

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

**REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS, CITY HALL  
Wednesday, September 13, 2023  
6:00 p.m.**

*Please note: The Council will convene at 5:00 p.m. and it is expected they will adjourn into Executive Session at 5:01 p.m. to discuss pending litigation, personnel matters and pending contracts.*

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the Special Meeting of the City Council held June 30, 2023.
4. Draft unapproved minutes of the Regular Meeting of the City Council held August 9, 2023.

*At the recommendation of the City Manager and City Clerk, the manner of presenting the City Council minutes is being altered. Historically, detailed written minutes were taken and adopted by the Council at the following meeting. With the advent of recorded meetings, many municipalities have moved away from this practice, and have simplified minutes to include basic information, while still including all resolutions, votes etc. With the August 9 City Council meeting, we have migrated to this practice. Furthermore, given our integrated technology capabilities, we are embedding the accompanying video links to each agenda matter. This provides for an exact record of the proceeding, and a convenient way to review the meeting. All of this is done in compliance with the law.*

5. Flooding Update.
6. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.
7. Resolution to set a public hearing for October 4, 2023, amending Chapter 177 "Taxation", Article III, "Senior Citizens Exemption" to alter the income calculation used to determine exemptions.
8. Resolution to set a public hearing for October 4, 2023, amending Chapter 177 "Taxation", Article VIII, "Exemption for Persons with Disabilities and Limited Incomes" to alter the income calculation used to determine exemptions.

9. Update on Capital Projects and anticipated Council actions.
10. Resolution to declare certain equipment as surplus.

#### CONSENT AGENDA

11. Consideration of a request by the Soul Ryeders & Friends to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October 2023.
12. Consideration of a request from the Rye Chamber of Commerce for use of Purchase Street from the Village Green to Purdy on Sunday, November 26, 2023, for the Mistletoe Magic event.
13. Old Business/New Business.
14. Adjournment

\* \* \* \* \*

The next regular meeting of the City Council will be held on Wednesday, October 4, 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 Special Meeting of the City Council of the City of Rye held in City Hall on June 30, 2023, at 3:00 P.M.

PRESENT:

JOSH COHN, Mayor  
LORI FONTANES  
CAROLINA JOHNSON  
JOSHUA NATHAN  
Councilmembers

ABSENT:

BILL HENDERSON  
JULIE SOUZA  
BENJAMIN STACKS

The Council convened at 3:00 P.M. in person in Rye City Hall for the Special Meeting of the City Council. The meeting was called to order at 3:01.

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

3. Consideration of resolution to approve a waiver of any potential conflict of interest on behalf of the law firms to be retained respectively by the City's Board of Ethics and Corporation Counsel in connection with litigation pending in Supreme Court, Westchester County bearing index NO. 62424/2023.

Mayor Cohn stated that several residents asked the petitioners to consider mediation, and the petitioners responded by inviting the Board of Ethics into mediation, extending the time for the BOE to respond by August 16th.

Councilman Nathan addressed that the Board of Ethics had selected counsel for representation in the litigation as well as counsel to work with Corporation Counsel Kristen Wilson because as a member of the Board of Ethics and a party to the lawsuit, and in her unique capacity as Rye counsel, she needs her own representation. In their selection, one of the firms raised an issue of conflict of interest in the firm representing the City in an unrelated matter, so they asked counsel to waive the conflict of interest, which prompted a Resolution that Councilman Nathan read into the record:

RESOLUTION PROVIDING INFORMED CONSENT

WHEREAS, the Board of Ethics has been interviewing law firms that can best represent its interests in the pending matter of Cohn, et. al. v. City of Rye Board of Ethics venued in Westchester County Supreme Court (the “BOE Matter”); and

WHEREAS, based on its interviews and discussions of the issues with potential legal counsel, both the Corporation Counsel and the BOE believe it is in the best interests of the parties to retain two separate firms to handle the issues that will arise in the defense of the BOE’s actions in the BOE Matter; and

WHEREAS, Corporation Counsel, in her official capacity, has provided advice to the City’s executive and legislative branches and has served as a member of and has provided legal advice to the Board of Ethics; and

WHEREAS, attorneys at the law firm of Carter Ledyard and Milburn (CLM) have and are currently, providing counsel to the City of Rye concerning parkland alienation and the public trust doctrine (the “Parkland Matter”); and

WHEREAS, CLM believes the advice and representation it has provided and any future advice on the Parkland Matter it may provide is unrelated and will not interfere with their competent and diligent representation of the interests of its client in the BOE Matter.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby provides informed consent regarding the conflict presented by the Parkland Matter.

