, and trees add aesthetic value. The 200 trees were picked to match school colors which will help students, faculty, and families feel connected to their environment.

Felicia Ambrosie said the tree planting project could not happen without the support of the whole community. The Civics Club vision was for students to come together across all ages and campuses to alleviate a community-wide problem. Sports teams, clubs, individual donors, and elementary schools will all be involved in the tree planting project. The Civics Club planned a long line of red maples along Blind Brook that would be visible during Rye Garnet games. The Civics Club wanted to create a challenge within elementary schools, sports teams, and grade levels throughout the middle and high schools. Each donor will have a dedicated leaf-shaped plaque to symbolize Rye's collaboration and unity.

Grace Wong believed Spring for Rye greatly benefited Rye's environment and community. In addition to mitigating flooding, the 200 trees would bring an abundance of native vegetation. The project's reliance on school involvement unifies Rye's younger generation. Ms. Wong quoted

the New York Department of Environmental Science: "trees reduce stress and generate blissful moods." Spring for Rye contributed substantially to the community's emotional wellbeing, and planting trees will provide lasting benefits to the City of Rye.

Councilwoman Souza asked how long the fundraising effort would last, and Ms. Berkoff replied, as long as needed, but it only took a month to raise nearly \$60,000. The project had not been heavily publicized so as not to detract from other important Rye City School District fundraisers, but the appropriate time was approaching. Councilwoman Souza suggested fundraising at school socials, the fair, and derby, and encouraged Spring for Rye to reach out to her for more ideas. Ms. Crozier explained the \$500 Adopt-a-Tree initiative. The Osborn donated \$5,000, and Spring for Rye will solicit other nonprofits and businesses. Group donations can be made through the My School Bucks app.

8. Resolution to issue credit to certain members of the Rye Golf Club.

Mayor Cohn reiterated that the Rye Golf Club's decisions regarding rates going forward must consider the management of the Club's impending capital expenses. City staff and the Golf Club Commission had met with consultants about necessary improvement projects at the club. The Rye Finance Committee will work with the Golf Club on rate structures that may support expenses beyond the \$4 million reserve accumulated from member fees.

Akhil Kumar from the Golf Club Commission and Commission Finance Committee, and Eliot Chait from the Golf Club Commission, joined the meeting. They stated that a miscommunication occurred when the 2023 rate structure that needed amendment was approved and posted. Time was of the essence as pool members would soon renew, and Golf Club members who already renewed were due a refund due to the miscommunication. New members in 2023 would be charged the 2022 rates. Mr. Kumar estimated that 22 members did not renew their memberships in 2023 due to the rate change; their slots would remain open if they decided to renew with 2022 rates. The 2024 rate structure consideration has begun, and the Golf Club welcomed City Council and Finance Committee members to attend planning meetings. Updated capital expense project figures will be brought to the Council for continued discussion.

Mayor Cohn appreciated the Club's focus on long-term planning, and he shared that Jim Jenkins, Chair of the City Finance Committee, was eager to help. Councilman Nathan appreciated the Commission and Council's hard work on the challenging rate structure issue. He asked Mr. Kumar to articulate why refunds would be offered as credits, and Mr. Kumar replied the Golf Club had a no refund policy. To make these members whole, a credit was the most appropriate course of action. As soon as the Council approved the resolution, the Golf Club General Manager would contact members who joined in 2023, and members who chose not to join or rejoin based on the fees. He would explain to them that 2023 members must pay the approved rate but will be credited the difference of the adjusted fee. The credit may be used throughout the year at the Club or be applied to next year's fees.

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

**RESOLUTION RECOMMENDING CREDITS BE ISSUED TO CERTAIN
MEMBERS OF THE RYE GOLF CLUB**

WHEREAS, the Rye Golf Club submitted a proposed fee schedule for the 2023 season (the “2023 Fee Schedule”) to the Rye City Council in the fall of 2022 as part of the City Council’s budget process; and

WHEREAS, the 2023 Fee Schedule established the fees for 2022 renewing members (the “Class of 2022”) and 2023 new members at the same rate (the “New Member Rate”); and

WHEREAS, the Rye Golf Club Commission adopted a resolution on March 22, 2023 in which they recommended offering the Class of 2022 a credit towards the difference in the fee charged for the Class of 2022 and renewing members in the same category to be used for 2024 dues and/or during the 2023 season to pay for miscellaneous costs and expenses; and

WHEREAS, this is a one-time credit and is not a refund of membership dues and is being recommended to allow the Class of 2022 the benefit of the lower renewing membership rate.

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves offering the Class of 2022 the ability to receive a one-time “2023-2024 Credit” for the difference in the fee charged for the Class of 2022 and renewing members in the same membership category;

AND BE IT FURTHER RESOLVED, that the 2023-2024 Credit be offered to all existing Class of 2022 Members (resident and non-resident of all membership categories) and any member that could have signed up as a Class of 2022 Member but opted not to;

AND BE IT FURTHER RESOLVED, that the 2023-2024 Credit be offered as a credit toward the 2024 membership fee or as a credit to be used this year for miscellaneous charges (e.g., cart fees, member charges);

AND BE IT FURTHER RESOLVED, that each Class of 2022 member opting for the 2023-2024 Credit sign a waiver in which the member agrees not to commence litigation against the City or the Rye Golf Club for any membership fee dispute arising from the 2023 Fee Schedule;

AND BE IT FURTHER RESOLVED, that each Class of 2022 member opting for the 2023-2024 Credit must do so by May 15, 2023.

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Fontanes, Johnson, Nathan, Souza
Nays: None
Absent: Councilman Henderson
Abstain: Councilman Stacks

9. Resolution to amend 2023 Adopted Fees and Charges for the Rye Golf Club 2022 Pool Membership category.

Councilwoman Souza made the motion, seconded by Councilwoman Johnson, to amend the 2023 adopted annual fees for the Rye Golf Club as follows:

Resident Family Pool \$1,664
Resident Individual Pool \$874
Non Resident Family Pool \$2,876
Non Resident Individual Pool \$1,378

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Fontanes, Johnson, Nathan, Souza, Stacks
Nays: None
Absent: Councilman Henderson
Abstain: Councilman Stacks

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

There were no members of the public to be heard.

11. Open the public hearing to amend Chapter 191, Article III "Parking Regulations" of the City Code to alter parking restrictions at the City Hall lot.

City Manager Greg Ursy described the parking challenge for City Hall visitors, with more demand than supply, with two-hour restrictions on every space other than employee parking. Only nine spaces were available for visitors, including the driveway in front of the YMCA. To make it easier for City Hall and library visitors, the amendment would change the entire lot to one-hour parking, employees would have license plate readers, and four 15-minute spaces will be added near the entrance to City Hall. City Manager Ursy stated that he communicated these changes to the library and YMCA.

