

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

AGENDA

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, April 11, 2018
7:30 p.m.**

Please Note: The Council will convene at 6:30 p.m. and it is expected they will adjourn into Executive Session at 6:31 p.m. to discuss attorney-client privileged matters, personnel matters and labor negotiations.

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the regular meeting of the City Council held March 28, 2018.
4. Continuation of the Public Hearing to amend local law Chapter 64, “Boats and Harbors” of the Rye City Code by amending provisions related to moorings.
5. Public Hearing to amend Chapter 197, “Zoning”, Article VIII “Tables of Regulations: Table B Business Districts-Use Regulations Column 3 Permitted Accessory Uses” to amend the notification requirements related to Seasonal Outdoor Customer Seating Annual Permits.
6. Residents may be heard on matters for Council consideration that do not appear on the agenda.
7. Consideration to set a Public Hearing for April 25, 2018 to amend local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-21, “No parking, standing or stopping”, to prohibit parking on the west side of Coolidge Drive from Osborn Road to Harding Drive. Section 191-20.F, “Four-hour limit between the hours of 8:00 a.m. and 6:00 p.m., except on Saturday and Sundays”, by adding the following: Osborn Road – northernmost access drive to Osborn School to Theall Road; Coolidge Avenue – east side from Harding Drive to Osborn Road; and Theall Road – west side from the southerly end of the dedicated parking lane to Osborn Road.
8. Consideration of a request by the Lustgarten Foundation Cancer Research Institute for use of city streets on Sunday, April 15, 2018 from 9:00 a.m. to 12:00 p.m. for their annual Westchester Pancreatic Cancer Research Walk.

9. Consideration of a request from Ms. Hogan to temporary amend parking on Milton Road and at snow field to accommodate the annual house tour on May 18, 2018.
10. Appointments to Boards and Commissions, by the Mayor with Council approval.
11. Miscellaneous communications and reports.
12. Old Business.
13. New Business.
14. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, April 25, 2018 at 7:30 p.m. A Joint Meeting of the City Council of the City of Rye and the Rye City School District Board of Education will be held on Saturday, April 14, 2017 at 9:00 a.m. in Rye City Hall.

City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under “RyeTV Live”.

The Mayor and City Council have office hours in the Mayor’s Conference Room Annex at Rye City Hall, 1051 Boston Post Road. The Mayor’s Conference Room Annex is located on the 1st floor of City Hall adjacent to the Council Chambers. Hours are as follows:

Mondays 9:30 a.m. to 11:00 a.m.

Councilwoman Danielle Tagger-Epstein & Councilwoman Julie Souza

Wednesdays 9:00 a.m. to 10:30 a.m.

Mayor Josh Cohn, Deputy Mayor Emily Hurd & Councilwoman Sara Goddard

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on March 28, 2018, at 7:30
P.M.

PRESENT:

JOSH COHN, Mayor
SARA GODDARD
EMILY HURD
RICHARD MECCA
JULIE SOUZA
BENJAMIN STACKS
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

None

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn immediately into executive session at 6:30 P.M. to discuss personnel and litigation matters.

At 7:30 P.M., Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn the executive session. The regular meeting of the City Council began at 7:47 P.M.

1. Pledge of Allegiance.

Mayor Cohn called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call.

Mayor Cohn asked the City Clerk to call the roll; a quorum was present to conduct official City business.

3. Draft unapproved minutes of the regular meeting of the City Council held March 14, 2018.

Councilwoman Hurd made a motion, seconded by Councilman Mecca, to adopt the minutes of the regular meeting of the City Council held March 14, 2018.

4. Continuation of the Public Hearing to amend local law Chapter 176, “Energy Conservation”, of the Rye City Code by amending provisions related to the Sustainable Energy Loan Program in the City of Rye in accordance with Article 5-L of the General Municipal Law.

Mayor Cohn stated that this was in response to changes in the Energize NY’s PACE program, financing capital improvements that include more sustainable energy sources. In response to the recent changes made to the General Municipal Law regarding this type of financing, the City is considering amendment the City Code and the existing program in Rye. Mayor Cohn invited the public to view the video from the March 21, 2018 work session, at which time the matter was discussed.

There being no one from the public to speak, Councilwoman Hurd made a motion, seconded by Councilman Mecca, to close the public hearing.