There was discussion among the Council regarding the use of the word “executive” within the paragraph recognizing that the Corporation Counsel worked within all three branches of Rye government which was a conflict of interest. That discussion can be found at minute 05:15.

The mayor then explained that the Board of Ethics settled on a law firm, and their choice was the law firm, Yankwitt LLP which requires no waivers. Furthermore, the legal action that the mayor is on, as well as three of the other councilmembers, was brought against the Board of Ethics to test their written opinion. The petitioners were not seeking damages. Corporation Counsel was in the narrative of the petition but no claim was made against her or any individual member of the BOE. The mayor then acknowledged that the City Council was asked to waive a conflict to hire a “white-shoe” Manhattan law firm to separately represent Corporation Counsel, which the mayor maintained made no sense and doubled the fees, also stating that Ms. Wilson had to have a lawyer and it became a new indemnity question that had not been before the Council for due examination. He hoped the Board of Ethics would work expediently with their counsel so the litigants could reach a swift resolution.

There was a further discussion among the Council regarding the Board of Ethics’ legal representation selection and well as the request to approve a waiver of conflict of interest. That discussion can be found at 09:26.

Mayor Cohn opened the meeting for public comment. The following individuals made public comments; please see <https://ryeny.new.swagit.com/videos/259812> at the following minute markers:

- Meg Cameron, 5 Martin Butler Court (21:36)
- Christine Ford, 2 Seneca Street (22:30)
- Eric Lane, 7 Eldredge Place (24:21)

Councilwoman Johnson needed to leave the meeting, so Mayor Cohn closed the public comment so that the Council could vote on the resolution.

**ROLL CALL**

Ayes: Councilmembers Fontanes and Nathan  
Nays: Mayor Cohn and Councilwoman Johnson  
Absent: Councilmembers Souza, Stacks, Henderson

The motion failed.

The Council heard more public comments.

Please see <https://ryeny.new.swagit.com/videos/259812> starting at 28:48.

- James Alban-Davies, 19 Waters Edge (28:48)
- Cole MacKay, 10 Heritage Lane (30:53)

Mayor Cohn replied to comments by highlighting the timeline of events regarding the tree law in Rye. (To hear the Mayor's statement, please go to minute 34:03)

- Leo Farrenkopf, 780 Forest Avenue (35:46)

4. **Adjournment.**

Mayor Cohn made the motion, seconded by Councilwoman Fontanes, to adjourn the Special Meeting of the City Council at 3:39 P.M. The meeting was adjourned.

Respectfully submitted,

Kayla Garritano  
Interim City Clerk

***DRAFT OF UNAPPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on August 9, 2023, at 6:30 P.M.

PRESENT:

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

ABSENT:

JULIE SOUZA

ALSO ATTENDING:

GREG USRY, CITY MANAGER  
KRISTEN WILSON, CORPORATION COUNSEL  
ASSISTANT CITY MANAGER, BRIAN SHEA  
ASSISTANT TO THE CITY MANAGER, NOGA RUTTENBERG  
CITY ENGINEER, RYAN COYNE  
CITY COMPTROLLER, JOE FAZZINO

The Council convened at 6:00 P.M. and entered into executive session to discuss litigation, personnel matters, and pending contracts. The Council reconvened in a public meeting at 6:39 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 Pledge of Allegiance

2. Roll Call.

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

3. Draft unapproved minutes of the Special Meeting of the City Council held June 30, 2023.

Only four Councilmembers were able to attend the June 30<sup>th</sup> meeting: Councilpersons Fontanes, Souza, and Stacks, and Mayor Cohn. Because there were only four Councilmembers present at this meeting, all four members needed to be present at the meeting where the vote was to be taken on this matter. Councilwoman Souza was absent at the August 9<sup>th</sup> meeting, therefore there was an absence of a quorum for this matter and a vote could not be taken.