Councilwoman Johnson made the motion, seconded by Councilman Nathan, to open the public hearing on the amendment of City Code parking regulations. The Council unanimously favored the motion, and the public hearing was opened.

With no members of the public wishing to speak, Councilwoman Souza made the motion to close the public hearing, seconded by Councilman Nathan. The Council unanimously closed the public hearing.

Councilman Nathan asked if the library and YMCA had given any feedback on the changes. City Manager Ursy responded that the library and YMCA fully understood the parking predicament. The YMCA had taken proactive measures to ensure only YMCA visitors used their lot which abuts the City Hall lot, and they considered the lot size when planning classes. The library was working on messaging to address parking.

Councilwoman Souza made motion, seconded by Councilman Stacks, to amend Chapter 191, Article III "Parking Regulations" as follows:

LOCAL LAW NO. 04 2023

A Local Law to amend Chapter 191, Article III “Parking Regulations” of the Code of the City of Rye, by amending § 191-20 “Parking time limited” to add a new car park location under (D) One hour limit and add Library Lane under (E) Fifteen-minute limit.

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

Section 1. Chapter 191, titled “Vehicles and Traffic,” Article III titled “Parking Regulations” is hereby amended in the Rye City Code as follows:

§ 191-20 Parking time limited.

D. One-hour limit. The parking of vehicles is hereby prohibited in the following locations for a period longer than one hour between the hours of 7:00 a.m. and 6:00 p.m., except on Sundays:

1. Name of Street	2. Side	3. Location
4. Cowles Avenue	5.	6.
7. Elm Place	8. North	9. Entire north side except 3 spaces close to Theodore Fremd Avenue
10. Elm Place	11. South	12.
13. Haviland Lane	14. West	15.
16. Hillcrest Lane	17. Both	18.
19. Locust Avenue	20. Both	21. From the easterly end of Mead Place to Theodore Fremd Avenue
22. Mead Place	23. Both	24. Westerly portion off Locust Avenue
25. Mead Place	26. East	27. Easterly portion off Locust Avenue
28. Purchase Street	29. Both	30. From Boston Post Road to Natoma Street
31. Purdy Avenue	32. Both	33. From Third Street to First Street
34. School Street	35. West	36.
37. Theodore Fremd Avenue	38. South	39. From Elm Place to the entrance to Park No. 2
40. Third Street	41. Both	42. From the commuter parking area point 100 feet north of Purdy Avenue
43.	44.	45.

46. Name of Car Park	49. Exceptions
47.	50. Except those cars that have employee parking permits
48. City Hall Car Park	

E. Fifteen-minute limit. The parking of vehicles is hereby prohibited in the following locations for a period longer than 15 minutes between the hours of 7:00 a.m. and 7:00 p.m., except on Sundays:

51.	Name of Street	52.	Side	53.	Location
54.	Boston Post Road	55.	East	56.	From Central Avenue to Rectory S
57.	Car Park 2	58.		59.	Parking spots Nos. 239, 240, 241, 242 along 14 to 16 Elm P excluding handicap space
60.	Elm Place	61.	North	62.	2 spaces on the north side close Theodore Fremd Avenue
63.	First Street	64.	West	65.	3 spaces along the west of First S parallel to the building and the cur
66.	Forest Avenue	67.	West	68.	From the southwest driveway of service station to Elmwood Avenue
69.	Library Lane	70.		71.	For the entire length of Library L along the curb between the drive entrances to 1037 Boston Post Road
72.	Purchase Street	73.	East	74.	From Elizabeth Street southerly 140 feet
75.	Purdy Avenue	76.	North	77.	From the east side of the post o property to Third Street
78.	Sylvan Road	79.	South	80.	2 spaces on the south side close Midland Avenue
81.	Third Street	82.	East	83.	From Purdy Avenue to the post o driveway
84.	Third Street	85.	West	86.	From Purdy Avenue to a point 100 north thereof

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 shall take effect immediately upon filing with the Secretary of State.

ROLL CALL

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

City Manager Usry noted that the law would be in effect immediately upon filing with the Secretary of State, but it may take a couple weeks to get signage. He confirmed for Councilwoman Johnson that there would be social media announcements.

12. Resolution to amend the 2023 Adopted Fees and Charges for the Clerk's office.

City Clerk Carolyn D'Andrea explained that the Domestic Relations Law was amended recently at the state level to include a one-day officiant license for marriages, and its adoption was required in every municipality. Based on information Ms. D'Andrea received from the Clerks' Association, members of Universal Life Church and similar entities that may be considered members of the clergy were not required to obtain the one-day licenses, which should reduce chaos in the office. Ms. D'Andrea confirmed for Councilwoman Souza that anyone can pay the \$25 fee and become a wedding officiant for one day, but the fee and paperwork must be processed at least 30 days before the ceremony, and the ceremony must take place in the municipality where the couple obtained their marriage license.

Councilwoman Souza made the motion, seconded by Councilman Stacks, to approve the amendment of the 2023 Adopted Fees and Charges to include the \$25 fee for the one-day marriage officiant license.

ROLL CALL

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

13. Set a public hearing for April 26, 2023, to adopt a new local law to amend Chapter 191 “Vehicles and Traffic” by adding a new Part 4 “Residential On-Street Parking Permit System” and adding Article IX “Residential On-Street Parking Permit Regulations” to the Code of the City of Rye. (Mead Place parking district)

Mayor Cohn explained that decades ago when running for office he met people on Mead Place who asked for help with their parking problems. Mead Place houses had small driveways and its residents were constantly competing for street parking with visitors to the adjacent business district. Residents in other areas of Rye voiced similar complaints of competition for parking near their homes. Over the decades the City has considered but not moved on the possibility of creating individual parking districts, and Mead Place would be an experiment to see if residential parking districts could prove effective for other neighborhoods in Rye.

Councilwoman Souza made the motion, seconded by Councilwoman Johnson, to set the public hearing on April 26, 2023 for a new local law to amend Chapter 191 “Vehicles and Traffic” by adding a new Part 4 “Residential On-Street Parking Permit System” and adding Article IX “Residential On-Street Parking Permit Regulations” to the Code of the City of Rye. The Council unanimously supported the motion.

14. Resolution authorizing the City Manager to retain attorney Joel R. Dichter, Esq. of Dichter Law LLC for an amount of \$30,000 for professional fees and services regarding Veolia water rate increases.

City Manager Usry confirmed \$30,000 was the fixed price for the necessary legal services, but that could change at a future date. The cost was being equally shared among the City of Rye, Port Chester, and Rye Brook.

Councilwoman Johnson made the motion, seconded by Councilman Stacks, to authorize the City Manager to retain Joel R. Dichter, Esq. of Dichter Law LLC for an amount of \$30,000 for professional fees and services regarding Veolia water rate increases.

