

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

**REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS, CITY HALL  
Wednesday, July 12, 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.

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the Regular Meeting of the City Council held June 14, 2023 and the Special Meeting of the City Council held June 16, 2023.
4. Flooding Update.
5. Acknowledgement of City Staff for 10, 15, 20, 25-year work anniversaries in 2023 with the City of Rye.
6. Update on Rye Nature Center by Director, Christine Siller.
7. Presentation of the 2022 City Financial results by Jonathan Gibbs of the auditing firm of BST & Co, LLP.
8. Authorization to transfer \$110,000 from Contingency to the Legal Account for the remainder of 2023. Roll Call.
9. Set a public hearing for August 9, 2023, to amend Chapter 191, Article III “Parking Regulations” of the Code of the City of Rye, by amending § 191-21 “Parking, Standing or Stopping.” to prohibit parking, standing, or stopping from 100 ft North of Parsons Street to the entrance of Old Post Road on the west side of Boston Post Road.
10. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.
11. Overview of 2023 CFA and related grants.

12. Consider a resolution to authorize the City Manager to submit a WIAA Clean Water Grant Program application for funding to enable repairs to the City's sewer system.
13. Resolution to declare certain City equipment as surplus.  
Roll Call
14. Old Business/New Business.
15. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, August 9, 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](http://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 June 14, 2023, at 6:30 P.M.

PRESENT:

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

The Council convened at 5:30 P.M. Councilwoman Souza made a motion, seconded by Councilman Stacks, to enter into executive session to discuss litigation and personnel matters. The Council reconvened in the public meeting at 6:30 P.M. The meeting was streamed live at [www.ryeny.gov](http://www.ryeny.gov) for public viewing.

1. Pledge of Allegiance.

Mayor Cohn led the Council in the Pledge of Allegiance.

2. Roll Call.

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

3. Draft unapproved minutes of the Regular Meeting of the City Council held May 24, 2023.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to adopt the draft minutes of the Regular Meeting of the City Council held May 24, 2023.

Councilman Nathan made a motion, seconded by Councilman Henderson, to amend the agenda to add the follow resolution:

**WHEREAS**, the Mayor and Councilmembers Johnson, Souza, and Stacks have brought suit against the Rye City Board of Ethics;

**WHEREAS**, under the City Charter, and the Public Officers Law of New York State, the City has an obligation to indemnify and defend the Board of Ethics and officers of the City,

**RESOLVED**, that the Board of Ethics is hereby authorized to retain counsel of its choosing and to enter into a retainer agreement at an initial retainer amount not to exceed \$100k.

There was discussion among the Council about the resolution, whether the City's insurance would cover such litigation, and the events that transpired leading to the resolution and the

litigation. This discussion can be found at <https://ryeny.new.swagit.com/videos/239049> at minute 1:25.

A roll was called to determine if the resolution would be added to the agenda:

**ROLL CALL**

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

The motion failed.

4. **Consideration of proposed policies for the City of Rye Fire Department:**

- Policy 906 – Public Employee Safety and Health Bureau Inspections
- Policy 907 – Division of Safety and Health Notification of Illness, Injury or Death
- Policy 1010 – Driver License Requirements
- Policy 1011 – Reporting for Duty
- Policy 1029 – Uniform Regulations
- Policy 1030 – Badges
- Policy 1031 – Identification Cards

Police Commissioner Mike Kopy presented proposed policies for the City of Rye Fire Department. Policy 906 designated an officer to handle PESH inspections. Policy 907 established procedures for notifications of illness, injury, or death. Policy 1010 required all career staff, including volunteer corps, to hold a valid NY state driver's license. Policy 1011 was procedures for reporting for duty, leaving duty, and when supervisors should be notified. Policy 1029 established uniform guidelines, Policy 1030 outlined badge norms and procedures, and Policy 1031 provided the same for identification cards.

Councilman Henderson asked whether the Fire Department conducted an investigation after PESH inspections, and Mr. Kopy confirmed the Department would be address any violations identified by PESH. The law required the Department to provide open access to PESH inspectors. Critical issues would be reported immediately, and smaller issues would appear in a forthcoming report. Councilman Henderson recommended clarifying the verbiage.

5. **Open a public hearing to adopt a new local law amending Chapter 1-12, "Definitions" under "General Provisions," to add a definition for "holiday," and create a uniform use of the word "holiday" throughout the City Code of the City of Rye by also amending "Telecommunications," §185-4, and "Vehicles and Traffic" §191-38.1, §191-42, §191-46.**

City Clerk Carolyn D'Andrea explained that upon review of the City Code there were discrepancies in the use of the word "holiday." To establish the definition of "holiday," the City created a list of observed holidays which would apply to all City Code.

Councilwoman Souza made the motion, seconded by Mayor Cohn, to open the public hearing. The Council was in favor.

No members of the public wished to speak on the issue.

Councilwoman Souza made the motion, seconded by Mayor Cohn, to close the public hearing. The Council was in favor.

Councilwoman Souza made the motion, seconded by Councilman Stacks, to adopt the local law amending Chapter 1-12 with the definition of “holiday” and amending “Telecommunications,” §185-4, and “Vehicles and Traffic” §191-42, §191-46, as follows:

## **CITY OF RYE**

### **LOCAL LAW    09       2023**

A local law to amend Chapter 1-12, “Definitions” under “General Provisions,” to add a definition for “holiday,” and create a uniform use of the word “holiday” throughout the City Code of the City of Rye by also amending “Explosives, Blasting and Mechanical Rock Excavation,” §88-10, §88-16, “Leaf Blowers,” §122-5 and 122-7, “Noise,” §133-8, “Telecommunications,” §185-4, and “Vehicles and Traffic” §191-42, §191-46.

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

**Section 1.**       §1-12, “Definitions,” is hereby amended to add the following definition:

#### **HOLIDAYS**

For purposes of the City Code, the term ‘Holidays’ shall refer to the following days of the year: New Year’s Day, Martin Luther King Jr. Day, President’s Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Election Day, Veterans’ Day, Thanksgiving Day, and Christmas Day. This definition shall not, and is not intended to, govern the use of the term ‘Holidays’ with respect to the City’s labor contracts or for any other purpose.

**Section 2.**       Chapter 88, “Explosives, Blasting and Mechanical Rock Excavation,” is hereby amended under §88-10 and §88-16, as follows:

#### **§ 88-10 Hours blasting is allowed; permit conditions.**

- A. No person shall engage in blasting operations within the City of Rye after the hour of 3:30 p.m. or before 9:00 a.m. on weekdays or at any time on Saturday and Sunday; or on any holidays, or on Rosh Hashanah, Yom Kippur, or the day after Thanksgiving through Thanksgiving weekend, or December 26-31 except under authority of a special permit issued by the City Manager. In addition, blasting will be prohibited

within 750 feet of a school on testing days.

**§ 88-16 Mechanical rock excavation permit.**

- D. No person shall engage in mechanical rock excavation, as defined in § 88-15, within the City of Rye before the hour of 9:00 a.m. or after 3:30 p.m. on weekdays or at any time on Saturday and Sunday; or on any holidays or on Rosh Hashanah, Yom Kippur, the day after Thanksgiving through Thanksgiving weekend, or December 26-31 except under authority of a special permit issued by the City Manager. In addition, mechanical rock removal, including mechanical rock excavation, will be prohibited within 750 feet of a school on testing days.

**Section 3.** Chapter 122, “Leaf Blowers,” is hereby amended under §122-5 and §122-7, as follows:

**§ 122-5 Days and hours of operation of motorized landscaping equipment.**

- B. The use of motorized landscaping equipment, including lawn mowers, leaf blowers and other outdoor machine-powered equipment, is not permitted on holidays, Rosh Hashanah or Yom Kippur.