4. Draft unapproved minutes of the Regular Meeting of the City Council held July 12, 2023.

***DRAFT OF UNAPPROVED MINUTES*** – Regular Meeting - City Council  
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On motion by Councilwoman Johnson, seconded by Mayor Cohn, it was

RESOLVED to approve the minutes of the Regular Meeting of the City Council held July 12, 2023.

Adopted by the following vote:

AYES: Councilpersons Fontanes, Henderson, Johnson, Nathan, Stacks  
Mayor Cohn  
NAYS: None  
ABSENT: Councilwoman Souza

5. Recognition of summer interns.

Assistant to the City Manager, Noga Ruttenberg, recognized this year's City of Rye summer interns in the summer intern program at City Hall.

6. Flooding Update.

Mayor Cohn and City Manager, Greg Usry, shared flooding updates.

7. Resolution to create a Climate Smart Communities Task Force.

**Resolution Establishing Climate Smart Communities Task Force and Coordinator**

On motion of Councilwoman Johnson, seconded by Mayor Cohn,

Whereas, the City Council has formally adopted a Climate Smart Communities pledge, recognizing the threat of climate change to our City;

Whereas, participation in this program will help the City continue efforts already underway to reduce greenhouse gas emissions, adapt to the changing climate, and build resilience and sustainability in our community;

Whereas, it is the best interests of the City to reduce its carbon footprint, reduce its waste, and maximize its use of renewable energy sources in an effort to protect the environment and human health;

Now, therefore, be it resolved, that the City Council hereby shall create the Climate Smart Communities Task Force ("the CSC Task Force"), whose charge will include the following:

- advising the City Council as to environmentally sustainable policies and practices
- suggesting programs to the City Council that contribute to and encourage sustainability policies, thereby lessening the City's ecological impact on the environment.

Be It Further Resolved that the Climate Smart Communities Task Force shall be comprised of the following and that members shall be appointed for a two-year term:

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- The Assistant City Manager;
- Up to three members of the Rye Sustainability Committee; and
- One interested student from Rye High School.

Be It Further Resolved, the mission of the CSC Task Force will be to help develop strategies to implement sustainability goals and programs, and to work on climate change mitigation activities.

AYES: Councilpersons Fontanes, Henderson, Johnson, Nathan, Stacks  
Mayor Cohn

NAYS: None

ABSENT: Councilwoman Souza

8. Resolution to name the members of the Climate Smart Communities Task Force and appoint a Coordinator.

**Resolution Appointing Members to the Newly Created Climate Smart Communities Task Force**

On motion of Councilwoman Johnson, seconded by Mayor Cohn,

WHEREAS, in furtherance of the newly created Climate Smart Communities Task Force, the Mayor, with consent of the City Council members hereby appoint the following people to the Task Force:

- Assistant City Manager (Brian Shea)
- Three current Rye Sustainability Members (Hilary Garland, Donna Providenti, James Ward)

NOW THEREFORE BE IT RESOLVED, that each of the above-named individuals/positions are hereby appointed effective on August 10, 2023 and these initial terms shall run through December 31, 2025; and

BE IT FURTHER RESOLVED that effective January 1, 2026, all subsequent terms shall be for two years beginning on January 1 of the first year and ending on December 31 of the second year; and

BE IT FURTHER RESOLVED Hilary Garland, Rye Sustainability Committee Member, is appointed as the Coordinator of the CSC Task Force, and will serve as the point of contact for the CSC program and facilitate project implementation.

9. Resolution to adopt new winter storage fees for residents and non-residents at the Boat Basin.

On motion of Councilwoman Johnson, seconded by Councilman Nathan, it was

RESOLVED to adopt new winter storage fees for residents and non-residents at the Boat Basin.

ROLL CALL



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

10. Review of the City's 5-year Capital Program.

City Manager, Greg Usry, and City Engineer, Ryan Coyne, presented a review of the City's 5-year Capital Program.

11. Authorization to purchase a new Sewer Pump Truck for \$545,912.28 with monies from the Building and Vehicle fund.

On motion of Councilwoman Jonhson, seconded by Councilman Henderson, it was

RESOLVED to purchase a new Sewer Pump Truck for 545,912.28 with monies from the Building and Vehicle fund.

