

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

**REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS, CITY HALL  
Wednesday, January 10, 2024  
6:30 p.m.**

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

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the Regular Meeting of the City Council held December 20, 2023.
4. Presentation of the Mayor John Carey Merit Award to Luke Walsh.
5. Appointment of the 2024 Deputy Mayor by the Mayor.
6. Designation of the City Council's Audit Committee by the Mayor.
7. Designation of the City Council Liaisons by the Mayor.
8. Designation of official City newspaper.
9. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.
10. Resolution authorizing the City Manager to sign a retainer agreement with Envision Strategy for a cost not to exceed \$100,000.
11. Old Business/New Business.
12. Adjournment

\*\*\*\*\*

The next regular meeting of the City Council will be held on Wednesday, January 24, 2024, 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".

***UNAPPROVED MINUTES*** of the Regular Meeting of  
the City Council of the City of Rye held in City Hall on  
December 20, 2023, at 6:30 P.M.

PRESENT:

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

ABSENT:

None

ALSO ATTENDING:

GREG USRY, CITY MANAGER  
KRISTEN WILSON, CORPORATION COUNSEL  
JOSEPH FAZZINO, CITY COMPTROLLER  
MICHAEL KOPY, PUBLIC SAFETY COMMISSIONER

The Council convened at 5:00 PM and entered into Executive Session at 5:01 P.M. to discuss pending 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 Regular Meeting of the City Council held December 6, 2023.](#)

On motion by Councilwoman Souza, seconded by Councilman Stacks, it was

RESOLVED to approve the draft unapproved minutes of the Regular Meeting of the City Council held December 6, 2023.

Adopted by the following vote:

**UNAPPROVED MINUTES** – Regular Meeting - City Council  
December 20, 2023

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

4. [Authorization to approve the purchase of a new Police Boat for \\$587,000 with monies from the Building and Vehicle Maintenance Fund.](#)

Roll Call

Commissioner Kopy spoke and answered questions regarding the purchase of the new Police Boat.

On motion by Mayor Cohn, seconded by Councilman Stacks, it was

RESOLVED to purchase a new Police Boar for \$587,000 with monies from the Building and Vehicle Maintenance Fund.

Adopted by the following vote:

ROLL CALL

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

5. [Continue the public hearing on the 2024 Budget.](#)

There were no comments.

On motion by Councilwoman Souza, seconded by Councilwoman Johnson, the hearing was closed.

6. [Open the public hearing to adopt a Local Law to override the State enacted tax levy limitation, if necessary.](#)

Roll Call

There was no necessary motion to open the public hearing, and the agenda item was tabled.

7. [Resolution to adopt the 2024 Budget and establish the 2024 tax levy and 2024 tax rate.](#)

Roll Call

Comptroller, Joseph Fazzino, spoke on a change in the 2023 City of Rye tax rate and the City of Rye budget.

**UNAPPROVED MINUTES** – Regular Meeting - City Council  
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On motion by Councilman Stacks, seconded by Councilwoman Souza,

WHEREAS, on November 8, 2023, the 2024 Tentative Budget was presented to the City Council, and;

WHEREAS, the total taxable assessed evaluation for the tentative budget changed from \$148,184,783 to \$147,852,400, resulting in a change in the tax rate from \$203.54 to \$203.99;

NOW THEREFORE BE IT RESOLVED: that the City Council does hereby certify to the City Comptroller the 2024 City of Rye tax rate of \$203.99 per \$1,000 taxable assessed valuation and the 2024 City of Rye tax levy of \$30,160,903; and

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

Adopted by the following vote:

**ROLL CALL**

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

NAYS: None

ABSENT: None

Comptroller Fazzino acknowledged the resignation of former City Clerk, Carolyn D’Andrea, and thanked her for her time with the City.

8. [Ribbons on Poles and Trees in the City Right of Way.](#)

The item was tabled.