**§ 122-7 Penalties for offenses.**

- B. Conducting motorized landscaping work outside of permitted hours or on ~~restricted~~ holidays. The following parties shall have committed a violation of this chapter if it is not complied with:
- (1) The party(ies) operating the motorized landscaping equipment; and
  - (2) The party who employed the person(s) who operated the motorized landscaping equipment at the time of violation; and
  - (3) The party who owns, rents or otherwise controls the property where the violation occurs.

**Section 4.** Chapter 133, “Noise,” is hereby amended under §133-8, as follows:

**§ 133-8 Construction work prohibited at certain hours and on certain days.**

[Added 6-18-2003 by L.L. No. 2-2003; amended 4-11-2007 by L.L. No. 2-2007; 5-7-2008 by L.L. No. 4-2008; 7-8-2015 by L.L. No. 6-2015; 5-27-2020 by L.L. No. 6-2020; 12-21-2022 by L.L. No. 10-2022]

- A. No person shall engage in construction work earlier than 8:00 a.m. or later than 6:00 p.m. on weekdays; earlier than 10:00 a.m. or later than 5:00 p.m., prevailing time, on Saturdays; or at any hour on Sundays or any holidays, Rosh Hashanah or Yom Kippur.

**Section 5.** Chapter 185, “Telecommunications,” is hereby amended under § 185-4, “Definitions,” to amend the current definition of “HOLIDAYS” as follows:

**HOLIDAYS**

The days of the year that fall on New Year’s Day, Martin Luther King’s Birthday, President’s Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Election Day, Veterans’ Day, Thanksgiving Day, and Christmas Day.

**Section 6.** Chapter 191, “Vehicles and Traffic,” is hereby amended under §191-42, and §191-46 as follows:

§ 191-42      Use of off-street area for parking storage.

No person shall use any off-street public parking area maintained by the City of Rye for the regular storage of an automobile or other vehicle at night, holidays or on Sundays.

§191-46.      Commuter Parking areas established.

No person shall be permitted to park an automobile or other vehicle or shall permit an automobile or other vehicle to remain in or upon the public parking places or areas described as follows between the hours of 7:00 a.m. and 7:00 p.m. each day except Sundays and holidays, unless the owner of such vehicle shall have a tag or license hereinafter described. Said public parking places consist of those four parcels of land located:

- A.      On property owned and controlled by the Metropolitan Transit Authority, located on the southeasterly side of Purchase Street in the City of Rye, County of Westchester and State of New York, substantially as shown on the plan or map entitled "Map of Property to be Leased by the City of Rye, Westchester County, New York, surveyed as in possession, June 16, 1952, Russell Munson, Surveyor, 11 William Street, White Plains, New York, last revised March 31, 1953," and thereon designated as "Parcels A and B," a copy of said map or survey having heretofore been filed in the office of the Clerk of the City of Rye.
- B.      Including also three parcels of land owned and controlled by the City of Rye and shown and designated on the Tax Maps of the City of Rye as "Sheet 146.07, Block 1, Lot 23"; "Sheet 146.07, Block 1, Lot 14"; and "Sheet 139.19, Block 3, Lot 80."

**Section 7.** This local law shall take effect July 1, 2023 after filing with the Secretary of State.

**ROLL CALL**

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

6. Continued Public Discussion and Possible Consideration of City Council Resolution Re-Stating its role as Lead Agency and Directing City Staff and Consultants to Prepare the necessary SEQRA and other documentation for the City Council's Consideration in Connection with the Construction of a Turf Field at Nursery Field.

Mayor Cohn acknowledged the differences of opinion in the room and asked everyone to conduct themselves respectfully.

The Council asked Rick McCabe from Rye Recreation Commission to speak. He shared the Commission's support for an artificial turf field at Nursery Park to accommodate youth sports. He said that Nursery Field was regularly closed due to field conditions, and that a synthetic field could provide over 50 hours of playing time per week compared to 36-45 hours on natural fields. Mr. McCabe acknowledged the neighborhood impact and the implications of building on wetlands. However, he said that water drainage problems in the Nursery Field neighborhood could be improved with the proposed drainage system.

Mr. McCabe explained that the Rec Commission supported the project location because it was an existing field, not undeveloped green space. Other locations were considered and none were a better fit than Nursery Park. Mr. McCabe encouraged citizens to attend Rec Commission meetings to share their opinions, though he had seen few in attendance thus far.

Councilman Henderson posed the question of whether the citizens' funding group should provide the funding for the soft costs in case the project fell through.

Councilman Nathan inquired as to the method of fundraising; whether there were written pledges or if the funds had already existed. There was general discussion regarding the school district's turf field installation and funding and the history of that project.

Matt Pymm, 93 Overlook Place, was invited by the Council to speak. He said that he represented Let the Kids Play, the community fundraising group for the proposed artificial turf field. He stated that the group raised \$1.6 million in pledges in 30 days. He said that if the Council presented a plan for a high school-sized, multi-sport, artificial turf field, with environmental protections and high-quality components excluding crumb rubber, Let the Kids Play would fund the entire project, including the initial study. He stressed the mental health benefits for children and offered financial transparency in the process.

Mayor Cohn summarized the history and current state of this project, being presented for Council consideration before COVID, and now has returned that the funding group has reconstituted. The Council considered a resolution to include "60% design," a pre-bid design



analysis of project implications. The design was subject to change and accompanied by the development of environmental and regulatory reports. The Council would decide on the project after hearing the Planning Commission's opinion. The present matter before the Council was moving to a design that would enable technical questions to be answered with greater certainty.

Councilman Nathan reiterated that the citizens' group should fund the initial soft costs to avoid wasting taxpayer money if the plan was not successful, and because the City considered the turf field based solely on the commitment of private funds. Councilwoman Fontanes agreed.

Councilwoman Souza said she felt it was a risk worth taking to address a widespread community need. Let the Kids Play sent the Council their written commitment to reimburse the initial costs, which Councilwoman Souza thought was more appropriate than the group pre-paying for an unconfirmed project.

Councilwoman Fontanes was concerned about the project. Councilwoman Johnson responded that the location choice was based on the informed opinion of the Rec Commission, and the resolution was to ensure correct environmental procedures.

The following members of the public spoke on this issue; please see <https://ryeny.new.swagit.com/videos/239049> at 57:43:

- Gavin Molinelli, 27 Island Drive
- Sue Drouin, 57 Morehead Drive

Mayor Cohn clarified that no wetland would be filled. Ms. Wilson added that the playing field did not include federal or state-regulated wetland, that it was a wetland buffer regulated by the City's local code 195. Regarding flood impact, the mayor noted that in 2020 the hydrologist's report indicated that the flood plain expanded over the entire marsh, so any water displacement the field created would have no impact.

- Allison Relyea, 12 Halsted Place

There was discussion among the Council regarding the history of the project, transparency, and the SHPO analysis that stated there was nothing of historical significance or ancient burial ground within the area considered.

Mr. Usry explained at Councilwoman Souza's request that Stantec was an international engineering firm with a variety of divisions. A hydrology engineer performed the assessment, not the consultant, Mr. Nardone. Ms. Wilson confirmed for Councilwoman Fontanes that the City may need to resubmit the SEQRA application, but it was likely not necessary for SHPO.