ROLL CALL

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

12. Presentation of the 6-month financial results from Comptroller, Joe Fazzino.

Comptroller, Joe Fazzino, presented the 6-month financial results for the City of Rye.

13. Open a public hearing 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.

On motion of Councilwoman Jonhson, seconded by Councilwoman Fontanes, with all in favor, the hearing was open.

On motion of Councilwoman Jonhson, seconded by Councilwoman Fontanes, with all in favor, the hearing was closed.

14. Resolution 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.

On motion of Councilwoman Johnson, seconded by Councilman Stacks, it was

RESOLVED 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.

**CITY OF RYE**

**LOCAL LAW NO. 10 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 the entrance of the Church of the Resurrection to the entrance of the Snow Field parking lot**

**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:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Billington Court	North	
<b><u>Boston Post Road</u></b>	<b><u>South</u></b>	<b><u>From Parsons 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	

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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

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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.

**ROLL CALL**

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

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

Members of the public spoke on matters for Council consideration not appearing on the agenda.

- Gerry Seitz, 141 Kirby Lane

16. Resolution authorizing the City to exercise its authority to take a parcel of property by eminent domain for the repair of the Theodore Fremd Wall.

RESOLUTION OF THE RYE CITY COUNCIL EXERCISING ITS AUTHORITY  
UNDER THE EMINENT DOMAIN PROCEDURE LAW TO ACQUIRE A DE  
MINIMUS PARCEL OF PROPERTY WITH NO KNOWN HEIRS TO COMPLETE  
THE RESTORATION AND REPAIR OF THE THEODORE FREMD AVENUE  
BRIDGE ALONG THE BLIND BROOK

On motion of Councilman Stacks, seconded by Councilwoman Johnson,

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WHEREAS, in 2007, the wall along Theodore Fremd Avenue bordering the Blind Brook was significantly damaged when two storms brought significant rainfall through the City of Rye; and

WHEREAS, since 2007, the City has been working with the New York State Department of Transportation (DOT), the Metro-North Railroad, Consolidated Edison and other governmental and transportation corporation entities to assess the damage, design and engineer portions of the wall, relocate infrastructure, acquire critical parcels of property and obtain funding to restore and repair the Theodore Fremd Avenue Bridge along Blind Brook (the “TFA Wall”); and

WHEREAS, under the Eminent Domain Procedure Law of New York (the “EDPL”), the City has the power to take property by eminent domain for public purposes; and

WHEREAS, as part of the restoration and repair of the TFA Wall, a few small parcels of property were necessary to allow room for certain improvements; and  
WHEREAS, one such parcel identified as Section 146.07, Block 1, Lot 63 (the “Abandoned Parcel”) is necessary to allow for the repair of the TFA (as shown on the annexed map highlighted in yellow); and

WHEREAS, after an extensive title search, no known heirs were located but based on the City’s assessment records and filed maps, it appears that the City of Rye is the “owner” of the Abandoned Parcel (See annexed letter from Benchmark Title Agency); and

WHEREAS, the City took title to the property through a simple real property transaction and filed the deed with the Westchester County Clerk’s office; and

WHEREAS, the DOT has indicated that in order to receive the funding administered through the Federal Highway Administration, the City needs to proceed through the EDPL process to acquire the Abandoned Parcel through condemnation; and

NOW, THEREFORE, BE IT RESOLVED, that the City finds that the acquisition of the Parcel is de minimus in size, never been developed or used to accommodate larger development on adjoining parcels, and has been abandoned for decades and, therefore, the public interest will not be prejudiced by this action; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that in addition to the Abandoned Parcel being de minimum in nature, time is also of the essence to secure the various available funding sources to pursue the TFA Wall; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that based on these two factors (the de minimus nature and the emergency need to acquire ownership of the Abandoned Parcel, this action falls under the exception to the need for a public hearing; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that pursuant to the EDPL, the following Determination and Findings are made:

1. There is a clear and exigent public use and benefit to restore and repair the TFA Wall;
2. The location of the Abandoned Parcel is shown on the annexed map;
3. The design of the restoration and repair was based on the existing Blind Brook, the location of the MTA railroad lines and other infrastructure located within and around the area;

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4. The overall impact of the restoration and repair of the TFA Wall will have a positive impact on the environment and will assist in retaining the Blind Brook during rain and other flooding events and protect property;
5. The completion of the TFA Wall will positively impact the nearby residents and commercial properties through the removal of the temporary infrastructure in place protecting the Blind Brook and the TFA Wall.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the City Manager and Corporation Counsel are authorized to take the necessary steps to file the deed to the Abandoned Parcel and take any additional actions to finalize the condemnation process.