ROLL CALL

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

15. **Award bid for Rye Recreation Summer Camp Bus Services.**

City Manager Usry reported that Rye Recreation summer camp was back in full force and enrollment was breaking records. The City of Rye was required to enter into a contract for transportation of students and staff for the traveling Camp 78. A second bus was added in '23 which quickly filled up. Rye had worked with the same coach company for a number of years. The Council was asked to approve the award of the contract.

Councilwoman Fontanes made the motion, seconded by Councilwoman Johnson, to award the coach company bid for Rye Recreation summer camp services to County Coach Corp. for an amount of \$79,975.00.

ROLL CALL

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

CONSENT AGENDA

- a) Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to approve a parade to commemorate Memorial Day to be held on Monday, May 29, 2023, from 9:30 a.m. to 10:30 a.m.
- b) Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to hold a Memorial Day Ceremony on the Village Green event to be held on Monday, May 29, 2023, from 10:15 a.m. to 11:15 a.m.
- c) Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to have a food truck on Haviland Lane at the Memorial Day event to be held on Monday, May 29, 2023, from 9 a.m. to 12 p.m.

Councilwoman Johnson made the motion, seconded by Councilwoman Souza, to approve all Consent Agenda items. The Council unanimously favored the motion.

16. **Appointments to Boards and Commissions by the Mayor with Council approval.**

Mayor Cohn announced the appointment of Anthony DiCaprio to the Zoning Board of Appeals, effective at the end of Susan Brown's last meeting. Mayor Cohn thanked Susan Brown for her years of service. Mr. DiCaprio will fill Ms. Brown's term that will end on December 31, 2022.

17. Old Business/New Business.

Councilwoman Fontanes thanked Rye staff for initiating and swiftly implementing accessibility features on the City of Rye website.

Councilwoman Souza provided dates for several events:

April 13: Jay Heritage Foundation Daffodil Event

April 22: Little League Parade, 11:00a

April 30: YMCA Derby and Kids' Day; sneaker donations will be accepted

May 7: Farmers' Market opens and runs until December 3rd, 8:30a-1:00p.

May 13: Rye Sustainability's Clean Energy Fair, 10:00a-1:00p

July 21-23: Chamber of Commerce Sidewalk Sale

City Manager Usry added that the free Summer Concert Series at the amphitheater will begin at the end of April. Details will be posted on the Rye website.

18. Adjournment.

Councilwoman Souza made the motion, seconded by Mayor Cohn, to adjourn the City Council meeting. The Council was in favor and the meeting was adjourned.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: March 22, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Flooding Update - Envision Strategies presentation on proposed federal funding strategies.

FOR THE MEETING OF:

April 12, 2023

RECOMMENDATION: That the Council view the presentation.

IMPACT: ☒ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 12, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

FEMA Financial Recovery Update.

FOR THE MEETING OF:

April 26, 2023

RECOMMENDATION: That the Council hear the presentation.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: See attached.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 12, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Presentation of the 2022 preliminary financial results.

FOR THE MEETING OF:

April 26, 2023

RECOMMENDATION: That the Council hear the presentation.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 10, 2023

CONTACT: Greg Usry, City Manager

ACTION: Capital Projects Finance Plan Update.

FOR THE MEETING OF:

April 26, 2023

RECOMMENDATION: That the Council hear the update on the Capital Projects Finance Plan.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Please see attached.

CIP FINANCIAL PLAN



April 26, 2023



CIP PROJECT COSTS

Project	Estimated Cost
Department of Public Works - Disbrow	\$9,950,000
City Hall HVAC	2,400,000
Forest Avenue Sidewalks	2,800,000
Police/Court Facilities	3,700,000
T. Fremd Wall	2,010,000
STS Benefit Project	150,000
RTP-City Contribution	255,000
Sanitary Sewer Improvements	14,400,000
Street Resurfacing (3 years)	3,500,000
Stormwater System Improvements	1,850,000
Total Project Expenses	\$41,015,000



DPW PROJECTS

DPW PROJECTS	COST ESTIMATE AS OF	ESTIMATED START DATE	GROSS EXPENSE	GRANTS RECEIVED	NET EXPENSE
Building 5	Spring 2022	Fall 2023	\$7,000,000		7,000,000
Building 7	Final	Underway	400,000		400,000
Salt Shed	Spring 2022	Underway	2,200,000	400,000	1,800,000
Fuel Depot	Final	Underway	350,000		350,000
			\$9,950,000	\$400,000	\$9,550,000



MISCELLANEOUS PROJECTS

MISC PROJECTS	COST ESTIMATE AS OF	ESTIMATED START DATE	GROSS EXPENSE	GRANTS RECEIVED	NET EXPENSE
City Hall HVAC	Fall 2021	Winter 2023	\$2,400,000		\$2,400,000
Forest Ave. Sidewalks	Summer 2018	Winter 2024	2,800,000	2,100,000	700,000
Police/Court Facility	Summer 2018	TBD	3,700,000		3,700,000
T. Fremd Wall	Summer 2021	TBD	2,010,000	516,000	1,494,000
			\$10,910,000	\$2,616,000	\$8,294,000



SOURCES OF FUNDS

Funding Source	
2022 Bond Proceeds	\$13,550,000
Capex Reserves	7,440,000
Grants	13,016,000
Projected State Budget Monies (3 years)	
State Touring Routes	4,080,000
CHIPS	1,728,000
Misc. Roads	660,000
Projected City Budget Monies (3 years)	
Tax Rate	1,800,000
Permits (surcharge)	<u>300,000</u>
TOTAL FUNDING SOURCES	\$42,925,000



CIP FUNDING RISKS

Estimated Cost	\$41,015,000
Funding Sources	<u>42,925,000</u>
	<i>\$1,910,000</i>

- Risks to meeting funding requirements
 - ✓ Cost escalators
 - ✓ Cost of delay – annual cost inflation and further deferred maintenance
- Additional unknown funding opportunities
 - ✓ Annual budget surplus
 - ✓ Additional grant opportunities
 - ✓ 2022 Environmental Bond Referendum

THANK YOU





CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 12, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Open the public hearing to amend Chapter 187 "Trees" of the Rye City Code. OR Discussion of initial draft of law to amend Chapter 187 "Trees" of the Rye City Code.

FOR THE MEETING OF:

April 26, 2023

RECOMMENDATION: That the Council open the public hearing.

IMPACT: ☒ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

Please see attached law.

D R A F T

**LOCAL LAW
CITY OF RYE NO. ____ -2023**

**A Local law to amend in its Entirety Chapter 187 “Trees”, of the
Code of the City of Rye, New York**

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

Section 1. Chapter 187, “Trees”, of the Code of the City of Rye is hereby repealed in its entirety and replaced with the following:

CHAPTER 187 TREES

**ARTICLE I
Findings, Purpose and Definitions**

§ 187-1 Findings and purpose.