Councilwoman Goddard made some comments regarding the proposed amendments to the local law and program. She said that the Council had discussed details of the proposed PACE 2.0 program at the recent work session on March 21, 2018. She said that the program anticipates larger loan values, among other items. In response to the proposed changes, the Council came up with a list of suggested amendments. The list is as follows: 1) No construction financing (PACE 2.0 currently allows for this); 2) A limitation of 75% of loan-to-value, which is the industry standard for commercial property financing (PACE 2.0 has a loan-to-value limitation of 90%); 3) A \$500,000 aggregate loan cap; 4) Maintaining the current status in Rye limiting the program to not-for-profit organizations; and 5) the borrower must have been in business for at least three years.

Mayor Cohn said that the City had invited expressions of interest from commercial properties, and the Chamber of Commerce, but to date, there had been none.

Corporation Counsel Wilson explained that there would need to be a resolution to adopt Local Law 1 of 2018 to move this forward.

Mark Thielking, Energize NY, clarified that the local law must have to pass “as is,” and that any program modifications unique to the City would happen as a result of a letter modification to the municipal agreement.

Councilwoman Hurd confirmed that this would be the same as what was described as a “side letter” at the last regular City Council meeting.

Mayor Cohn clarified that the City would be moving from PACE 1.0 to PACE 2.0. Mr. Thielking confirmed that this was correct, and that following the adoption of the local law, the parties would be signing a municipal agreement concerning the City’s program modifications.

Councilwoman Souza asked if having the local law “as is” opened the City up to liability, as in if a party could claim that they would be entitled to the entire program as written on the books without the modifications. Corporation Counsel Wilson and Mr. Thielking explained that

this would not be the case; that the municipal agreement that would be in place would be carried out by Energize NY to Rye's standards. In other words, the local law would provide the ability for the City of Rye to enter into such a program, whereas the municipal agreement would identify specifics pursuant to the Council's wishes.

Corporation Counsel Wilson stated that she would recommend that the Council make a motion to adopt Local Law number 1 of 2018, amending Chapter 176 of the Rye City Code. Upon that vote, she recommended a second resolution to enter into a municipal agreement with Energize NY.

Councilwoman Goddard made a motion, seconded by Councilwoman Hurd, to amend Local Law Chapter 176, "Energy Conservation", adopting a new Local Law 1 of 2018 of the Rye City Code by amending provisions related to the Sustainable Energy Loan Program in the City of Rye in accordance with Article 5-L of the General Municipal Law, as follows:

CITY OF RYE
LOCAL LAW NO. 1 2018

A local law to amend Chapter 176 "Energy Conservation" of the Rye City Code as follows:

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

Section 1. This Local Law shall be known as the "Energy Conservation" and shall read as follows:

§176-1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the City of Rye and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The City of Rye finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This chapter establishes a program that will allow the Energy Improvement Corporation ("EIC"), a local development corporation, acting on behalf of the City of Rye pursuant to the municipal agreement to be entered into between the City of Rye and EIC pursuant to Article 5-G of the New York General Municipal Law (the "Municipal Agreement"), to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this law and fulfilling an important public purpose.
- B. The City of Rye is authorized to implement this Energize NY Benefit Financing Program pursuant to the Municipal Home Rule Law and Article 5-L of the New York General Municipal Law.
- C. This law may be known and may be cited as the "Energize NY Benefit Financing Program Law of the City of Rye".

§ 176-2. Definitions.

For purposes of this law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

AUTHORITY

The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the Public Authorities Law, or its successor.

EIC

The Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the City of Rye to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this law) and providing for repayment of such funds from monies collected by the City of Rye tax collecting officer as a charge to be levied on the real property and collected in the same manner and same form as the City taxes.

ENERGY AUDIT

A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

ENERGY EFFICIENT IMPROVEMENT

Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weather stripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

QUALIFIED PROPERTY OWNER

An owner of residential or commercial real property located within the boundaries of the City of Rye that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this law.

RENEWABLE ENERGY SYSTEM

An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, except when the Qualified Property Owner is a commercial entity in which case the system may be used for other properties in addition to the subject property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

RENEWABLE ENERGY SYSTEM FEASIBILITY STUDY

A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

§ 176-3. Establishment of an Energize NY Benefit Financing Program.