**ROLL CALL**

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

17. Adoption of the 2023/2024 tax levy and tax rate for the Rye Neck Union Free School District.

On motion of Councilwoman Jonhson, seconded by Councilman Henderson,

WHEREAS, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of \$12,238,035 to be raised on property within the District located in the City of Rye, with established tax rates of \$1,020.305801 per \$1,000 of taxable assessed value on homestead property and \$1,297.758598 per \$1,000 taxable assessed value on nonhomestead property, for the fiscal year beginning July 1, 2023 and ending June 30, 2024, now, therefore, be it

RESOLVED, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect said taxes, subject to any further amendments or approvals required by the Rye Neck Union Free School District.

**ROLL CALL**

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

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

Mayor Cohn announced appointments to Boards and Commissions:

- Board of Architectural Review
  - Louis Rollano was re-appointed to the Board of Architectural Review, effective from January 1, 2023 for a term expiring on December 31, 2025

19. Old Business/New Business.

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There was nothing for Old Business/New Business

20. Adjournment

On motion of Councilwoman Johnson made a motion, seconded by Councilwoman Fontanes, to adjourn the meeting at 8:27 P.M. The Council was in favor and the meeting was adjourned.

Respectfully submitted,

Kayla Garritano  
Interim City Clerk



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Flooding update.

**FOR THE MEETING OF:**

September 13, 2023

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

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

**BACKGROUND:**





# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Resolution to set a public hearing for for October 4, 2023, amending Chapter 177 "Taxation", Article III, "Senior Citizens Exemption" to alter the income calculation used to determine exemptions.

**FOR THE MEETING OF:**  
September 13, 2023

**RECOMMENDATION:** That the Mayor and the Council set a public hearing.

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

**BACKGROUND:** See attached memo and draft law.

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:** September 8, 2023

**Re:** Amendment to the City Code concerning income calculations for seniors and the disabled

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The New York State Real Property Tax Law (RPTL), as adopted and amended by the Rye City Code, allows for certain seniors and those with disabilities to reduce their City property tax liability. At present, there are 53 Rye resident homeowners that qualify for the Senior Citizen or Disabled exemptions, which account for approximately \$30,000 in tax savings (total). Qualifications are based upon annual income. From time to time, the State makes changes to the RPTL, which must be reviewed and adopted by local jurisdictions. Earlier this year the State Legislature adopted a new law to simplify the income calculations.

The attached memo explains the legislation. My recommendation is that the Council set a public hearing for the October 4 Council meeting and adopt the two amended local laws. If adopted, the net effect would be to leave the income calculation as it currently stands.



## CITY OF RYE

### Inter-Office Memorandum

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**To:** Greg Usry, City Manager  
Kristen Wilson, Esq., Corp. Counsel

**From:** Jon Flynn, City Assessor

**Date:** September 7, 2023

**Re:** Amendment to the Income Calculation for Senior and Disabled with Limited Income Exemptions

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New York State recently adopted a law which redefines the income calculation under Real Property Tax Law (RPTL) 467, Partial Tax Exemption for Real Property of Senior Citizens, and Real Property Tax Law (RPTL) 459-C, Partial Tax Exemption for Real Property of Persons with Disabilities and Limited Income. To qualify for these exemptions the combined income of all owners must not exceed the income threshold adopted by each taxing jurisdiction, \$37,400 under RPTL 467 and \$29,000 under RPTL 459-C. The income calculation for these exemptions previously was derived from various items on the applicant's Federal or State tax returns. To simplify this calculation, the State has determined the Federal Adjusted Gross Income (FAGI) will now be used as the starting point for all adjustments. Under the new law, local governments and school districts can opt to include, or exclude, up to 3 separate provisions pertaining to how income is added or subtracted from FAGI.