9. [Nursery Field Donor Group Agreement.](#)

The following residents spoke on the Nursery Field project:

- Suki van Dijk, 62 Garden Drive
- Matt Pymm, 93 Overlook Place
- Bill Curran, 16 Valleyview Avenue

City Manager, Greg Usry, clarified some points regarding the Nursery Field Project.

On motion by Councilwoman Souza, seconded by Councilwoman Johnson,

**RESOLUTION OF THE RYE CITY COUNCIL TO ACCEPT DONOR GROUP GIFT  
FOR THE PURPOSE OF CONSTRUCTING A SYNTHETIC TURF FIELD AT  
NURSERY FIELD**

WHEREAS, extensive study, analysis, and discussion over a period of four years has been conducted in relation to the turfing of an existing playing field in order to improve the field's availability for play; and

WHEREAS, as a result of the extensive study, analysis and discussion, the Rye City Council determined that the plan put forth is consistent with LWRP policies; and

WHEREAS, as a result of the extensive study, analysis and discussion, the Rye City Council conducted a Coastal Zone Management Waterfront Consistency Review - Coastal Consistency Determination and a Negative Declaration for the State Environmental Quality Review (SEQRA); and

WHEREAS, the City Engineer has engaged consultants to complete the plans for the construction of a synthetic turf field at Nursery Field and will source bids/quotes against the full plan; and

WHEREAS, the source of funding for the construction of a synthetic turf field at Nursery Field is a question for some in the community; and

WHEREAS, a not-for-profit organization has agreed to fund the construction of a synthetic turf field at Nursery Field upon the City of Rye's acceptance of such funds prior to accepting a bid that has been deemed credible and acceptable by the City Engineer (the "bid determination") (such funds to be delivered following the bid determination), and whereas such bid determination is necessary for the not-for-profit to begin accepting donations and collecting pledges;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The City of Rye accepts the terms of the funding Letter Agreement, as put forth by the funding group and instructs the City Manager to execute it on behalf of the City.
2. The City Engineer will engage consultants to complete the plans for the construction of a synthetic turf field at Nursery Field, to source bids/quotes against the full plan, and to recommend an acceptable bid as soon as possible.
3. The City of Rye accepts the gifted funds effective upon their delivery if sufficient to underwrite the construction of the synthetic turf field (and associated costs as put forth in "Letter Agreement" proposed by the non-profit group).

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4. The City of Rye, as is its customary and general practice, will defend in good faith against any litigation, in which it is a named party as it relates to the construction of a synthetic turf field at Nursery Field (“Field Construction” as defined in Letter Agreement).

5. Within 45 days, RYAF or any successor named organization, shall: 1) supply proof that it has filed and registered as a foreign business corporation by filing the appropriated application for authority in accordance with the Business Corporation Law, and 2) register as a charity with the Charity Bureau to be authorized to accept donations. In the event that RYAF fails to comply with any of these obligations, the City may, in its sole discretion, declare this resolution null and void.

ROLL CALL

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

10. [Members of the public may be heard on matters for Council consideration that do not appear on the agenda.](#)

No members of the public spoke.

11. [Award bid for replacement of underground fuel tanks at DPW.](#)  
Roll Call

On motion by Councilwoman Johnson, seconded by Councilwoman Souza, it was

RESOLVED to award the bid for replacement of underground fuel tanks at DPW to American Petroleum Equipment & Construction Co., Inc. in the amount of \$476,230.00.

Adopted by the following vote:

ROLL CALL

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

12. [Resolution to appropriate funds from the General Capital Projects account in the amount of \\$200,000 to complete the fuel tank and system replacement.](#)  
Roll Call

On motion by Councilwoman Johnson, seconded by Councilman Henderson, it was

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RESOLVED the City Council, hereby authorizes the appropriation of \$200,000 from the General Capital Projects Account to the DPW Fuel Tank Account to complete the fuel tank and system replacement.