- David Thomas, President and Founder of the Friends of the African American Cemetery in Rye

- Mark Hayes, 68 Elmwood Ave
- Riley Pymm, 93 Overlook Place
- Paul Benowitz, 29 Ellsworth
- Andrew Layng, 4 Fieldstone Road
- Laffourgue Laurence, 1 Ormond Place
- Douglas Carey, 860 Forest
- John Leonard, 1 Apawamis Ave
- Eleanor Pymm, 93 Overlook Place
- Suzanne Clary, 14 Dogwood Lane
- Riley Driscoll and Avni Patel, 136 Apawamis and 2 Forest
- Jen Driscoll, 136 Apawamis Ave
- Chris Watson, 1 Beary Court
- Ellen Weiniger, Director of Educational Outreach at Grassroots Environmental Education, 24 Prescott, White Plains
- Allison Relyea, 12 Halsted Place
- Sue Drouin, 57 Morehead
- Erin Pymm, 93 Overlook Place
- Paul Lojuez, 7 Hickory
- Nicole Holler, 409 Milton Road
- Caitlin Colvin, 67 Dearborn Ave
- Chris Cunningham, 19 Hill Street

With no further public comments, the Council discussed the field project. Councilman Henderson had concerns and felt that the discussion should be broadened, and all options considered. Councilwoman Souza felt the Council should move forward, as turf would provide a solution to a need in Rye.

There was discussion regarding process and financial transparency of the donor group. The Council asked Let the Kids Play to provide financial documents.

Councilwoman Fontanes made a motion to direct staff and the Rye Rec Commission to provide comprehensive data to the Council, including analysis of current field use, projected use, current and projected housing trends, all options for fulfillment within City borders, and a plan involving the entire Council and public in workshops as needed, deadline to be determined by the city manager by the next Council meeting, with an interim report to be provided at the same time. There was no second to the motion.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson to move the resolution restating City Council's role as lead agency and directing City staff and consultants to prepare the necessary documentation for the City Council's consideration in connection with the construction of a turf field at Nursery Field, as follows:

### **RESOLUTION**

#### **City Council Resolution Re-Stating its role as Lead Agency, Directing City Staff and Consultants to Prepare the necessary SEQRA documentation for the City Council's Consideration in Connection with the Construction of a Turf Field at Nursery Field**

**WHEREAS**, in 2019 the Rye City Council engaged consulting engineers to consider modifications to improve the playability of Nursery Field located at 421 Milton Road in response to a potential resident funds donation offer for a synthetic turf field; and

**WHEREAS**, between the fall of 2019 through February 2020, the City Council received a variety of reports and information from its consultants and staff regarding the viability and feasibility of various improvement options and turf choices to improve the playability of Nursery Field; and

**WHEREAS**, all reports and information were made available to the public on the City website (<https://www.ryeny.gov/services/projects-and-information/nursery-field-project-information>) ; and

**WHEREAS**, there was questioning and extensive comment both for and against various field improvement options presented at City Council meetings and in numerous written submissions from area neighbors, field user groups, the City's Recreation Commission, City Board and Commission members, community groups and organizations and the general public; and

**WHEREAS**, there were two public work sessions held in February 2020 in which the City Council heard consultant presentations and public comment regarding a variety of improvement options and playing surfaces (<https://www.ryeny.gov/services/projects-and-information/nursery-field-project-information> ); and

**WHEREAS**, the City Council suspended consideration of Nursery Field improvements as a result of the Covid-19 pandemic;

**WHEREAS**, the City Council is proceeding on the basis of the offer of another potential funds donation for a synthetic turf field; and

**WHEREAS**, there was an updated consultant presentation and public comment at the City Council's May 24, 2023 meeting (<https://www.ryeny.gov/home/showpublisheddocument/16225/638205278476070000>); and

**WHEREAS**, the installation of a synthetic turf field at Nursery Field is considered a Type I Action that requires the preparation of additional plans, studies and forms to comply with the requirements of the State Environmental Quality Review Act (SEQR).

**NOW, THEREFORE, BE IT RESOLVED**, the City Council hereby restates its role as Lead agency and classifies the Proposed Action as a Type I action under SEQRA; and

**BE IT FURTHER RESOLVED**, that the City Council identifies a Proposed Action for purposes of environmental review as a synthetic turf field with a playing surface elevated above the 100-year FEMA flood elevation, including a robust sub-surface drainage system and an appropriate field base and infill material (other than crumb rubber) that is sensitive to the health and safety of field users and that does not significantly adversely impact the environmental functions of adjacent wetlands; and

**BE IT FURTHER RESOLVED**, that the City Council hereby authorizes the expenditure of \$150,000 from the General Capital Projects Account to further advance the design of a turf field to 60% design and to retain the services of an environmental/planning consultant to assist in the preparation of the necessary studies and reports, including the stormwater pollution prevention plan to be all accomplished as soon as possible; and

**BE IT FURTHER RESOLVED**, that the City Council hereby directs City Staff and its consultants to prepare as soon as possible an Environmental Assessment Form (EAF), Coastal Assessment Form (CAF), stormwater pollution prevention plan (SWPPP), hydrological studies, among other necessary relevant studies and information of the Proposed Action for City Council and review as required by SEQR; and

**BE IT FURTHER RESOLVED**, the City Council refers the Proposed Action, once the application materials are completed, to the Planning Commission for an advisory opinion on the impacts to the wetlands and also the Proposed Action's consistency with the Local Waterfront Revitalization Plan.

**ROLL CALL**

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

Mayor Cohn requested Let the Kids Play engage with Mr. Usry in due diligence and share it with the Council. He reassured the public that the Council will be looking for the safest infill materials. PFA-free synthetic turf was an option, and every significant component of the field can be tested under California Prop 65 standards. Mayor Cohn said that he appreciated the conduct of citizens on both sides of the issue.

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

The following members of the public spoke about matters not on the agenda; please see <https://ryeny.new.swagit.com/videos/239049> at 2:52:38.

Gerry Seitz, 141 Kirby, spoke about the tree law and Council litigation with the Board of Ethics.

Jono Peters, 85 Ridge St., spoke about the Council litigation with the Board of Ethics.

8. Consideration to set a public hearing for July 12, 2023, to amend Chapter 191, Article III “Parking Regulations” of the Code of the City of Rye, by amending § 191-21 “Parking, Standing or Stopping” to prohibit parking, standing or stopping from 100 ft North of Parsons Street to the entrance of Old Post Road on the west side of Boston Post Road.

Councilwoman Souza made the motion, seconded by Councilwoman Johnson, to set a public hearing on July 12, 2023, to amend Chapter 191, Article III of the Code of the City of Rye. The Council was in favor.

9. Resolution authorizing the City Manager to enter into a Right-of-Way and Corridor Agreement between the City of Rye and TC Systems, Inc to grant permission for TC Systems to utilize public rights-of-way within the geographic boundaries of the City, to construct, maintain and operate fiber optic cable and related necessary equipment.

Maximillian Mahalek, legal representative of the applicant TC Systems, Inc, explained their request to install aerial fiber optic cables to service an existing telecommunication facility at Rye Town Park. He stated that the City Council approved the co-location site in 2021. Fiber optic cable enhanced site efficiency, increased connectivity for residents and businesses, and enabled location detection for 911 calls. The fiber optic cables would be installed on existing ConEd poles that already supported wires. TC Systems will perform needed repairs and indemnify the City as part of the agreement, and the applicant will carry up to \$5 million of umbrella insurance.

Mr. Mahalek confirmed that there would be no distinguishable difference between the new fiber optic and existing wires. Mr. Mahalek could not say for sure the exact thickness of the fiber optic wire, but he was confident that the wires would match the thickness of the existing infrastructure on the utility poles.

Councilwoman Souza made the motion, seconded by Councilman Stacks, to authorize the resolution:

**RESOLVED**, that the City Council authorizes the City Manager to enter into a Right-of-Way and Corridor Agreement between the City of Rye and TC Systems, Inc.