- A. An Energize NY Benefit Financing Program is hereby established by the City of Rye, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this law, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.
- B. For funds provided to a Qualified Property Owner which is a commercial entity, not-for-profit organization, or entity other than an individual, EIC shall have the authority to impose requirements on the maximum amount of funds to be provided, which may consider factors including but not limited to the property value, projected savings, project cost, and existing indebtedness secured by such property.
- C. For financings made to a Qualified Property Owner who is an individual, the funds provided shall not exceed the lesser of: (i) ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or (ii) the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

§ 176-4. Procedures for eligibility.

- A. Any property owner in the City of Rye may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the City Clerk's office.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the City of Rye, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in section 5 of this law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC acting on behalf of the City of Rye, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 6 of this law; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

§ 176-5. Application criteria.

Upon the submission of an application, EIC acting on behalf of the City of Rye, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective based on guidelines issued by the Authority;
- B. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- C. The amount financed under the Energize NY Benefit Financing Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- D. Sufficient funds are available from EIC to provide financing to the property owner;
- E. The property owner is current in payments on any existing mortgage;
- F. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
- G. Such additional criteria, not inconsistent with the criteria set forth above, as the City of Rye, or EIC acting on its behalf, may set from time to time.

§ 176-6. Opt-in, Energize NY Finance Agreement.

- A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an energize NY finance agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of the City of Rye (the “Energize NY Finance Agreement”).
- B. Upon execution of the Energize NY Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of City of Rye, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of Section 7 of this law have been met.
- C. The Energize NY Finance Agreement shall include the terms and conditions of repayment set forth under section 8 of this law.

§ 176-7. Energy audit, renewable energy system feasibility study.

- A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 2.

- B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 2.
- C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§ 176-8. Terms and conditions of repayment.

The Energize NY Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the City of Rye, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on his or her property tax bill and shall be levied and collected at the same time and in the same manner as City of Rye property taxes, provided that such charge shall be separately listed on the tax bill. The City of Rye shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the date the payment is due to be made to City of Rye.
- B. The term of such repayment shall be determined at the time the Energize NY Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the City of Rye.
- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the City of Rye at the time the Energize NY Finance Agreement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program as set forth in Article 5-L of the General Municipal Law and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

§ 176-9. Verification and report.

- A. EIC shall be responsible for verifying and reporting to the City of Rye on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such Program.
- B. The City of Rye shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

Section 2: Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 3: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.

ROLL CALL

AYES: Councilmembers Goddard, Hurd, Mecca, Souza, Tagger-Epstein, Stacks, Mayor Cohn
NAYS: None
ABSENT: None

Councilwoman Goddard, seconded by Councilwoman Tagger-Epstein, made a motion to authorize the City Manager to enter into a municipal agreement with the Energy Improvement Corporation which acknowledges that Local Law Chapter 176 will be subject to the following modifications in the City of Rye:

- 1) No construction financing;
- 2) Maximum loan-to-value ratio will be 75%, including current PACE financing;
- 3) Loans to be capped at an aggregate of \$500,000;
- 4) Restricted to not-for-profit organizations;
- 5) Borrower required to have been in business for at least three years.

ROLL CALL

AYES: Councilmembers Goddard, Hurd, Mecca, Souza, Tagger-Epstein, Stacks, Mayor Cohn
NAYS: None
ABSENT: None

Mayor Cohn thanked Mr. Thielking and Ms. Smiley from Energize NY.

5. Public Hearing to amend local law Chapter 64, “Boats and Harbors” of the Rye City Code by amending provisions related to moorings.

Councilwoman Hurd made a motion, seconded by Councilwoman Souza, to open the public hearing on Chapter 64, “Boats and Harbors.”

Jim Murphy, 75 Wappanocca, and American Yacht Club member, stated he was appreciative of the City staff’s effort with regard to the local law. He said that American Yacht

Club had run for 135 years. He identified two goals of the local law amendments as to ensure greater safety, and increase City revenue.

City Manager Serrano thanked Mr. Murphy for his input and felt that the law had been improved with the proposed amendments.

Mayor Cohn said that in reviewing the proposed amendments, he had asked some questions about definitions, but did not have additional concerns. Corporation Counsel Wilson stated that a definition for “Yacht Club” or similar entities could be added for clarification purposes.