The preservation and maintenance of trees and wooded lands is necessary to protect the health, safety and general welfare of the City of Rye because trees provide shade, impede soil erosion, aid water absorption, reduce storm water runoff, enhance air quality, mitigate global climate change, yield advantageous microclimate effects, offer a natural barrier to noise, provide a natural habitat for wildlife and add to the aesthetic quality of the community. The purpose of this chapter is to encourage the preservation and planting of healthy native trees and to encourage the proper planning for the maintenance and restoration of City trees

§ 187-2 Definitions.

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

ANSI A300 Standards – The standards with respect to the care and treatment of trees developed by the American National Standards Institute and designated as ANSI A300.

CALIPER – The trunk diameter measured six inches above the ground for up to and including four-inch caliper size and 12 inches above the ground for larger sizes

CITY - City of Rye, New York.

CERTIFIED ARBORIST - A professional holding certification regulated and maintained with the International Society of Arboriculture (ISA).

CITY PROPERTY – Every parcel owned by the City of Rye, which includes rights-of-way (ROW), parks, open space and City facilities as shown on the City’s Official Tax Map.

DBH - The diameter of a tree measured at a point of fifty-four (54) inches above ground level at the base of the tree on the uphill side.

INVASIVE SPECIES – A non-native tree species that adversely affects the habitats it invades economically, environmentally, or ecologically and is a tree listed as a prohibited or regulated invasive species pursuant to 6 CRR-NY 575.3 or CRR-NY 575.4, as amended from time to time.

PUBLIC PROPERTY - Shall be any property or right-of-way owned by any municipal corporation or public school district.

PUBLIC RIGHT-OF-WAY – The surface and space above, on, and below any public highway, avenue, street, lane, alley, driveway, bridge, tunnel, park, parkway, waterway, dock, bulkhead, wharf, pier, public easement, right-of-way or any other public ground or water within or in which the City now or hereafter holds any property interest.

TREE - A living deciduous or coniferous plant with an erect perennial trunk and a definitely formed crown of foliage.

TREE, PROTECTED - Any tree that has a DBH of eight (8) inches or greater.

TREE, SIGNIFICANT - Any tree that has a DBH of thirty (30) inches or greater.

TREE FOREMAN The labor foreman in charge of trees or such representative, such as an experienced certified arborist, designated by the City Engineer.

ARTICLE II

Trees on City and Public Property

§ 187-3 Planting of trees on City property.

No person shall plant any tree, shrub or other vegetation within the limits of any public street, right-of-way, park or other public place without first obtaining a permit from the Department of Public Works and complying with the following requirements. Such a permit shall be granted only upon the determination by the Tree Foreman, after consulting with the Police Department, that such a planting will not create a traffic hazard and will not interfere with the use of such street, right-of-way, park or other public place by the public and that such planting will enhance the beauty and appearance of the street, right-of-way, park or other public place and the surrounding area.

- A. Trees planted within the limits of any City street, right-of-way, park or other public place shall be of a species and quality approved by the Tree Foreman and shall be planted at least 30 feet

apart unless otherwise authorized by the Tree Foreman. Each deciduous tree shall measure not less than 2.0 inches nursery caliper nor eight (8) to ten (10) feet in height, if a conifer.

- B. Should any tree, shrub or plant planted within the limits of any City street, right-of-way, park or other public place pursuant to any such permit, in the opinion of the Tree Foreman, at any time constitute a traffic hazard, interfere with the use of such street, right-of-way, park or other public place by the public or detract from the beauty and appearance of the street, right-of-way, park or other public place or the surrounding area, such tree, shrub or plant will be removed.

§ 187-4 Protection to public trees.

- A. No person, including a person employed by or acting on behalf of a public utility, may:

- (1) Remove a tree on City property without the approval of the Tree Foreman;
 - (2) Fasten or tie any animal to or attach any sign, bill, card, notice or advertisement to any tree or shrub in any City street, right-of-way, park or public place or allow any animal under his control to injure any such tree or shrub;
 - (3) Injure or destroy any tree on City property; pruning shall be done pursuant to ANSI standards and topping will not be permitted.
 - (4) Pass any public service utility wire through the branches of a tree on City property without sufficient insulation to prevent damage to the tree;
 - (5) Attach a guy wire to a tree on City property in such a manner as to girdle or restrict the growth of the tree. Where it is necessary to attach any guy wires or cables, such devices shall be attached by means of lag hooks screwed into the trunks or by eyebolts passing through the trunk;
 - (6) Attach a guy wire or cable to a tree on public property except by means of a lag hook screwed into the trunk or an eyebolt passing through the trunk; or
 - (7) Climb a tree on City property with the aid of spurs, unless the trees is being climbed for removal.
- B. No person, including any person or entity engaged by any person to treat any tree on public property, may treat a tree on public property without the permission of the Tree Foreman.
- C. Any person who removes a tree on City property or causes a tree on City property to be removed, must, within 3 six months after doing so, remove the stump and all debris from the disturbed area, backfill all holes and leave the area graded and covered in a manner acceptable to the Tree Foreman.

- D. No person shall prune, spray, treat cavities, fertilize, cable, brace or otherwise treat or cause to be treated City trees without first receiving approval by the Tree Foreman. No City employee shall treat City trees without first consulting the Tree Foreman
- E. Trees on Public Property as defined herein shall not be subject to the requirements of this Chapter.
- F. When it is necessary to remove limbs to make clear passage for wires and where the removal of such limbs might injure a tree or spoil its symmetry or otherwise mar its appearance, it shall be necessary to obtain a permit from the Department of Public Works before starting such work. It shall not be necessary to secure a permit for the usual periodical removal of small branches to allow the free passage of wires, but any such work will be subject to inspection by the Tree Foreman, and where such work is not up to ANSI A300, Part 1 standard, any expense incurred by the City in repairing the same will be charged to the public utility responsible.

ARTICLE III

Trees on Private Property

§ 187-5 Prohibited trees.

Property owners and other persons are prohibited from planting the any Invasive Species as defined in Section 187-2.

§ 187-6 Removal of trees as part of Subdivision.

Any property owner applying for subdivision approval whose plans would require the removal of any trees is subject to the tree preservation regulations outlined in Chapter 170, *Subdivision of Land*, of the Code of the City of Rye. .

§ 187-7 Permit required and approving authority

- A. Permit Required. The removal of any Protected Tree or Significant Tree shall require the submission of a tree removal permit from the City Building Inspector. Permit and application requirements as set forth by the Building Inspector shall be submitted prior to the commencement of any tree removal. An application fee and inspection fee in amounts set forth in a fee schedule established from time to time by the City Council shall be submitted with the application. The Building Inspector may consult with a Certified Arborist, Tree Foreman or other City Official as authorized by the City Manager to confirm tree health and condition prior to the issuance of a permit. Appeals of the Building Inspector's determination or permit conditions can be appealed to the City Planning Commission. Permits shall be issued as follows:

- (1) **Dead or Dangerous Trees.** The Building Inspector may approve the removal of any Protected or Significant Tree deemed dead or deemed an imminent risk pursuant to the standards and criteria of ANSI A300, Part 9.
- (2) **Limited Tree Removal.** If a tree is deemed neither dead nor deemed an imminent risk, the Building Inspector may approve within any 12-month period on a property the removal of any Protected or Significant Tree subject to the limitations in the table below. Any tree removal exceeding the maximum permitted tree removal limitations in the table below shall be subject to subject to the Planning Commission review and restoration requirements of §187-8.