**ROLL CALL**

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

10. Resolution consenting to the re-appointment of Mr. Bart DiNardo to the Emergency Medical Services Committee as the City of Rye community representative.

Councilwoman Souza made the motion, seconded by Councilwoman Johnson, to re-appoint Mr. Bart DiNardo to the Emergency Medical Services Committee as the City of Rye community representative. The Council was in favor.

11. Authorization for City Manager to enter into an Inter-municipal Agreement with Westchester County for providing a Positive Youth Development Program.

City Manager Usry explained that every year the City of Rye received approximately \$2,600 from the County to be applied to the annual operating budget of the Rye Youth Council, an entity in compliance with IMA requirements.

Councilwoman Souza made the motion, seconded by Mayor Cohn, to authorize the City Manager to enter into an inter-municipal agreement with Westchester County for providing a Positive Youth Development Program.

**ROLL CALL**

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

12. Update on a pending legal matter.

Ms. Wilson explained that the City of Rye was the defendant in a pending matter with respect the County of Westchester and Standard Amusements regarding the tax status of Playland Park. The City argued that payments must be made before litigation, and to date neither the County nor Standard Amusements paid taxes due on the Playland Park parcel. Ms. Wilson recommended the City Council make a motion to commence an Article 78 proceeding in the form of a mandamus against the County of Westchester and Standard Amusements, asking a judge to require payment of the unpaid taxes pending litigation.

Councilman Nathan asked if the County recently took action that was relevant to the decision. Ms. Wilson confirmed at the end of May, in due course annually, the County debits the City's account for 60% of the County's levee, and the other 40% in August. She explained that essentially, the County collected the tax that they refused to pay the City.

Councilwoman Souza made the motion, seconded by Councilwoman Johnson, to commence an Article 78 mandamus against the County of Westchester and Standard Amusements.

#### ROLL CALL

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

#### CONSENT AGENDA

- a) Consideration of a request from Sleep in Heavenly Peace (SHP) Beds Charity to use the City Hall parking lot on Saturday, June 24, 2023 from 8:00 am – 2:00 pm to build beds for children in need. Rain date would be Saturday, July 8, 2023.
- b) Consideration of a request by Christ's Church for use of the City streets (Rectory Street) on the following dates:
  - 6/11/23, 9:00am-1:00 pm - Annual Church Picnic (retroactive)
  - 9/10/23, 9:00am-1:00pm - Homecoming Church Picnic
  - 10/21/23, 8:00-5:00pm - CCNS Fall Family Day
  - 12/2/23-12/3/23, 8:00am-5:00pm - Annual Christ's Church Christmas Tree Sale
  - 5/19/24, 9:00am-1:00pm - Pentecost Sunday Food Trucks
  - 6/2/24 - 9:00am-1:00pm - Annual Church Picnic

Councilwoman Souza made the motion, seconded by Councilwoman Johnson, to approve the two Consent Agenda items. The Council was in favor.

#### 13. Old Business/New Business

Councilman Nathan made the motion, seconded by Councilman Henderson, to authorize the Board of Ethics to retain counsel. Councilman Nathan read the resolution into the record.

**WHEREAS**, the Mayor and Councilmembers Johnson, Souza, and Stacks have brought suit against the Board of Ethics;

**WHEREAS**, under the City Charter and Public Officer’s Law of New York State, the City has an obligation to indemnify and defend the Board of Ethics and Officers of the City;

**NOW, THEREFORE BE IT RESOLVED**, the Board of Ethics is hereby authorized to retain counsel of its choosing and to enter into a retainer agreement at an initial retainer amount not to exceed \$100,000.

**ROLL CALL**

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

There was discussion among the Council regarding the relevant litigation, the Public Officers Law with regard to indemnification of public officers, insurance coverage, potential litigation costs and process. This discussion can be found at <https://ryeny.new.swagit.com/videos/239049> at 3:18:42.

Robin Jovanovich, Rye resident, made a statement about the litigation in support of city staff.

Mayor Cohn made a motion, seconded by Councilwoman Souza, to retroactively authorize the commencement of the subject Article 78 proceeding against the Board of Ethics.

**ROLL CALL**

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

**14. Adjournment.**

Councilwoman Souza made a motion, seconded by Mayor Cohn, to adjourn the City Council meeting at 10:25 P.M. The Council was in favor and the meeting was adjourned.

Respectfully submitted,

Carolyn D’Andrea  
City Clerk



***DRAFT UNAPPROVED MINUTES*** of the Special Meeting of the City Council of the City of Rye held in City Hall on June 16, 2023, at 4:00 P.M.

PRESENT:

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

The Council convened at 4:00 P.M. in person in Rye City Hall for the Special Meeting of the City Council. The meeting was called to order at 4:15 P.M.

1. Pledge of Allegiance.

Mayor Cohn led the City Council the Pledge of Allegiance.

2. Roll Call.

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

3. Consideration of motion(s) to authorize the expenditure of funds and retention of Counsel(s) related to **In the Matter of an Application of John Cohn et al v. City of Rye Board of Ethics.**

Mayor Cohn introduced the subject of the meeting. He provided a brief account of events that transpired between February 2023 to present regarding the calling of a special meeting to consider a moratorium on the clear cutting of trees. (To hear the Mayor's statement and Council discussion, please visit <https://ryeny.new.swagit.com/videos/245242> at 1:04).

There was discussion among the Council regarding the events that transpired and the recent litigation brought by Mayor Cohn, Councilmembers Johnson, Souza and Stacks against the Board of Ethics for the issuance of the Board's advisory opinion on the matter of the special meeting that was called in February.

Mayor Cohn opened the meeting for public comment. The following individuals made public comment; please see <https://ryeny.new.swagit.com/videos/245242> at the following minute markers:

Shari Punyon, 81 Glen Oaks Drive (14:46)

Gerry Seitz, 141 Kirby (17:50)

There was discussion among councilmembers regarding the publicity of the confidential advisory opinion.

Katie Manger, 35 Grandview, read a joint statement from the Rye Democratic and Republic Committees (25:55).

Meg Cameron, 5 Martin Butler Court (29:18).

Jono Peters, 85 Ridge St. (31:57).

Mayor Cohn read a proposed resolution into the record:

WHEREAS, it is important to encourage community participation in the City of Rye's volunteer government roles; and

WHEREAS, in the case of the confidential advisory opinion dated February 13, 2023 (the "Opinion"), the opinion of the City's Board of Ethics, the Board of Ethics is facing a legal challenge, stating that it exceeded its legal authority, arrived at a result unsupported by law through a process devoid of fairness and further exacerbated by the publication of the opinion, itself in violation of the City's Code of Ethics; and

WHEREAS, reputational harm has been inflicted upon those criticized in the opinion, that harm will be perpetuated through online reference, and that harm already has appeared in the workplace; and

WHEREAS, the legal challenge alleges that through the opinion the Board of Ethics has usurped the role of the City Council and the responsibilities of councilmembers; and

WHEREAS, those on this Council criticized by the opinion are now taking the unusual step of challenging the opinion in an effort to restore propriety to the important Board of Ethics function; and

WHEREAS, the Board of Ethics denies the allegations and legal challenge; and

WHEREAS, this City Council makes reference to what is at law referred to as "the rule of necessity to the extent appropriate," and finds in this unusual case it is in the public interest to support the legal challenge and have judicial review of the opinion and Board of Ethics process, as well as to support the defense of the Board of Ethics.