Councilwoman Souza asked for clarification on a “catch-all” term, not limited to just yacht clubs. Mayor Cohn agreed that perhaps a term that catches all similar entities would be beneficial.

Councilwoman Hurd asked a procedural question on the fund that Corporation Counsel Wilson’s time would be charged to. There was then general discussion that the time spent on this legislation should be paid out of the General Fund, as it is a City law.

Mayor Cohn kept the public hearing open, adjourning it to the next regular meeting of the City Council.

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

Ray Tartaglione, 10 Hen Island, made a statement to the Council in response to Mayor Cohn’s statements at the previous Council meeting held on March 14, 2018. He stated he was displeased and felt that the problems at Hen Island were dismissed as disputes between neighbors. He expressed concern for the issues on Hen Island and the health and safety of Rye residents. He stated he was upset that all laws of the City had not been enforced and asked that the Building Department issue violations for sewage pits and other items. He asked if the Mayor and Council had read several specific reports. He demonstrated some photographs to the Council. He said that the City had several laws against what has been happening on Hen Island. Mayor Cohn recommended that Mr. Tartaglione be present during any future County inspections and ask for clarification of those officials.

Peter Jovanovich, former Councilmember, recounted his time on the Council. He recommended that laws that are no longer relevant or applied be removed from the City Code.

Christine Siller, Executive Director of Friends of Rye Nature Center, stated that the Rye Nature Center was out of power for 18 days with the recent storms. She thanked City Manager Serrano, City Engineer Coyne, and others for their diligent response during the recent Nor’easter storms. She acknowledged Con Edison who has been a long term partner of the Rye Nature Center and who worked quickly to repair the power outages. She said she wanted to go record noting the situation that the property is in. She felt most concerned that the entry bridge to the Nature Center is historic, but has been a concern for flooding and weight-bearing issues. She

stated that the bridge needed to be closed even prior to the storm due to flooding. She said that the Nature Center is working on a grant to try and help with these issues. With the preservation of the bridge, there would need to be a new entry into nature center. Ms. Siller recommended the Snow Field access route as an alternate entry location. She said that she understood that the New York Rising funds need to be allocated, and highly recommended that the Council consider these needs.

7. Review and discussion of City roads and intersections by City Engineer.

Mayor Cohn invited City Engineer Coyne to make a presentation. Mr. Coyne made a presentation to the Council, providing an overview of the roads, conditions and improvement plans. He explained that the main roads have been the focus of maintenance in recent years to prevent future issues. He also mentioned several County roads that had been recently paved. Mr. Coyne then discussed certain concrete roads that were a cause for concern. He then talked about other “arterial” roads in the scheme of priorities, which are somewhat heavily traveled as through roads. Mr. Coyne discussed roads with other special issues, such as those where Con Edison would be doing work, and those with sewer repairs.

There was discussion about the City requiring entities doing work/street opening, such as Con Edison, to restore the roads to any previous or better condition. Mayor Cohn asked if the City kept track of these entities doing work. Mr. Coyne responded that the City has a better handle on private installers with the City’s requirements in the Building Department. However, with public service entities such as Con Edison, it is more difficult as work is done sometimes in the middle of the night.

There was general discussion over fees for street openings. Currently, the fees are a minimum of \$250 with a mandatory \$200 surcharge, which is deposited into the annual street resurfacing fund. Mr. Coyne said that the Engineering and Building Departments were putting together a comparison between municipalities with regard to fees and charges, to provide the Council with a recommendation for the budget. Councilwoman Hurd said that she would like to have an updated fee on the next fee schedule.

There was discussion over paving Peck Avenue. Mr. Coyne said that deciding how far to pave is an ongoing discussion. He said also that the City has been working with the Traffic and Pedestrian Safety Committee to understand priorities with regard to pedestrian safety as well; this would be factored into the priorities discussion.

Mr. Coyne explained specific logistics about paving and preserving the roads for the future. He explained that what is being presented is fully paving and milling/ patching, not inclusive of adding sidewalks and the like. He discussed further specific proposals for paving for problem areas. He showed an aerial drawing of the Fireman’s Circle (where Grace Church meets Milton Road), and explained that the circle needed to be repaired by paving, curbing modifications for drainage purposes and traffic mitigation improvements for both vehicular and pedestrian safety.