Adopted by the following vote:

ROLL CALL

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

13. [Resolution to authorize Corporation Counsel to sign a stipulation settlement in \*Henry E. Gaillard v. City of Rye City Council and Miriam Osborn Memorial Home Association\* \(Index No. 65743/2022\).](#)

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

RESOLVED to authorize Corporation Counsel to sign a stipulation settlement in *Henry E. Gaillard v. City of Rye City Council and Miriam Osborn Memorial Home Association* (Index No. 65743/2022).

Adopted by the following vote:

ROLL CALL

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

14. [Resolution authorizing the City Comptroller to make the necessary year-end closing transfers.](#)

On motion by Councilwoman Souza, seconded by Councilwoman Johnson, it was

RESOLVED, that the City Comptroller is hereby authorized to make the necessary 2023 fiscal year-end budget transfers in City accounts, provided a list of such transfers over \$10,000 is furnished to the City Council after completion of such transfers.

Adopted by the following vote:

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

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ABSENT:     None

15. [Resolution authorizing the Mayor to enter into an agreement with the Rye Free Reading Room to furnish library services for 2024.](#)

Roll Call.

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

RESOLVED, that the Mayor be and hereby is authorized to execute an agreement with the Rye Free Reading Room to furnish library services for 2024.

Adopted by the following vote:

ROLL CALL

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

NAYS:           None

ABSENT:       None

16. [Resolution authorizing the City Manager or his designee to sign an MOA with Westchester County regarding mutual aid.](#)

On motion by Councilwoman Souza, seconded by Councilwoman Johnson, it was

RESOLVED to authorize the City Manager or his designee to sign an MOA with Westchester County regarding mutual aid.

Adopted by the following vote:

ROLL CALL

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

NAYS:           None

ABSENT:       None

17. [Resolution to participate in the 2023 Tree City program.](#)

On motion of Councilwoman Johnson, seconded by Councilman Stacks,

Resolution to participate in the Tree City Program for 2023

WHEREAS, the Tree City USA program has been greening up cities and towns across America since 1976 and is a nationwide movement that provides the framework necessary for communities to manage and expand their public trees; and



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WHEREAS, trees in our community increase property values, enhance the vitality of our business areas and neighborhoods, beautify our community, provide wildlife habitat, clean the air we breathe, moderate temperatures, provide shade, produce oxygen, and sequester carbon dioxide; and,

WHEREAS, the City has been recognized as a Tree City USA by the National Arbor Day Foundation for over 20 years; and, WHEREAS, becoming a Tree City connects a community to a network of other communities who care about their trees;

NOW, THEREFORE, BE IT RESOLVED that the City of Rye has applied to be designated a Tree City again in 2023.

Adopted by the following vote:

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

18. [Resolution authorizing Joel R Dichter to join on, and be a signatory to, the settlement agreement for the Veolia Water New York Rate Case pending before the New York Public Service Commission.](#)

On motion by Councilwoman Souza, seconded by Councilwoman Johnson, it was

RESOLVED to authorize Joel R Dichter to join on, and be a signatory to, the settlement agreement for the Veolia Water New York Rate Case pending before the New York Public Service Commission.

ROLL CALL

Adopted by the following vote:

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

19. [Resolution to declare certain equipment as surplus.](#)

On motion by Councilwoman Souza, seconded by Councilwoman Johnson,

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

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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 various departments to donate their inventory or to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

Adopted by the following vote:

**ROLL CALL**

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

NAYS: None

ABSENT: None

20. [Appointments to Boards and Commissions by the Mayor with Council approval.](#)

Mayor Cohn announced the following appointments to Board and Commissions:

- Board of Appeals: Reappointment of Alan Weil (chair) and Peter Olsen, and appointing Carolina Johnson.
- Board of Architectural Review: Reappointment of Michael Harrington (chair) and Christine Broesti.
- Board of Assessment Review: Reappointment of Matt Fahey.
- Board of Ethics: Mayor Cohn thanked Ed Dunn for his service and appointed Ted Livingston.
- Finance Committee: Reappointment of Thomas Hamilton and Janice DeNagy and thanked Fred Buffone, Christine Min Groves, and Susan Watson for their service.
- Flood Advisory: Reappointment of Sean Traynor and Sebastien Gutierrez, and appointing Carolina Johnson to be co-chair with Sean Traynor.
- Human Rights Commission: Reappointment of Rita Capek (chair) and Meg Cameron.
- Planning Commission: Reappointment of Nick Everett (chair) and Dan B'Sharat.
- Police Advisory: Reappointment of Lisa Dominici (chair) and Dan Love.

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- Recreation Commission: Mayor Cohn thanked Bart DiNardo for his service. Reappointment of Lisa Dempsey, Ken Niejadlik, and Linda Ritacco, and appointed Kristan Watson. Rick McCabe has been made to be chair.
- Senior Advocacy; Reappointment of Nancy Haneman (chair), Pat Hammer, and Brenda Wilkin.

Councilpersons Henderson and Nathan expressed that they would like to look over the appointments and motioned to move this agenda item to the first meeting in January. The City Council took a vote to approve the appointments for this meeting, Councilpersons Henderson and Nathan voted no.

21. [Old Business/New Business.](#)

The City Council thanked Councilpersons Fontanes and Johnson for their time as City Council members.

Councilman Stacks announced his resignation from the City Council, effective December 31<sup>st</sup>, 2023.

22. [Adjournment](#)

On motion of Councilwoman Johnson, seconded by Councilman Henderson, with the Council in favor, the meeting was adjourned at 8:26 P.M.

Respectfully submitted,

Kayla Garritano  
Interim City Clerk



# CITY COUNCIL AGENDA

DEPT.: Mayor

CONTACT: Mayor Josh Cohn

**AGENDA ITEM:** Presentation of the Mayor John Carey Merit Award to Luke Walsh.

**FOR THE MEETING OF:**

January 10, 2024

**RECOMMENDATION:**

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

**BACKGROUND:**



# CITY COUNCIL AGENDA

DEPT.: City Council

CONTACT: Mayor Josh Cohn

**AGENDA ITEM:** Appointment of the 2024 Deputy Mayor by the Mayor.

**FOR THE MEETING OF:**

January 10, 2024

**RECOMMENDATION:** that the following resolution be adopted:

RESOLVED, that \_\_\_\_\_ be appointed the Deputy Mayor for a one-year term commencing January 1, 2024, to serve as Acting Mayor in the Mayor's absence.

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

**BACKGROUND:** Section § C7-2, "Deputy Mayor" of the City Charter stipulates that "On or before the tenth day of January following his election, and within ten (10) days after any vacancy in the office of Deputy Mayor shall occur, the Mayor shall appoint a member of the Council as Deputy Mayor, to hold office as long as he remains such member and at the pleasure of the Mayor."



# CITY COUNCIL AGENDA

DEPT.: City Council

CONTACT: Mayor Josh Cohn

**AGENDA ITEM:** Designation of the City Council's Audit Committee by the Mayor.

**FOR THE MEETING OF:**

January 10, 2024

**RECOMMENDATION:** that the following resolution be adopted:

RESOLVED, that two Council members be appointed to the City Council's Audit Committee for a one-year term commencing January 1, 2024.

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

**BACKGROUND:** The Audit Committee was established at the January 19, 1977 City Council Meeting to facilitate Council participation in the City audits. The resolution stipulated that the Audit Committee consist of the Mayor and two Council members, appointed by the Mayor, to meet at least once yearly after completion of the independent audit.