NOW, THEREFORE, BE IT RESOLVED, that an amount not to exceed \$45,000 for legal counsel services performed from May 15, 2023 to the conclusion of the legal challenge in the trial court is approved for the City of Rye Board of Ethics; and

BE IT FURTHER RESOLVED, that an amount not to exceed \$45,000 for legal counsel services performed from April 15, 2023 to the conclusion of the legal challenge in the trial court

is approved for the City officials who are petitioners of Case 62424/2023 filed in Westchester Supreme Court on June 13, 2023 (the “Litigation”); and

BE IT FURTHER RESOLVED, that the legal fee invoices or paid receipts must be paid or reimbursed within 10 business days or received by the City.

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

Councilman Henderson and Councilman Nathan objected to passing the resolution. Their statements regarding the resolution can be found at <https://ryeny.new.swagit.com/videos/245242> at minute 39:10.

There was a roll call on the aforementioned resolution:

**ROLL CALL**

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

Councilman Nathan offered a resolution to increase the Board of Ethics’ initial legal funds to \$70,000 because he believed \$45,000 was an inadequate amount.

Councilman Nathan made the motion, seconded by Councilman Henderson, to increase the Board of Ethics’ initial legal funds to \$70,000.

**ROLL CALL**

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

There was discussion regarding the financial amount of \$45,000 with regard to the legal fees for indemnification for the Board of Ethics. Corporation Counsel Wilson addressed the Council for clarification and stated that the estimates that the office had received were now increasing to approximately \$70,000. Discussion about the financials, anticipated legal procedure and future requests for funding of the litigation can be found at <https://ryeny.new.swagit.com/videos/245242> at minute 49:30.

The Council heard more public comments:

Izzi Hogben, 66 Milton Road (55:56).

Colleen Margiloff, 66 Island Dr. (57:40).

Shari Punyon, 81 Glen Oaks (1:00:47).

There was discussion among the Council and Acting Corporation Counsel Ed Dunphy regarding the Public Officers Law requirement of legal indemnification for public officers. That discussion can be found at minute 49:15.

The Council heard more public comments:

Hanadi Zakour, 10 Buckley Manor (1:06:02).

John Hobbins, 75 Oakland Beach (1:09:52).

James Alban-Davies, 19 Waters Edge (1:13:32).

Nilesh Mandare, 337 Park Ave (1:15:35).

Mayor Cohn stated that the funding amounts will be revisited if they are inadequate. Mr. Dunphy recommended that the Council amend the resolution set forth by Mayor Cohn above to identify the source of funds. City Manager Greg Usry clarified that the money would come from the Contingency Fund.

Councilwoman Johnson made the motion, seconded by Councilman Stacks, to amend the resolution to identify the Contingency Fund as the source for legal funds on an annual basis, to read as follows:

WHEREAS, it is important to encourage community participation in the City of Rye's volunteer government roles; and

WHEREAS, in the case of the confidential advisory opinion dated February 13, 2023 (the "Opinion"), the opinion of the City's Board of Ethics, the Board of Ethics is facing a legal challenge, stating that it exceeded its legal authority, arrived at a result unsupported by law through a process devoid of fairness and further exacerbated by the publication of the opinion, itself in violation of the City's Code of Ethics; and

WHEREAS, reputational harm has been inflicted upon those criticized in the opinion, that harm will be perpetuated through online reference, and that harm already has appeared in the workplace; and

WHEREAS, the legal challenge alleges that through the opinion the Board of Ethics has usurped the role of the City Council and the responsibilities of councilmembers; and

WHEREAS, those on this Council criticized by the opinion are now taking the unusual step of challenging the opinion in an effort to restore propriety to the important Board of Ethics function; and

WHEREAS, the Board of Ethics denies the allegations and legal challenge; and

WHEREAS, this City Council makes reference to what is at law referred to as “the rule of necessity to the extent appropriate,” and finds in this unusual case it is in the public interest to support the legal challenge and have judicial review of the opinion and Board of Ethics process, as well as to support the defense of the Board of Ethics.

NOW, THEREFORE, BE IT RESOLVED, that an amount not to exceed \$45,000 for legal counsel services, performed from May 15, 2023 to the conclusion of the legal challenge in the trial court is approved for the City of Rye Board of Ethics **from the City’s Contingency Fund**; and

BE IT FURTHER RESOLVED, that an amount not to exceed \$45,000 for legal counsel services performed from April 15, 2023 to the conclusion of the legal challenge in the trial court is approved for the City officials who are petitioners of Case 62424/2023 filed in Westchester Supreme Court on June 13, 2023 (the “Litigation”) **from the City’s Contingency Fund**; and

BE IT FURTHER RESOLVED, that the legal fee invoices or paid receipts must be paid or reimbursed within 10 business days or received by the City.

**ROLL CALL**

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

4. **Adjournment.**

Councilwoman Johnson made the motion, seconded by Councilman Stacks, to adjourn the Special Meeting of the City Council at 5:37 P.M. The meeting was adjourned.

Respectfully submitted,

Carolyn D’Andrea  
City Clerk



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: July 12, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Post Ida Storm Update.

**FOR THE MEETING OF:**

July 12, 2023

**RECOMMENDATION:** That the City Council hear the update.

**IMPACT:** ☒ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: June 23, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:**

Acknowledgement of City Staff for 10, 15, 20, 25-year work anniversaries in 2023 with the City of Rye.

**FOR THE MEETING OF:**

July 12, 2023

**RECOMMENDATION:** That the Council acknowledge City Staff for their years of service to the City of Rye.

**IMPACT:** ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

See attached.

Euka Pietrosanti  
1051 Boston Post Road  
Rye, New York 10580



Tel: (914) 967-7279  
Fax: (914) 967-2513  
E-mail: [epietrosanti@ryeny.gov](mailto:epietrosanti@ryeny.gov)  
<http://www.ryeny.gov>

## Department of Personnel

### Memorandum

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To: Greg Usry, City Manager  
From: Euka Pietrosanti  
Date: 7/5/2023  
Re: Employee Milestones

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In recognition of those who are celebrating a milestone anniversary in 2023, we would like to recognize employees celebrating 10, 15, 20, and 25 year anniversaries (as listed in the following page) at the City Council Meeting of July 12, 2023.

In addition, a celebratory annual breakfast is being held on Tuesday, July 11, 2023, in appreciation of those who are celebrating 20 or more years with the City of Rye. We thank all of the employees for their longevity and dedication to the City of Rye and look forward to more employees joining the "20+ Year Club" in the years ahead.



# **CITY OF RYE**

## **MILESTONE ANNIVERSARY**

### **HONOREES**

<b>Name</b>		<b>Department</b>	<b>SERVICE</b>
<b>LEILA</b>	<b>MOLLE</b>	<b>Police Officer</b>	<b>10 YEARS</b>
<b>MELISSA</b>	<b>JOHANNESSEN</b>	<b>Assistant Planner</b>	<b>10 YEARS</b>
<b>RANDALL</b>	<b>KAPUS</b>	<b>Police Sergeant</b>	<b>10 YEARS</b>
<b>MAX</b>	<b>BILLINGTON</b>	<b>Fire Fighter</b>	<b>10 YEARS</b>
<b>YORLANDIS</b>	<b>TRINIDAD</b>	<b>Park Groundskeeper</b>	<b>10 YEARS</b>
<b>SANDRA</b>	<b>ROMITA</b>	<b>Accountant</b>	<b>15 YEARS</b>
<b>THOMAS</b>	<b>SCAPPATICCI</b>	<b>Accountant (PD)</b>	<b>15 YEARS</b>
<b>CHARLES</b>	<b>LAFFERTY</b>	<b>Greens Keeper</b>	<b>20 YEARS</b>
<b>JOSEPH</b>	<b>FAZZINO JR.</b>	<b>Deputy Comptroller</b>	<b>20 YEARS</b>
<b>JOHN</b>	<b>THOMPSON</b>	<b>Fire Lieutenant</b>	<b>25 YEARS</b>
<b>DOMINIC</b>	<b>VITIELLO</b>	<b>Sanitation Worker</b>	<b>25 YEARS</b>
<b>NICOLE</b>	<b>LEVITSKY</b>	<b>Comm Access Facilitator</b>	<b>25 YEARS</b>
<b>FRANK</b>	<b>PRESTA</b>	<b>Sanitation Worker</b>	<b>25 YEARS</b>
<b>THOMAS</b>	<b>NORDMANN</b>	<b>Sanitation Worker</b>	<b>25 YEARS</b>