The new provision would allow applicants to deduct IRA distributions from FAGI, which could potentially increase the number of qualifying candidates. Historically, IRA distributions were never deducted from the total income. In order to maintain the status quo, the City Council would have to adopt a local law to include IRA distributions as income.

The City also has the option to exclude Social Security benefits from the income calculation. These benefits have always been accounted for in the past as they are typically the primary source of income for a majority of applicants. No action is required to maintain the current calculation.

Lastly, the new law provides an option to deduct medical and prescription drug expenses not covered by insurance. Similar to the IRA distributions, a deduction of these expenses is a departure from the current calculation and could increase the

number of qualifying applicants. Again, no action is required to preserve the current method.

Currently, there are 53 total Senior Citizen and Disabled with Limited Income Exemptions in the City of Rye which account for \$29,560 in tax savings amongst all applicants.

Please let me know if you have any questions regarding this matter.



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Resolution to set a public hearing for October 4, 2023, amending Chapter 177 "Taxation", Article VIII, "Exemption for Persons with Disabilities and Limited Incomes" to alter the income calculation used to determine exemptions.

**FOR THE MEETING OF:**  
September 13, 2023

**RECOMMENDATION:** That the Mayor and the Council set a public hearing.

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

**BACKGROUND:** See attached memo and draft law.

LOCAL LAW NO. \_\_\_\_\_-2023

**A Local Law to amend Chapter 177, “Taxation”, Article VIII, “Exemption for Persons with Disabilities and Limited Incomes” of the Code of the City of Rye, by amending § 177-38, “Eligible persons and property; income level; conditions for exemption” only to the extent of further defining the source components of income.**

**§ 177-38. Eligible persons and property; income level; conditions for exemption.**

Real property owned by one or more persons with disabilities, as defined in New York State Real Property Tax Law § 459-c, or owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, shall be exempt from taxes up to a maximum of 50% of the assessed valuation, pursuant to the following schedule and subject to the following conditions:

Annual Income	Percentage of Assessed Value Exempt From Taxation
\$0 to \$20,500.00	50%
\$20,500.01 to \$21,499.99	45%
\$21,500.00 to \$22,499.99	40%
\$22,500.00 to \$23,499.99	35%
\$23,500.00 to \$24,399.99	30%
\$24,400.00 to \$25,299.99	25%
\$25,300.00 to \$26,199.99	20%
\$26,200.00 to \$27,099.99	15%
\$27,100.00 to \$27,999.99	10%
\$28,000.00 to \$28,899.99	5%

- A. The income of the owner or the combined income of the owners of the property, from all sources, **including social security benefits and any distribution received from an individual retirement account or an individual retirement annuity** as set forth in New York State Real Property Tax Law § 459-c, for the income tax year immediately preceding the date of making application for exemption must not exceed \$28,899.99. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no such return is filed, the calendar year.
- B. Only that portion of property used exclusively for residential purposes shall be eligible for exemption pursuant to this article.
- C. Except as otherwise provided for in New York State Real Property Tax Law § 459-c, to be eligible for exemption pursuant to this article, property must be the legal residence, and be occupied, in whole or in part, by the disabled person.
- D. Any exemption provided by this article shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided, however, that no parcel may receive both an exemption pursuant to this article and a senior citizens tax exemption pursuant to Article III of this chapter.

- E. Notwithstanding any other provision of this article to the contrary, the provisions of this article shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this article, were such person or persons the owner or owners of such real property.

Changes or additions in text are indicated by **bold and underline**, deletions by [brackets]



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Update on Capital Projects and anticipated Council actions.

**FOR THE MEETING OF:**  
September 13, 2023

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

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

**BACKGROUND:**





# CITY COUNCIL AGENDA

DEPT.: City Departments

CONTACT: Greg Usry, City Manager

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

**FOR THE MEETING OF**  
September 13, 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 of IT and DPW have provided the attached memo regarding equipment that needs to be surplussed.

See attached.

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

DATE: September 7, 2023

TO: Greg Usry, City Manager

FROM: Ryan Coyne, City Engineer

RE: Surplus Vehicles and Equipment

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As discussed, we have developed a list of vehicles and equipment that are no longer useful to City departments. This list is inclusive of the Departments of Public Works, Police, Recreation, Fire Department, and Staff vehicles and equipment. 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.