Mayor Cohn asked how long it would take to improve Fireman's circle, and how the traffic would be mitigated. City Engineer Coyne stated that the consultant could provide a mitigation plan. He clarified that this particular improvement was involved in the current budgeted priorities.

Councilman Stacks asked about other areas, such as the Snow Field/ Nature Center access, and the intersection of Purdy/ Purchase/ Theodore Fremd. Mr. Coyne explained that improvements for the Purdy/ Purchase/ Theodore Fremd intersection had been budgeted for the current year.

Mayor Cohn stated that in general, it was important to think about the timing of major improvements, as the Last Mile improvements on I-95 would likely cause disruption within the City. He felt it would be helpful to space out scheduled improvements to the extent that the City could do so.

Concerning the Snow Field/ Nature Center access, Mr. Coyne recalled that in 2014, the projected cost was \$1.3 million.

Councilman Mecca requested that the Engineering Department patch small holes on Purchase Street for safety purposes in preparation for the upcoming annual parades.

There was discussion over the Forest Avenue studies. To proceed, the Council would need to review the recommendations made by the consultant.

Councilwoman Hurd asked if the City had explored the old easements to the schools that had since been out of commission. Mr. Coyne responded that alternative walkways could be revisited.

Mayor Cohn commented that he recalled that some of the prior walkways had been cause for concern by the schools and homeowners for safety reasons. Mr. Coyne confirmed this point. There was general discussion by the Council with regard to safe walkways to school.

Councilman Stacks asked about the cost of replacing/ repairing the bridge to the Nature Center. Councilwoman Goddard commented that she recalled that the cost for carving out a new access point off of the Snow Field would be less than replacing the bridge.

8. Adoption of the 2018 County property tax rates.
Roll Call.

Councilwoman Souza made a motion, seconded by Councilman Mecca, to adopt the following resolution:

RESOLVED, that the tax rates for the amounts of Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District charges for the fiscal year beginning January 1, 2018, shall be as follows:

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Westchester County

Levy	\$28,627,353
Taxable Assessed Value	139,927,245
Taxable Rate per \$1,000 Assessed Value	204.587

Blind Brook Sewer District

Levy	\$5,341,306
Taxable Assessed Value	141,863,774
Taxable Rate per \$1,000 Assessed Value	37.651

Mamaroneck Valley Sewer District

Levy	\$709,264
Taxable Assessed Value	19,601,022
Taxable Rate per \$1,000 Assessed Value	36.185

Refuse Disposal District No. 1

Levy	\$2,551,725
Taxable Assessed Value	142,012,846
Taxable Rate per \$1,000 Assessed Value	17.968

RESOLVED, that the Council does hereby certify to the City Comptroller the above stated levies and tax rates for Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District No. 1 charges, and the City Comptroller is hereby directed to apportion and extend against each taxable property listed upon the assessment roll of the City of Rye for 2018 at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums computed and determined, and, it is further

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

ROLL CALL

AYES:	Councilmembers Goddard, Hurd, Mecca, Souza, Tagger-Epstein, Stacks, Mayor Cohn
NAYS:	None
ABSENT:	None

9. Consideration of a request by the Rye Chamber of Commerce for the use of the southern end of the City's Car Park #2 on Sundays from May 13, 2018 through December 2, 2018 from 6:30 a.m. to 3:00 p.m. for the Rye Farmers Market. Market hours are from 8:30 a.m. to 2 p.m.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd and unanimously carried, approve the request by the Rye Chamber of Commerce for the use of the southern end of the City's Car Park #2 on Sundays from May 13, 2018 through December 2, 2018 from 6:30 a.m. to 3:00 p.m. for the Rye Farmers Market. Market hours are from 8:30 A.M. to 2:00 P.M.

10. Consideration of a request by the Rye Chamber of Commerce for the use of City streets for the Annual Sidewalk Sale to be held on Thursday, July 26, 2018 through Saturday, July 28, 2018 from 9:00 a.m. to 5:00 p.m.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd and unanimously carried, to approve the request by the Rye Chamber of Commerce for the use of City streets for the Annual Sidewalk Sale to be held on Thursday, July 26, 2018 through Saturday, July 28, 2018 from 9:00 a.m. to 5:00 p.m.