# CITY OF RYE

# 20+ YEARS CLUB

## MEMBERS

NAME		DEPARTMENT	SERVICE
STEVEN	NOLE	Sanitation Worker	33 YEARS
JOHN	MCDWYER	Fire Captain	31 YEARS
MICHAEL	LARKIN	Police Sergeant	29 YEARS
DAVID	MION	Heavy Motor Equip Operator	29 YEARS
JOHN	DEMARCO	Park Foreman	28 YEARS
MATTHEW	APOSTOLOU	Sanitation Worker	28 YEARS
MICHAEL	ANFUSO	Police Lieutenant	27 YEARS
KERRY	DONAHUE	Coordinator Comp SVCS	26 YEARS
JOHN	THOMPSON	Fire Lieutenant	25 YEARS
DOMINIC	VITIELLO	Sanitation Worker	25 YEARS
NICOLE	LEVITSKY	Communications Access Facilitator	25 YEARS
FRANK	PRESTA	Sanitation Worker	25 YEARS
THOMAS	NORDMANN	Sanitation Worker	25 YEARS
GABRIELLA	TERRONES	Golf Business Administrator	24 YEARS
PETER	SIRENA	Sanitation Worker	24 YEARS
DONNY	BELFIORE	Sanitation Worker	24 YEARS
PETER	ANFUSO	Sanitation Worker	24 YEARS
ANGELA	YUSI	Dispatcher	24 YEARS
DOMENICO	CATALANO	Sanitation Worker	24 YEARS
JOAO PAULO	SOUSA	Maintenance Worker	24 YEARS
THOMAS	MONAHAN	PEO/School Crossing	23 YEARS
ANDREW	FERRIS	Lead Maintenance Mechanic	23 YEARS
CHRISTIAN	MILLER	City Planner	23 YEARS
MICHAEL	ANDERSON	Police Officer	22 YEARS
EDWARD	BALLS	Police Sergeant	22 YEARS
JOSEPH	CANCEL	Police Officer	22 YEARS
RYAN	PRATA	Fire Fighter	22 YEARS
PATRICK	LEMON	Tree Trimmer	22 YEARS
DAWN	SZCZERBA	Sr Off Asst Auto Sys	22 YEARS
MARC	CAVALEA	Sanitation Worker	22 YEARS
LORETO	DELLAPOSTA	Heavy Motor Equip Operator	22 YEARS
WILLIAM	WEEKS	Tree Trimmer Foreman	22 YEARS
KEVIN	PALLONE	Police Sergeant	21 YEARS
KEVIN	ODAU	Automotive Mechanic	21 YEARS
MAURICIO	GOMEZ	Police Officer	21 YEARS
CHARLES	LAFFERTY	Greens Keeper	20 YEARS
JOSEPH	FAZZINO JR.	Deputy Comptroller	20 YEARS



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: June 30, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:**

Update from Rye Nature Center's Director, Christine Siller.

**FOR THE MEETING OF:**

July 12, 2023

**RECOMMENDATION:** That the Council hear the update.

**IMPACT:** ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

DEPT.: Finance

DATE: July 3, 2023

CONTACT: Joe Fazzino, Deputy Comptroller

**AGENDA ITEM:** Presentation of the 2022 City Financial results by Jonathan Gibbs of the auditing firm of BST & Co, LLP.

**FOR THE MEETING OF:**  
July 12, 2023

**RECOMMENDATION:** That the Council hear the presentation.

**IMPACT:** ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: June 30, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:**

Authorization to transfer \$110,000 from Contingency to the Legal Account for the remainder of 2023.

**FOR THE MEETING OF:**

July 12, 2023

**RECOMMENDATION:** That the Council authorize the transfer.

RESOLVED that the City Council authorizes the City Manager to transfer \$110,000 from Contingency to the Legal Account for the remainder of 2023.

**IMPACT:** ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

**BACKGROUND:** See attached.

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



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

**CITY OF RYE**  
**Office of the City Manager**

**Inter-Office Memorandum**

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**To:** Mayor Cohn and Rye City Council

**From:** Greg Usry, City Manager

**Date:** July 5, 2023

**Re:** 2023 Legal Expenses

---

Each year, the City budget contains an assumption for legal expenses. This estimate and resulting budget line reflects our best estimate for legal costs for the year. However, expenses vary from year to year based upon unforeseen or unexpected matters. This year, we have had several extraordinary matters that have depleted our legal budget. This does not include the retainer for Kristen Wilson, but rather is for matters outside of her agreement (litigation, exceptional land use matters, tax grievances, etc.).

2023 Budget	\$280,000
-------------	-----------

Year to Date Costs:

Land Use Litigation	\$44,200	
Tax Grievances	48,500	
Playland Matters	98,700	
Save the Sound	4,025	
City Court	41,000	
Misc	43,500	
		(279,925)

For the next City Council meeting, I will be requesting that the Mayor include authorization to transfer \$110,000 from the Contingency Fund for legal expenses for the remainder of the year. The Contingency Fund currently contains \$235,000, reflecting the original \$350,000 less \$90,000 for assumed litigation expenses related to the Board of Ethics lawsuit and \$25,000 for arborist consulting services. Please note that the BOE lawsuit is outside of the expenses detailed above and do not impact this request.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: May 17, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:**

Set a public hearing for August 9, 2023 to amend Chapter 191, Article III "Parking Regulations" of the Code of the City of Rye, by amending § 191-21 "Parking, Standing or Stopping." to prohibit parking, standing or stopping from 100 ft north of Parsons to the entrance of Old Post Road on the west side of Boston Post Road

**FOR THE MEETING OF:**

July 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, Article III “Parking Regulations” of the Code of the City of Rye, by amending § 191-21 “Parking, Standing or Stopping.” to prohibit parking, standing or stopping from 100 ft north of Parsons Street to the entrance of Old Post Road on the west side of Boston Post Road**

**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:

New material is underlined and in **bold**.

**Article III**

**Parking Regulations**

**§ 191-21 Parking, standing or stopping.**

The parking, standing or stopping of vehicles is hereby prohibited in the following locations:

Name of Street	Side	Location
Billington Court	North	
<b><u>Boston Post Road</u></b>	<b><u>West</u></b>	<b><u>From 100 ft North of Parsons Street to the entrance of Old Post Road.</u></b>
Central Avenue	North	From the Boston Post Road to the west side of the Blind Brook
Central Avenue	South	From Loewen Court to the Boston Post Road
Coolidge Avenue	West	From Osborn Road to Harding Drive
Cornell Place	Both	
Dearborn Avenue	Both	East of Forest Avenue, including the turnaround at the easterly end thereof*
Forest Avenue	East	From Redfield Street to Playland Parkway



Franklin Avenue	North-east	From a point approximately 30 feet north of Sonn Drive
Hewlett Avenue	East	Between the crosswalks extending from Robert Crisfield Place to the fire lane driveway exit, when school is in session, from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m.
Kirby Lane	Both	From its westernmost intersection with Mill Pond to Van Rensselaer Road, from 8:00 p.m. to 6:00 a.m.
Locust Avenue	Both	From Purchase Street to the east end of Mead Place
Locust Avenue	South	From main firehouse to Purchase Street
Midland Avenue	Front of No. 382	
Midland Avenue		
Midland Avenue		
Midland Avenue	West	From Apawamis Avenue to Goldwin Street from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m., Monday through Friday
Milton Road	West	From Fairlawn Street to driveway of marina
Platt Lane	South	Entire length, from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m. on school days
Purchase Street	West	From Elizabeth Street to driveway of 231 Purchase Street
Purdy Avenue	Both	Purchase Street to First Street
Purdy Avenue	South	From School Street to Post Road

NOTE:

\*Except that the parking, standing or stopping of vehicles on the northerly side of the turnaround for discharging or loading of passengers only is permitted.