- 2007 Gator Utility XUV 4x4 Diesel (REC)
- 2003 Chevy Passenger Van, VIN # 1gagg25u831184547 (REC)
- 2000 Chevy Utility, VIN # 1gbjk34f4yf512503 (DPW)
- EDCO Line grinder Model # CPM8-9H Serial # 051010087 (DPW)
- 2018 Chevrolet Bolt EV, VIN 1G1FW6S06J4137889 (DPW)
- Smart Board Interactive Flat Panel with Stand, S/N K012FW30D0044 (DPW)

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

*(914) 967-7464 phone*

*(914) 967-4107 fax*

# CITY OF RYE

Kerry Donahue  
Coordinator of Computer  
Services  
Rye, NY 10580



Telephone: 914-557-8843  
Email: [kdonahue@ryeny.gov](mailto:kdonahue@ryeny.gov)  
<http://www.ryeny.gov>

## INFORMATION TECHNOLOGY DEPARTMENT Memorandum

To: Greg Usry, City Manager  
From: Kerry Donahue, Coordinator of Computer Services  
Date: September 6, 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		Serial #	Description
HP	Compaq 8000		2UA0260H64	Computer
HP	EliteDesk 800		2UA525249X	Computer
HP	EliteDesk 800		2UA4151VN8	Computer
HP	Compaq 8000		2UA0260H69	Computer
HP	Compaq dc7900		2UA9400R9J	Computer
HP	EliteDesk 800		2UA4101191	Computer
HP	EliteDesk 800		2UA4151TTM	Computer
HP	EliteDesk 800		2UA42629T8	Computer
HP	EliteDesk 800		2UA5011L4S	Computer
HP	EliteDesk 800		2UA4151TTK	Computer
HP	Compaq Pro 4300		MXL3242RRP	Computer
HP	EliteDesk 800		2UA5011L4Y	Computer

HP	EliteDesk 800		2UA5011L4V	Computer
HP	EliteDesk 800		2UA4151TTP	Computer
HP	EliteDesk 800		2UA5221QBZ	Computer
HP	ProDesk 400		MXL0082Z5L	Computer
HP	EliteDesk 800		2UA7312CS3	Computer
HP	EliteDesk 800		2UA5011L4Q	Computer
HP	EliteDesk 800		2UA3490K6D	Computer
HP	Compaq Elite 8300		2UA3021K99	Computer
HP	EliteDesk 800		2UA5401PFY	Computer
HP	EliteDesk 800		2UA5221Q9X	Computer
HP	Compaq 6000 Pro		2UA1040721	Computer
HP	ProDesk 400		MXL0082Z5H	Computer
Lenovo	ThinkPad		SL10K36008	Laptop
HP	EliteDesk 800		2UA4151VN6	Computer
Dell	Wyse 5070		1LKKF33	Computer
Dell	Wyse 3040		DNL06P2	Computer
Dell	Wyse 3040		1TJ3N83	Computer
Dell	Wyse 3040		1RL06P2	Computer
Dell	Wyse 3040		1TH6N83	Computer
Dell	Wyse 3040		95J06P2	Computer
HP	Compaq dc5700		2UA70617X3	Computer
HP	EliteDesk 800		2UA4151TTQ	Computer
HP	EliteDesk 800		2UA8152LZ1	Computer
Dell	Wyse 5470		BK5TJW2	Computer

Printer: HP	Laser Jet Enterprise M608		CNBCK9N0PK	Printer
Epson	J382A		X7SA001881	Scanner
HP	M1P02A		CNC7310Y6B	Printer
Samsung	S24C230BL		ZXLBHTLF300147W	Monitor
Samsung	S24C230BL		ZXLBHTLF302355Y	Monitor
HP	Compaq LA2006x		CNC214S8G4	Monitor
ScanSnap	lx500		AWTHG63112	Scanner
HP	LaserJet Pro M102w		VND3B49315	Printer
HP	EliteDesk 800		2UA5011L4T	Computer
HP	EliteDesk 800		2UA6232J1T	Computer
HP	Elite desk 800		2UA5011L4X	Computer
HP	color laser jer		CNWBD53729	Printer
HP	Compaq Laserjer 2006x		CNC233Q791	Printer
HP	V223		3CQ64521RN	Monitor
Apple	Imac		D2550YPDHJW	Computer
HP	L2045W		CNT801Q0KB	Monitor



## CITY OF RYE

CITY HALL • RYE, NEW YORK 10580

TELEPHONE (914) 967-5400

### **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.



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Consideration of a request by Soul Ryeders to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October, 2023.