Tree Removal Allowed by the Building Inspector in a 12-Month Period

Private Property Lot Size	Permitted Tree Removal by Building Inspector
Less than 10,000 square feet	Up to 3 Protected Trees, not more than 1 of which can be a Significant Tree
10,001 square feet to 20,000 square feet	Up to 4 Protected Trees, not more than 1 of which can be a Significant Tree
20,001 square feet to 2 acres	Up to 6 Protected Trees, not more than 2 of which can be a Significant Tree
Greater than 2 acres to 10 acres	Up to 13 Protected Trees, not more than 3 of which can be a Significant Tree
More than 10 acres	Up to 36 Protected Trees, not more than 6 of which can be a Significant Tree

- B. **Storm Damage Exemption.** As a result of a severe weather event involving significant damage to trees, the City Manager may temporarily suspend the requirement of this Chapter.

§ 187-8 Planning Commission review and appeals

- A. **Application Requirements.** Applications seeking to appeal a Building Inspector determination or an application for tree removal subject to Planning Commission review pursuant to §187-7 or §187-8, shall provide the application forms, information and plans as established by the Planning Commission and submitted pursuant to their meeting deadline requirements. An application fee and inspection fee in amounts set forth in a fee schedule established from time to time by the City Council shall be submitted with the application.
- B. **Procedure.** The Planning Commission shall review tree removal permit applications or Building Inspector appeals at their regularly scheduled meetings. Such meetings shall adhere to notice, minute and decision-making requirements as provided for by law. No

tree removal shall commence until a written permit has been issued by the Planning Commission.

- C. **Tree Removal Involving Land Development.** Applications involving tree removal pursuant to § 187-7 that is associated with land development or land disturbing activities must be reviewed and approved by the Planning Commission. All development activities including but not limited to all proposed structures such as buildings, pools, walls, impervious areas, grading, utility connections and stormwater drainage measures shall be shown on a plan and its relationship and potential impact to existing regulated trees. The size, type, health and condition of all regulated trees as determined by Certified Arborist shall be shown on the plan as well as all tree preservation and tree protection measures.
- D. **Permit Condition and Decision Criteria.** As part of any tree permit the Planning Commission is authorized to implement conditions or require measures to protect trees from development or construction activities. In considering tree removal applications or Building Inspector appeals, the Planning Commission shall authorize tree removal consistent with the following decision criteria:
- (1) The tree to be removed is dead, diseased, dangerous or invasive.
 - (2) The tree to be removed substantially interferes with the permitted use of the property and that such construction or use of the property cannot be reasonably modified or altered to accommodate the preservation of the tree.
- E. The Planning Commission in its review of any application may seek the assistance of an experienced Certified Arborist and the advisory opinion of the Conservation Commission/Advisory Council. The Commission may also require the applicant to place in escrow with the City a fee sufficient to reimburse the City for the cost of professional consultation fees and other expenditures attributable to the proposal. The Planning Commission may establish an escrow account funded by the applicant prior to the Commission authorizing the performance of consulting services regarding the proposal.

§ 187-9 Restoration

- A. **Tree Replacement Schedule.** All permits involving the removal of trees as part of a Planning Commission permit shall be required to replant trees on the property based on the following schedule:

DBH of Tree Removed (inches)	Number of Trees To Be Replanted
8 to 12	1 for every two trees removed
13 to 24	1 for every tree removed
25 to 39	2 for every tree removed
40 to 49	3 for every tree removed
50 to 59	4 for every tree removed
60 or greater	5 for every tree removed

B. Tree Replanting Guidelines. As part of a restoration plan the Planning Commission shall adhere to the following tree replanting guidelines, which it may modify at its discretion based on specific site condition or other circumstances.

- (1) Replanted trees shall have a minimum caliper of 2.0 inches or greater or 8-10 feet tall if a conifer tree. The number and size of replanted trees can be varied by the Planning Commission due specific site conditions or potential circumstances such as minimizing potential erosion impacts.
- (2) Native hardwood deciduous trees shall be preferred over non-native or ornamental trees or shrubs.
- (3) A diversity of tree species in a tree replanting program shall be encouraged to the maximum extent possible.
- (4) Where possible, tree replanting should be located in front yards, particularly where large mature trees have been removed in a front yard.
- (5) On-site tree replacement is preferred over off-site such as an adjacent right-of-way. Any tree planting on City Property requires approval of the Tree Foreman prior to planting regardless of whether it is part of a Planning Commission's approved restoration plan.

C. Tree Replanting Conditions. The Planning Commission is authorized to establish reasonable conditions related to replanting requirements including, but not limited to required City inspections, time frames to complete required replanting and other provisions to insure the preservation and survivability of required replanted trees. Following ANSI standards adjusted for local conditions.

D. In the event that conditions on a lot make the planting of required replacement trees not feasible, the Planning Commission may order the applicant to pay a sum of money to the Tree Fund in an amount established by the City Council in its annual fees and charges schedule.

§ 187-10 Removal of branches overhanging highways.

Where privately owned trees encroach upon any street, right-of-way, park or other public place, the Tree Foreman is authorized to remove branches overhanging any public street, right-of-way, park or other public place, or if, in his or her judgment, such trees are dangerous to the public, he or she is authorized to remove them.

§ 187-11 Removal of dead trees.

Where any dead tree or trees located on private property adjacent to a public street, right-of-way, park or other public place constitute a danger or are potentially dangerous to the traveling public,

the Tree Foreman may serve personally or by mail upon the owner of said property a written notice to remove the dead tree or trees, and upon failure to do so within 20 days after the service of said notice, the City, through its contractors, agents or employees, may remove the same and assess the cost thereof against the property affected by said assessment, to be levied, collected and enforced in the same manner as taxes upon said property for City purposes are levied, collected and enforced.

ARTICLE IV Penalties for Offenses

§ 187-12 Penalties for offenses.