## **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 after filing with the Secretary of State.

No stopping, standing or parking along red line





# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: July 5, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:**

Overview of 2023 CFA and related grants.

**FOR THE MEETING OF:**

July 12, 2023

**RECOMMENDATION:** That the Council hear the overview.

**IMPACT:** ☒ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

**BACKGROUND:**

See attached memo.





# CITY OF RYE

## MEMORANDUM

**TO:** Greg Usry, City Manager

**FROM:** Brian Shea, Assistant City Manager

**DATE:** July 6, 2023

**RE:** New York State Grant Applications

---

### **2023 Consolidated Funding Application**

Working with Millennium Strategies, City staff have identified several state grant programs that are consistent with the City's ongoing needs and priorities as well as the Capital Improvement Plan. There are several possible programs and projects in the annual grant cycle. However, as we have done in the recent past, we are prioritizing based upon actual need and only pursuing grants that are in support of projects identified by the City Council as priorities, or those staff-identified immediate needs. In each case there are matching requirements that must be met by the City. In all cases those assumptions are included in the annual CIP, including the financial model.

The City will be seeking letters of support for each of these applications from Senator Mayer and Assemblyman Otis. Two of the applications resulted from a grant outreach event that Assemblyman Otis hosted at the Jay Heritage House in June connecting City staff with professional staff from the New York State Department of Environmental Conservation and the Environmental Facilities Corporation. Both Senator Mayer and Assemblyman Otis have been instrumental in the City's recent successes securing grant funding for critical capital projects – including replacement of the salt shed, storm water enhancements, and sewer infrastructure improvements.

Over the course of the next several weeks, the City is preparing to apply for several grant products under New York State's Consolidated Funding Application (CFA). Identified grant opportunities in 2023 CFA include:

- **Water Quality Improvement Program (WQIP)**  
This grant application is for the purchase of a combination vacuum/sweeper truck. The vacuum truck has surpassed its useful life and must be replaced, regardless of the success of this grant application. The total cost of the truck is \$315,368.57. The required local match is 25% of the award total. (Max award: \$325,000). It is important to note that we did just receive \$10mm of WQIP funding from the 2022 CFA.
- **OPRHP Environmental Protection Fund: Parks, Preservation and Heritage Grants Program**  
This grant application is for the Gagliardo Park Improvements & Inclusivity Project. The project will include replacing the existing playground structures, presently 25+ years old, with new equipment, to include the City's first ADA accessible structures, safety surface installation, and

accessible pathways, removing existing barriers to improve connectivity and expand recreational opportunities for people of all ages and abilities. Total project cost is currently estimated to be \$275,000. The required local match is 50% of total eligible project costs. This project will be represented in the 2023 Capital Improvement Plan, which will be presented in August.

### **Other Grant Applications**

- **NYS Environmental Facilities Corporation (EFC) WHIA Program**

This grant application is for design, bidding, and construction phase services (soft costs) for manhole repairs, sanitary service dig and replace repairs, and other sanitary sewer improvements related to the City's ongoing sewer infrastructure work. These services are expected to cost approximately \$1,296,400. This grant is 25% state and 75% local match. In conjunction with the \$10 million WQIP award the City received this year, this work will help the City to satisfy all remaining conditions of the Consent Order with the Department of Environmental Conservation.

- **NYS Department of Environmental Conservation (DEC) – UCF Tree Planting and Maintenance Program**

This grant application is to fund tree plantings throughout the City. The total project cost is estimated to be \$100,000 with a 25% required local match. The City will engage community partners including the Rye Sustainability Committee for support in advance of submitting an application. Currently the City budgets \$30,000 annually for tree planting and maintenance. It is important to note that this number does not reflect the labor costs associated with these activities.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: June 30, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:**

Consider a resolution to authorize the City Manager to submit a WIAA Clean Water Grant Program application for funding to enable repairs to the City's sewer system.

**FOR THE MEETING OF:**

July 12, 2023

**RECOMMENDATION:** That the Council authorize the grant submission.

**IMPACT:** ☒ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

**BACKGROUND:**

See attached resolution.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RYE AUTHORIZING  
THE FILING OF THE WIIA GRANT AND IDENTIFYING THE SOURCE OF FUNDS  
FOR THE PROJECTS IDENTIFIED IN THE CITY OF RYE'S WIIA GRANT  
APPLICATION**

RESOLVED, that the the City Council authorizes the City Manager, in line with his powers and duties, to sign the requisite Application Form in order to apply for funding through the WIIA Clean Water Grant Program from the New York State Environmental Facilities Corporation ("EFC") to enable repairs to the City's sewer system.

RESOLVED, that the funding sources for the projects identified in the City of Rye's WIIA Grant application are as follows:

Design, Bidding, & Construction Phase Services for Manhole Defect Repairs:- \$294,000  
– General Capital Projects Account

Design, Bidding, and Construction Phase Services for Sanitary Sewer Dig and Replace Repairs- \$709,400 - General Capital Projects Account

Design, Bidding, and Construction Phase Services for Sanitary Sewer Improvements - \$293,000 – General Capital Projects Account





# CITY COUNCIL AGENDA

DEPT.: City Departments

DATE: June 30, 2023

CONTACT: Greg Usry, City Manager

**AGNDA ITEM:** Resolution to declare certain equipment as surplus.

**FOR THE MEETING OF**  
July 12, 2023

**RECOMMENDATION:** That the City Council adopt the following resolution:

**WHEREAS**, the City has been provided with a description of equipment identified as being obsolete or will become obsolete during 2023, and,

**WHEREAS**, the City recommends that said equipment be declared surplus, now, therefore, be it

**RESOLVED**, that said equipment is declared surplus, and, be it further

**RESOLVED**, that authorization is given to the listed Department Heads to donate or sell or dispose of said equipment in a manner that will serve in the best interests of the City.

**IMPACT:** ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other

**BACKGROUND:** the Department Heads at the Boat Basin, IT and DPW have provided the attached memo regarding equipment that needs to be surplus.

See attached.

Rodrigo Paulino  
Harbormaster  
650 Milton Rd  
Rye, New York 10580



Tel: (914) 967-2011  
E-mail: [Rpaulino@ryeny.gov](mailto:Rpaulino@ryeny.gov)  
<http://www.ryeny.gov>

# Boat Basin

## Memorandum

---

To: Greg Usry, City Manager  
From: Rodrigo Paulino, Harbormaster  
Date: 7/5/2023  
Re: Abandoned Vessel Surplus(2)

---

**The Boat Basin would like to surplus a 1991 Bayliner Trophy 20ft vessel(Hull ID: B1YA84FFK091) that has been abandoned at the boat basin since 2016. This vessel has now remained at the Boat Basin for over 7 years without the Boat Basin receiving payment for such services. The Boat Basin is taking the necessary procedures to have the vessel auctioned and/or disposed of as per the city's surplus policy.**

-----

**The Boat Basin would like to surplus a 1998 Bayliner 28ft vessel(Hull ID: BL2A06ECE798) that has been abandoned at the boat basin since 2021. This vessel has now remained at the Boat Basin for over 2 years without the Boat Basin receiving payment for such services. The Boat Basin is taking the necessary procedures to have the vessel auctioned and/or disposed of as per the city's surplus policy.**

# CITY OF RYE

Kerry Donahue  
Coordinator of Computer  
Services  
Rye, NY 10580



Telephone: 914-557-8843  
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## INFORMATION TECHNOLOGY DEPARTMENT Memorandum

To: Greg Usry, City Manager  
From: Kerry Donahue, Coordinator of Computer Services  
Date: July 5, 2023  
Re: Surplus Equipment

The Information Technology Department would like to dispose of the following outdated items and have the Council approve them as surplus so the City may dispose of them in accordance with the City of Rye Surplus Policy and Procedures.