**FOR THE MEETING OF:**

September 13, 2023

**RECOMMENDATION:** That the Council consider granting the request.

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

**BACKGROUND:** SOUL RYEDERS' TieTheTownPink began in 2014 as a breast cancer awareness campaign. Now, their goal is to adorn the City of Rye and surrounding towns with natural burlap pink ribbons beginning on October 1st to show the communities' support for individuals and families affected by all types of cancer and to highlight the importance of regular prevention screenings.

They seek permission from the City of Rye to tie large pink ribbons around trees and lampposts throughout the City and on downtown Purchase Street from October 1 – 31, 2023. They would also like permission to tie ribbons at Disbrow Park and Nursery Field. SOUL RYEDERS will take responsibility for placing the ribbons around town and will take all ribbons down at the end of the campaign.





August 28, 2023

Mr. Josh Cohn  
Mayor, City of Rye  
Councilmember Lori Fontanes  
Councilmember Bill Henderson  
Councilmember Carolina Johnson  
Councilmember Josh Nathan  
Councilmember Ben Stacks  
Councilmember Julie Souza

Dear City of Rye Council Members:

I am writing to you to request your permission to once again celebrate SOUL RYEDERS' TieTheTownPink campaign this October throughout the City of Rye. Our volunteers would tie several ribbons along Purchase Street and Boston Post Rd on October 1st and then would remove them at the end of the month.

Each year we strive to "tie our community together" to show its support for ANYONE affected by ANY TYPE of cancer, not just breast cancer and 2023 marks our 10th anniversary of this campaign and each year we are overwhelmed by the support from our community. The proceeds from this campaign go to support the programs SOUL RYEDERS offers its clients and caregivers. You can learn more about these programs on our website: [soulryeders.org](https://soulryeders.org).

Once again, our beautiful pink ribbons are made from natural burlap and therefore are environmentally friendly. They are different from last year's ribbons and went through 'rigorous testing' in hopes they will look as beautiful as possible from day one through day 31!

We have been so grateful for the City of Rye's enthusiastic support over the years. Please let me know if you have any questions that I may answer. Many thanks for your time and consideration.

Respectfully,

Lesley Findlay  
Director of Operations

SOUL RYEDERS is a local cancer-related non-profit located in Rye whose mission is to provide personalized resources, innovative programs and community support for anyone in the New York Tri-State area impacted by any type of cancer.

1091 Boston Post Road  
Rye, NY 10528  
[soulryeders.org](https://soulryeders.org)



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Consideration of a request by the Rye Chamber of Commerce for use of Purchase Street from the Village Green to Purdy on Sunday, November 26, 2023 for the Mistletoe Magic event.

**FOR THE MEETING OF:**

September 13, 2023

**RECOMMENDATION:** That the City Council approve the request for the Village Green.

RESOLVED that the Council approves this request for use of Purchase St in the CBD on Sunday, November 26, 2023 for the Mistletoe Magic event.

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

**BACKGROUND:** The request is for use of Purchase St in the Central Business District for the annual Mistletoe Magic festival.



August 28, 2023

Ms. Noga Ruttenberg  
Secretary to City Manager  
City Clerk  
City of Rye  
1051 Boston Post Road  
Rye, New York 10580

Re: Rye Chamber of Commerce Mistletoe Magic Event

Dear Ms. Noga Ruttenberg

On behalf of the Rye Chamber of Commerce, I am writing to request permission from the city for use of Purchase Street, from the Village Green to Purdy Avenue, on **Sunday, November 26, 2023** for our annual Mistletoe Magic Festival.

I will contact the Commissioner of the Rye City Police Department to make sure the village officer has extra help to cover the extra traffic and shoppers. An insurance certificate will be provided upon approval.

Thank you in advance for your consideration.

Very truly yours,

Brian Jackson  
President,  
Rye Chamber of Commerce