- A. Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a violation and, upon conviction, may be subject to fines, including:
- (1) Violations affecting a Protected Tree: up to \$1,000 per violation;
 - (2) Violations affecting a Significant Tree: up to \$1,000 per violation;
 - (3) Other violations of this chapter: up to \$1,000 per violation;
 - (4) Fines are cumulative;
 - (5) Each tree removed in violation of this Chapter shall be deemed a separate violation;
 - (6) Both the property owner and the tree removal contractor may be held in violation and fined separately.
- B. A restoration agreement may be required in addition to any fines associated with the violation.
- (1) The restoration agreement may mandate planting one or more replacement trees on the property that are of like quality and size to those removed in violation of this Chapter. If like-sized replacement is not practical, replacement with a specific quantity of smaller-sized trees may be required.
 - (2) Restoration planting shall be completed within six months of the execution of the restoration agreement. If seasonal planting requirements prevent the timely completion of restoration, the time line may be extended by the Building Inspector.
 - (3) No certificate of occupancy shall be issued by the Building Inspector until the restoration work is completed to the reasonable satisfaction of the Building Inspector. If circumstances prevent the restoration plan from being completed, the Building Inspector may permit the owner to post a bond or cash equivalent sufficient to cover the cost of the restoration planting. The bond or cash equivalent will be returned to applicant upon the satisfactory completion of work inspection to the satisfaction of the Building Inspector.

- C. In addition to the foregoing, any person, firm or corporation engaged in the business of tree removal or care who or which shall aid, assist or abet in the violation of this Chapter may be denied a permit under 187-7 for up to two years to ensure future compliance.
- D. The City shall have the right to seek equitable relief to restrain any violation or threatened violation of any provision of this Chapter and to compel the replacement of any or all trees removed illegally, and the restoration of the land affected to its condition prior to the provisions of this chapter.
- E. The City shall not issue a building permit, Certificate of Occupancy for any property for which a violation of this chapter has been served, or for which an administrative or judicial proceeding has been commenced under this section, for 18 months after said violation or proceeding is dismissed or resolved.

ARTICLE V Enforcement

§ 187-13 Enforcement.

The City Engineer or the Building Inspector or their designee shall enforce this chapter.

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 shall take effect immediately upon filing with the Secretary of State.

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CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 4, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Open public hearing to adopt a new local law to amend Chapter 191 "Vehicles and Traffic" by adding a new Part 4 "Residential On-Street Parking Permit System" and adding Article IX "Residential On-Street Parking Permit Regulations" to the Code of the City of Rye. (Mead Place parking district)

FOR THE MEETING OF:

April 12, 2023

RECOMMENDATION: That the Council open the public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: See attached draft law.

DRAFT

LOCAL LAW NO. _____-2023

A Local Law to amend Chapter 191 “Vehicles and Traffic” by adding a new Part 4 “Residential On-Street Parking Permit System” and adding Article IX “Residential On-Street Parking Permit Regulations” to the Code of the City of Rye.

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

Section 1. Chapter 191, titled “Vehicles and Traffic,” is hereby amended to add Part 4 “Residential On-Street Parking Permit System,” Article IX “Residential On-Street Parking Permit Regulations” to the Rye City Code as follows:

§ 191-50 Purpose, intent and findings.

- A. The City Council hereby finds that a residential parking permit system on Mead Place is necessary in order to preserve the character of the neighborhood, improving access to residences and parking for residents. Mead Place is a small horse-shoe shaped street that provides access to approximately 17 homes as well as small businesses and the Rye YMCA (the “YMCA”). The Mead Place neighborhood is within the Central Business District of Rye and is readily accessible to the downtown streets to shop and eat. Mead Place is also within walking distance to the Metro North Railroad station. The parking on Mead Place is free. Currently, with very limited exceptions, there is no overnight street parking in the City from November through March.
- B. The YMCA’s parking lot frequently overflows during peak a.m. and p.m. hours when programming and group exercise classes are running or during swim meets and gymnastic competitions. In order to address the overflow parking from the YMCA members as well as the public wishing to obtain free parking while commuting on Metro North or while shopping and dining downtown and to allow those residents on Mead Place the ability to park their vehicles on the street during the day without a time restriction, the City Council sought state legislation authorizing the creation of an on-street parking permit system for residents, which legislation was adopted and became effective on June 30, 2022, and codified in the New York State Vehicle and Traffic Law as section 1640-r.

§ 191-51. Definitions.

As used in this article, the following terms shall have the meaning indicated, unless the context clearly requires otherwise:

RESIDENT – an individual currently residing within the parking area based on the submission of adequate documentation in accordance with the provisions of this article.

RESIDENTIAL PARKING PERMIT AREA – Consisting of the following roadway on the following street(s) and sides of streets.

Name of Street	Side	Location
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Mead Place	Both	Between Locust Avenue on each end
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§191-52. Designation of permit parking areas; permit required; hours.

- A. A residential parking permit system is hereby established within the residential parking permit area, as define herein.
- B. Except as otherwise provided herein, no person shall park a vehicle, nor allow a vehicle to be parked at any time, Monday through Friday between the hours of 7:00 a.m. to 7:00 p.m., excluding holidays, along any street that has been designated a residential parking permit area pursuant to this article.
- C. The City shall register the car within the City’s parking permit system and such permits shall be enforced by the City of Rye Police Department.

§ 191-53. Issuance of residential parking permits.

- A. Upon application and payment of the applicable fee, any person who is a resident and who meets the applicable requirements of this article shall be permitted one permit per household. The City Clerk shall establish guidelines to issue permits, including proof of residency.
- B. The permittee shall immediately notify the City Clerk of any change or amendment from the information contained in the original application.

§ 191-54. Fees.

- A. The fees for residential parking permits shall be set by resolution by the City Council of Rye.
- B. The fees collected pursuant to this article shall be credited to the general fund of the City of Rye.

§ 191-55. Exemptions; Nonresident Parking Exception.

- A. Motor vehicles registered pursuant to §404-a of the New York State Vehicle and Traffic Law shall be exempt from any permit requirement established pursuant to this chapter.
- B. No permit shall be required on those portions of streets within the residential parking permit area where the adjacent properties are zoned for commercial or retail use.
- C. Notwithstanding anything to the contrary herein, vehicles without a permit may be parked in the non-residential parking permit area for a period not in excess of 90 minutes.

§ 191-56. Conflicts.

To the extent that the provisions in this article conflict with any other provisions in Chapter 191, the provisions herein control.

§ 191-57. Penalties for offenses.

Any person violating any provisions in this article may, upon conviction, be punished by a fine set by resolution of the City Council.

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 shall take effect June 1, 2023 after filing with the Secretary of State.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 12, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Councilman Henderson on Rye Golf Club.

FOR THE MEETING OF:

April 26, 2023

RECOMMENDATION: That the Council discuss the issues presented.

IMPACT: ☒ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 21, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Set a public hearing to amend Chapter 161, Article III "Private Sanitary Sewer Laterals" by adding § 161-17.1 "Standards for connection to a common force main," to the Code of the City of Rye for May 10, 2023.

FOR THE MEETING OF:

April 26, 2023

RECOMMENDATION: That the Council set the public hearing.

IMPACT: ☒ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

Please see the memorandum and draft local law attached.