Make	Model	S/N	Description
HP	Proliant DL360P Gen 8	MXQ31005Q8	Server
HP	Proliant DL260P Gen 7	USE722N8HG	Server
HP	Proliant DL380 G5	USE722N8F1	Server
HP	Storage Works Ultrium 460	USE071503H	Server
HP	Proliant DL140 G2	USE605N6VR	Server
HP	Proliant DL140 G2	USE6Q5N6VQ	Server
HP	Proliant DL360 G5	USM71804XG	Server
HP	Proliant DL360 G5	USM701061N	Server
Juniper	SSG 350M	122AF51ADE	Juniper Switch
Juniper	SSG 350M	122AF29ADE	Juniper Switch
HP	Proliant DL160 G5	USE904N3H3	Server
HP	Proliant DL360 G5	USE803N52T	Server

**CITY OF RYE, NY**  
**Department of Public Works**  
**Memorandum**

DATE: July 6, 2023

TO: Greg Usry, City Manager

FROM: Ryan Coyne, City Engineer *RC*

RE: Surplus Vehicles and Equipment

As discussed, we have developed a list of vehicles and motorized equipment that are no longer useful to City departments. We are requesting that the council deem these items as “surplus” so that we can proceed to auction. Should you need additional information, please feel free to call me.

- 2014 - Mission Trailer, Vin# 5WFBU1820EW045495
- Giant Vac (Leaf Vacuum)- Model # 3Q01, Serial # 97271671 Wisconsin Engine – VH4D1
- Hudson Brother Trailer (old orange trailer)
- Roura Dumpster (x2) – Model # 2T-10-810, 3 cubic yards
- 06/06 - Sewer Equipment of America (sewer rodder), Vin # 1S9HU16156C381887, Model 444
- 2003 - Chevy Silverado 2500 HD w/cab, Vin # 1GCHK23G13F205393 (Police TK 26)
- John Deere snow blower attachment, Serial # M00370X090062
- 2015 – Crane carrier, Vin # 1CYCCL586FN051341 (DPW R-4)
- 2002 – Chevy Silverado 3500, Vin # 1GBJC34U12E264302 (DPW TK 35)
- Redmax Leaf Blowers: #6 EB7001, #7 EBZ8000, #4 EBZ8000, #8 EB7001
- Fradan Push Blower (#32) 8HP Briggs and Stratton Model # 19543
- 2002- Ingersoll Rand Tamper, Model – RX 654H, Serial # KCO635, Honda GX120 – 4.0 HP
- 2003- Ingersoll Rand Push Tamper , Model # BX80WH, Serial # TD 0140, Honda GX200

Plows

Plow #	Width (ft)	Make	Model	Mount
22	8	Boss	Smart Shield	Boss
7	8	Western	Ultra Finish	Uni Mount
33 spare	8	Western	Ultra Finish	Ultra Mount
14	8	Western	Ultra Finish	Ultra Mount
Spare 8'	8	Western	Ultra Finish	Ultra Mount
9	11	Viking		Truck
544G	11	JRB		Truck
LoaderWausau	11	Wausau	R4512H	Loader
Spare Viking	11	Viking		Truck
5	11	Wausau	HSS4211	Truck
20	8	Western	Ultra Finish	Uni Mount

*Public Works*  
*141 Oakland Beach Avenue*  
*Rye, NY 10580*

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## CITY OF RYE

CITY HALL • RYE, NEW YORK 10580

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### **City of Rye – Surplus Policy and Procedures**

While there is no state law requirement on the disposal of assets, at this time the City is implementing formal internal procedures for best practices in the disposal of assets. The City acts as a fiduciary for the taxpayer and commits to uphold complete transparency in the process.

This policy expands on the capital asset policy already in place, as it will include all assets with a purchase value of over \$500. The City will maintain a centralized comprehensive list of assets across all City departments, updated monthly and reviewed by the Comptroller.

From time to time, equipment, vehicles, or other assets become obsolete, damaged, in disrepair, or otherwise no longer provide useful value to the municipality. To address the disposal of these items, the City is adopting the following policies:

- 1) Items to be declared as Surplus. If a Department Head deems items to no longer be useful to the City, he/she **shall** submit an itemized list of such items to the City Council for approval. Examples (for illustrative purposes) of such items include, but are not limited to:
  - Items included on the comprehensive asset list;
  - Vehicles (e.g. police cars, front loaders, golf cars);
  - Professional Apparatus/Equipment (e.g., LIDAR detectors, Fire Department equipment, cameras, lawn/property maintenance tools/machines);
  - Any items estimated to have a current value of over \$500;
  - Any items that had a purchase price of over \$500 when purchased;
  - Equipment, gear or other materials acquired through the 1033 program
- 2) Declaration of Surplus Items. Each Department Head is responsible for submitting a list of items for surplus consideration to the City Manager's office on an as-needed basis. The City Council shall vote in a roll call to approve or deny the recommended items submitted from the City Manager as surplus. The memo shall provide an estimate on the current value of the item for consideration.
- 3) The resolution should read as follows:

**WHEREAS**, the City has been provided with a list of City equipment identified as being obsolete or will become obsolete during 20\_\_, and,

**WHEREAS**, the \_\_\_\_\_ Department has recommended that said equipment be declared surplus, now, therefore, be it

**RESOLVED**, that said equipment is declared surplus, and, be it further

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

4) Disposal of Items. Pursuant to the resolution, City staff has the authority to dispose of the surplus items in a manner consistent with the guidelines below, or any applicable policy or law. If a best practice for disposal is uncertain, the preferred method of disposal is auctioning the item to ensure the chance of greatest financial return to the City. The manner for disposal shall be included in the memo from the Department Head to the City Manager. The methods for disposal are preferred in the following order:

- Professional auction service (\*Preferred method of disposal\*)
- Sale of asset for fair market value pursuant to a purchase and sale agreement approved by the City Manager and Corporation Counsel, should the auction service yield unfavorable results. A memo of explanation is required from the Department Head to the City Manager and Comptroller as to why the professional auction service was not used.
- Proper disposal techniques for unique/unsafe items (i.e. police LIDAR and firearm apparatus). A memo of explanation is required from the Department Head to the City Manager and Comptroller as to the reason for the manner of disposal.
- Donation to another government entity upon letter request. A memo of explanation is required from the Department Head to the City Manager and Comptroller as to why the professional auction service was not used and documentation by the receiving entity that such equipment/material is needed by it.
- Discard damaged or other items of no value in appropriate trash receptacle or other appropriate waste removal methods. Documentation of damage and “no” value shall be prepared by Department Head with appropriate supporting information (e.g., pictures of damaged item, a “blue book” value or other relevant determination of value, inability to find necessary components to allow equipment to function).
- Pictures of all items deemed surplus, regardless of disposal method, should be saved for one year to document the condition of the item when it left the City’s possession.