# CITY COUNCIL AGENDA

DEPT.: City Council

CONTACT: Mayor Josh Cohn

**AGENDA ITEM:** Designation of the City Council Liaisons by the Mayor.

**FOR THE MEETING OF:**

January 10, 2024

**RECOMMENDATION:** That the Council approve the appointments as presented by the Mayor.

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

**BACKGROUND:** Designation of the City Council Liaisons by the Mayor for the following Boards and Committees:

Board of Appeals	Police Advisory Committee
Board of Architectural Review	Recreation Commission Rye
Boat Basin Commission	Rye City School District
Chamber of Commerce	Rye Free Reading Room
Conservation Commission/Advisory Council	Rye Golf Commission
Emergency Medical Services	Rye Playland Advisory Committee
Finance Committee	Rye Senior Advocacy Committee
Flood Advisory Committee	Rye Sustainability Committee
Human Rights Commission	Rye Town Park Commission
Landmarks Advisory Committee	Traffic & Pedestrian Safety Committee
Planning Commission	



# CITY COUNCIL AGENDA

DEPT.: City Manager's Office

CONTACT: Greg Usry, City Manager

**ACTION:** Designation of the official City newspaper.

**FOR THE MEETING OF:**  
January 10, 2024

**RECOMMENDATION:** That the Mayor and City Council designate the Journal News as the official City newspaper for purposes of publishing legal notices.

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

**BACKGROUND:** The Rye City Charter requires that the Council designate a newspaper circulated regularly at least once a week in the City as the official newspaper of the City. A daily newspaper provides the City staff with the most flexibility in meeting notice deadlines. Each of the newspapers covering the City provides different types of coverage but working with a weekly paper is much more difficult in meeting notice deadlines and a monthly paper cannot meet the notice needs of the City.





# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Resolution authorizing the City Manager to sign a retainer agreement with Envision Strategy for a cost not to exceed \$100,000.

**FOR THE MEETING OF:**  
January 10, 2024

**RECOMMENDATION:** That the Council authorizes the City Manager to sign the agreement.

RESOLVED the City Manager is authorized to extend the retainer agreement with Envision Strategy.

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

## BACKGROUND:

See attached



December 22<sup>nd</sup>, 2022

Greg Usry  
City Manager  
City Hall  
1051 Boston Post Road  
Rye, NY 10580

Dear Mr. Usry,

This Letter of Agreement specifies the agreement and term of work established between Envision Strategy, LLC and the City of Rye.

**Scope of Services:**

- Government relations representation with the Federal Government including Federal Agencies, Congress and the Executive Branch focused on flood mitigation project funding.
- Government relations representation before the New York State Senate, New York State Assembly, Executive Branch and local governments.
- Consulting relative to funding opportunities and project management.

**Fee and Term:**

The fee will be \$8,000 per month for a period of one year commencing on January 1<sup>st</sup>, 2023 and ending December 31<sup>st</sup>, 2023, or until termination in writing with 60 days' notice from either party. Reasonable and ordinary expenses, including travel, meals, postage and NYSJCOPE registration, will be billed monthly with expenses over \$300 to be approved by the client. Invoices will be submitted monthly on the first of the month. This contract will be filed with the Commission and registered under the LDA as required by law.

Sincerely,

Brett Heimov  
Envision Strategy, LLC

Accepted by:

Greg Usry  
City of Rye

# **Envision Strategy, LLC**

“The Business of Government”

1010 Vermont Avenue, NW Suite 510  
Washington, DC 20005

December 15<sup>th</sup>, 2023

NYS Commission on Ethics and Lobbying in Government

540 Broadway

Albany, NY 12207

ATTN: Program Operations

This letter is to confirm that Envision Strategy, LLC is extending and amending its existing contract with the City of Rye commencing January 1<sup>st</sup>, 2024 with the contract expiration date on December 31<sup>st</sup>, 2024. All other terms and scope of services detailed in the contract filed with the New York State remain the same.

Sincerely,



Brett Heimov  
Managing Director  
Envision Strategy, LLC

Accepted by:

Greg Usry  
City Manager  
City of Rye