CITY OF RYE
Department of Public Works

Interoffice Memorandum

To: Greg Usry, City Manager
From: Ryan Coyne, City Engineer *RC*
Date: April 20, 2023
Subject: Modification to the City's Sewer Code Requested by the WCHD

The Westchester County Health Department is requesting that the City modify its code to reflect a new requirement regarding sewer service connections.

By way of background, the property owner at 5 Manursing Way recently applied to the Health Department for a new sewer main extension that will be installed by them at their cost and turned over to the City for future ownership. The system is designed as a low pressure sewer forcemain whereby each residence will be required to install a pumping system on their property to connect to the new forcemain. This system is identical to those installed in Kirby Lane, Club Road, Drake Smith Lane, and others. This particular system is designed to accommodate all homes on Manursing Way for future connections and will provide physical connections for all properties between #5 and Forest Avenue, namely #s 2,3,5,6, and 10 Manursing Way. The remaining properties would require another extension of the forcemain in the street in order to connect in the future.

The Health Department is requiring that the City adopt a provision in its law that states that all connections to the system will be in accordance with the approved plans. In short, the system requires certain pumps and appurtenances to be installed on private property in order to properly function and meet Health Department requirements. The modification to the law will allow for the City to require and enforce that future property owners follow the approved plans when connecting to the sewer.

There is no additional burden on the City, financial or otherwise, to have this provision incorporated into the City's code. It will allow for more efficient approvals to connect to new sewer infrastructure, not only on Manursing Way but for all future properties subjected to WCHD approved sewer main plans.

Please feel free to contact me should you need additional information.

DRAFT

LOCAL LAW NO. _____-2023

A Local Law to amend Chapter 161, Article III “Private Sanitary Sewer Laterals” by adding § 161-17.1 “Standards for connection to a common force main,” to the Code of the City of Rye.

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

Section 1. Chapter 161, titled “Sewers,” Article III titled “Private Sanitary Sewer Laterals” is hereby amended in the Rye City Code as follows:

New material is underlined and in blue.

**ARTICLE III
Private Sanitary Sewer Laterals**

§ 161-15. Legislative intent.

The purpose of this article is to reduce infiltration and inflow into the sanitary sewer system operated by the City of Rye and exfiltration of sewage into groundwater and waterways by requiring inspection, testing, repair, replacement and ongoing maintenance of private sewer laterals by property owners in the City of Rye.

§ 161-16. Definitions.

As used in this article, the following terms are defined as follows:

DISCHARGE COMPLIANCE CERTIFICATE

A certificate issued by the Building Inspector based upon a plumber's certification stating that:

- A. All of the connections leading from the structures on the property to the public stormwater sewer lines and the public sanitary sewer lines comply with the requirements of the New York State Building Code, the Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code;
- B. There are no culverts, drains, hoses, leaders, lines, pipes or pumps that discharge liquids into the sanitary sewer; and
- C. The sanitary sewer laterals leading from the structures on the property do not directly or indirectly allow inflow or infiltration into the City's public sanitary sewer lines.

EXFILTRATION

Raw sewage that leaks out of laterals into soil, groundwater and waterways.

INFILTRATION

Water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

INFLOW

Water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from sources such as, but not limited to, roof leaders, sump pumps, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street washwaters and drainage. Inflow does not include, and is distinguished from, infiltration.

PLUMBER'S CERTIFICATION

A certification made to the City by a plumber licensed to do business within the County of Westchester that the plumber:

- A. Has inspected all of the connections leading from the structures on the property to the public stormwater sewer lines and the public sanitary sewer lines and that all such connections comply with the requirements of the New York State Building Code, Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code;
- B. Has inspected the real property and found that there are no culverts, drains, hoses, leaders, lines, pipes or pumps that discharge liquids into the sanitary sewer; and
- C. Has inspected the sanitary sewer laterals leading from the structures on the property and determined that such laterals do not directly or indirectly allow inflow or infiltration therefrom into the City's public sanitary sewer lines, which inspection must include either a video record of a closed-circuit television (CCTV) inspection of the entire sanitary sewer lateral that has been provided to the City, or, in the case of a force or pump system, the results of a pressure test of the system; satisfactory, in either case, to the Building Inspector or his designee.

RENEWAL EVENT

Either a transfer of title to the real property, other than a transfer between family members in order to create a joint tenancy or tenancy in common, or an application for a building and/or plumbing permits for construction with a value that exceeds 50% of the assessed value of the property, including improvements. Renewal events shall occur provided no inspection has been conducted at the subject property in the five-year period prior.

SANITARY SEWER LATERAL or LATERAL

The sanitary sewer pipe running from the structures on a property conveying wastewater from the structure and connecting to the public sanitary sewer main.

§ 161-17. Standards for maintenance of sanitary sewer laterals.

- A. It is the sole responsibility of the private property owner to perform all required maintenance, repairs and replacements of sanitary sewer laterals in accordance with the requirements of this article and the requirements of the New York State Building Code, the Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code.
- B. Laterals shall be kept free from roots, grease deposits and other solids which may impede the flow or obstruct the transmission of sewage.
- C. Laterals shall not exhibit any signs of infiltration.
- D. Laterals shall not exhibit any sign of exfiltration or leakage.
- E. Lateral pipe joints shall be tight and all lateral pipes shall be free of any structure defects such as breaks, openings, and voids.

[§ 161-17.1. Standards for connection to a common force main.](#)

Connection to any common sanitary sewer force main shall be constructed strictly in accordance with plans, details, specifications, and standards approved by the City Engineer and the Westchester County Department of Health.

§ 161-18. Correction or abatement.

- A. If at any time any sanitary sewer lateral is found by the Building Inspector or City Engineer to not be in compliance with the requirements of § 161-17, the owner of the property must cause all necessary repairs made to bring the lateral into compliance. Unless the Building Inspector and City Engineer allow additional time for good cause shown, the owner of the property must undertake to complete the required repairs to the satisfaction of the Building Inspector and City Engineer or their designees within 60 days of the sooner of becoming aware of the noncompliance, or receiving notice from the City or otherwise, including an inspection by a plumber done in connection with providing a plumber's certification, that the lateral is not in compliance.
- B. If the owner fails to complete the repairs and bring the lateral into compliance within the time required, the City may enter upon the property and complete the required work, and the cost of doing so will be billed to the owner of the property, and in the event of nonpayment, will be a lien on the property which can be collected and enforced as part of, and in the same manner as, City taxes.
- C. Upon completion of the repairs, the owner must provide to the Building Inspector and City Engineer a detailed invoice specifying the repairs made and reflecting payment for the repairs and a plumber's certification, and must obtain from the Building Inspector a discharge compliance certificate.

- D. An owner may choose to correct the noncompliance by replacing the sanitary sewer lateral. Any new sanitary sewer lateral, whether installed to correct a noncompliance or otherwise, must be installed in accordance with all applicable codes and regulations, including this article, and must be inspected by the Building Inspector, who will issue a discharge compliance certificate if the new lateral complies with the requirements of this article.

§ 161-18.1. Inspection upon renewal event.

- A. Each property owner must obtain a discharge compliance certificate prior to any renewal event as defined in § 161-16. Upon making an application for a discharge compliance certificate, the Building Inspector, City Engineer, or their designees shall have the right to inspect the property. If the plumber's inspection, the video required to be submitted, or the inspection by the Building Inspector or his designee indicates the lateral is not in compliance with the requirements set forth in § 161-16 above, the owner shall be required to correct the conditions not meeting the requirements and provide a plumber's certification and video indicating all conditions have been corrected and that the lateral is now in compliance with this article. Upon the Building Inspector and City Engineer determination that the lateral is in compliance, the discharge compliance certificate will be issued.
- B. If at the time of a renewal event or a required inspection the owner can prove that a discharge compliance certificate has been issued within the preceding five years, and there has been no significant change in the condition of the property, the Building Inspector may waive the requirement for a new discharge compliance certificate for that particular renewal event.

§ 161-18.2. Fees.

The fee for the issuance of a discharge compliance certificate shall be as set forth in the fee schedule adopted by the City Council.

§ 161-18.3. Penalties for offenses.

Any person, firm, association, or corporation which violates any of the provisions of this article or fails to complete remediation as required herein shall be guilty of a violation and, upon conviction, shall be punished by a fine of not more than \$500 or imprisonment for not more than 15 days, or both such fine and imprisonment. Each day the violation exists shall constitute a separate offense.

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 shall take effect immediately upon filing with the Secretary of State.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 14, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Resolution to amend the 2023 Adopted Fees and Charges for the Clerk's office.

FOR THE MEETING OF:

April 26, 2023

RECOMMENDATION: That the Council adopt the proposed fees.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: See attached memo.

Carolyn D'Andrea
City Clerk
1051 Boston Post Road
Rye, New York 10580



Tel: (914) 967-7371
Fax: (914) 921-2493
E-mail: cdandrea@ryeny.gov
<http://www.ryeny.gov>

Office of the City Clerk

Memorandum

To: Greg Usry, City Manager
From: Carolyn D'Andrea, City Clerk
Date: 4/13/2023
Re: Recommended Update to the 2023 Fees and Charges Schedule

Six Month Fees for All Day/ All Night Parking Permits for Residents Without Access to Off-Street Parking

The City Clerk's office has issued "All Day/ All Night" parking permits for many decades to residents local to the central business district and other areas of Rye that do not have access to off-street parking or driveways. These permits allow a resident who is in need of parking to park in a City of Rye parking lot and move the car off the street. The annual fee for an All Day/ All Night parking permit is \$900. The City's six month All Day/ All Night permit costs \$500, as the goal was to incentivize the purchase of an annual permit. However, since the pandemic lockdown of 2020, the City has allowed residents to purchase Monthly All Day/ All Night permits for a cost of \$75 per month (the prorated amount of a yearly permit). The six month cost at this point may penalize residents by having them pay an extra \$50 for the year. In the interest of fairness, and due to resident feedback, we recommend streamlining this pricing and amending the six month All-Day, All Night permit to be \$450. The potential revenue loss is minimal to the City.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 12, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Resolution to appropriate \$25,000 from contingency for arborist services.

FOR THE MEETING OF:

April 26, 2023

RECOMMENDATION: That the Council consider the resolution:

RESOLVED, that the City Comptroller is hereby authorized to transfer \$25,000 from the General Fund Contingency Account to City Council consultant account for arborist services.

IMPACT: ☒ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 10, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request from the Rye Free Reading Room (RFRR) to use the Village Green for various events such as outdoor Wiggle Giggle, family story times, Robert the Guitar Guy, classical musical concerts, and other common library programs on various days from May 1, 2022 – October 31, 2023. RFRR will coordinate with City staff to ensure there is no interference with maintenance of the Village Green.

FOR THE MEETING OF:

April 26, 2023

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

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The RFRR has requested use of the Village Green on various days between May – October for various programs.

Library programs will occur between 9:30 am and 6:30 pm, with later programs wrapping up by 8 pm.

The library will coordinate set-up and other activities with the City Manager and appropriate City staff to ensure programs do not interfere with landscaping activities or other program requests.

See attached request.



April 10, 2023

Honorable Joshua Cohn, Mayor
Rye City Council

Dear Mayor Cohen:

The Rye Free Reading Room respectfully requests the use of the Village Green to offer a variety of library programs from May 1, 2023 through October 31, 2023. The programs will include Wiggle Giggle, Robert the Guitar Guy, family story times, a museum treasures walkthrough, classical musical concerts, and other common library programs.

Library programs will occur between 9:30 and 6:30, with later programs wrapping up by 8 pm.

The library will coordinate set-up and other activities with the City Manager and appropriate city staff to ensure programs do not interfere with landscaping activities or other program requests.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Shoemaker', with a long horizontal flourish extending to the right.

Chris Shoemaker
Library Director



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 10, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request from the Rye Free Reading Room (RFRR) to use the Village Green on Friday, September 8, 2023, until Monday, September 11, 2023. The sale will take place Saturday and Sunday from 12 pm – 5 pm and the Village Green will be completely cleared by Monday morning.

FOR THE MEETING OF:

April 26, 2023

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

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The RFRR has requested use of the Village Green for a book sale fundraiser.

The sale will be on Saturday and Sunday from 12 pm to 5 pm, while setup will take place on Friday, September 8 and cleanup will be Monday, September 11. The event will have approximately 75 tables spread across the Green, with adult, teen, and children's books of all varieties. The Village Green will be cleared on Monday morning.

The Rye Free Reading Room and the Auxiliary Board host this event as a fundraiser for the library.

See attached request.



April 10, 2023

Honorable Joshua Cohn, Mayor
Rye City Council

Dear Mayor Cohn:

The Rye Free Reading Room respectfully requests the use of the Village Green from Friday, September 8, 2023 through Monday, September 11, 2023 for the 2023 Book Sale. The sale will be on Saturday and Sunday from 12 pm to 5 pm, while setup will take place on Friday, September 8 and cleanup will be Monday, September 11. The event will have approximately 75 tables spread across the Green, with adult, teen, and children's books of all varieties.

The Rye Free Reading Room and the Auxiliary Board host this event as a fundraiser for the library.

The Rye Free Reading Room is committed to providing a wide range of programming that enhances the lives of Rye residents, and has collaborated with the City for approval of similar requests. We are excited to continue to support community focused programs, and appreciate your consideration of this request.

Sincerely,

A handwritten signature in brown ink, appearing to read 'Chris Shoemaker', with a long horizontal flourish extending to the right.

Chris Shoemaker
Library Director