11. Consideration of proposed revisions and addition to the Rules and Regulations of the City of Rye Police Department:

- General Order #109.3 arrest processing policy.
- General Order #113.18 regarding vehicular pursuit policy.
- General Order #116.1 regarding recruitment, selection and appointment policy.
- General Order #118.0 regarding computerized records management systems policy.
- General Order #120.5 regarding firearm discharge reporting policy.

Councilwoman Hurd asked if the Council could see a list of the completed orders to date.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the proposed revisions and addition to the Rules and Regulations of the City of Rye Police Department:

- General Order #109.3 arrest processing policy.
- General Order #113.18 regarding vehicular pursuit policy.
- General Order #116.1 regarding recruitment, selection and appointment policy.
- General Order #118.0 regarding computerized records management systems policy.
- General Order #120.5 regarding firearm discharge reporting policy.

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

Mayor Cohn appointed Peter Olsen to the Board of Appeals, for a three-year term expiring January 1, 2021. Mayor Cohn thanked Serge Nivelles for his many years of service and dedication on the Board of Appeals.

Mayor Cohn appointed Birgit Townley to the Planning Commission, to fill the unexpired term of Al Vitiello, with a term expiring January 1, 2020.

Mayor Cohn made the following appointments to the Landmarks Advisory Committee: Peter Tuneski for a three-year term expiring January 1, 2021, Michael Holmes for a two-year term expiring January 1, 2020, Jerome Coleman reappointed for a two-year term expiring January 1, 2020, and Maurio Sax, reappointed for a three-year term, expiring January 1, 2021.

Mayor Cohn announced that Robert Marrow had resigned from the Human Rights Commission.

Councilman Mecca made a motion, seconded by Councilwoman Souza, to approve Mayor Cohn's appointments.

13. Miscellaneous communications and reports.

Councilwoman Goddard thanked the Rye Sustainability Committee for coordinating the recent invasive plant pull along Playland Parkway. She announced that there had been 30 volunteers and thanked the Rye PBA for providing lunch and snacks. She also mentioned that there was a member of the Police force helping with the efforts. Councilwoman Goddard also stated that Sustainable Westchester had given a presentation the previous week on Community Choice Aggregation. She encouraged those interested in that talk to view it on the Rye TV website and the Rye Sustainability website.

Councilman Mecca reminded the community that the Annual Easter Egg Hunt will be held at Rye Recreation on March 31, 2018. The lineup will take place at 10:30 on the basketball court.

Councilwoman Hurd reminded Boat Basin slip holders to renew by March 31, 2018, to avoid losing forfeiting their spot at the Marina. She also announced that the next Chamber of Commerce meeting will be held April 4, 2018 at Morgan's Fish House at 8:30 A.M. Councilwoman Hurd also announced that with respect to the dredging, sampling results should be available within two weeks.

Councilwoman Tagger-Epstein acknowledged the participants of March for our Lives, which took place all over the country. Specifically, she recognized local participants, making up over 1500 marchers at Rye Neck School. She also thanked the high schoolers and middle schoolers that spoke in Rye Neck and White Plains, as well as Kim Berns of Rye TV, who covered the event. On behalf of the Human Rights Commission, Councilwoman Tagger-Epstein announced that the group would be working with parents and the school district to create a survey to understand how the community can work better to serve those with special needs.

Councilwoman Souza also commented that the March for our Lives event was wonderful. She also announced that Rye ACT would be sponsoring a "Youth Speak Out" event, to be held at Rye Arts Center on May 8, 2018 at 7:00 P.M. On behalf of the Recreation Department,

Councilwoman Souza reminded those interested to sign up for Rye TV Summer Camp at ryetv.org.

Councilman Stacks announced that there would be an upcoming meeting at Harrison Town Hall on April 11, 2018 at 7:00 P.M. on the construction surrounding the Harrison Train Station. He also announced that on behalf of the Rye Golf Club, the greens are expected to open on March 30, 2018. Councilman Stacks also reported that the Finance Committee would like to present their progress to the City Council on April 11, 2018 at the regular meeting.

Mayor Cohn reported that he attended a meeting on March 22, 2018 hosted by State Assemblyman David Buchwald on Con Edison. There were more than 60 officials from different jurisdictions in the County with substantial performance dissatisfaction during the recent storms and power outages. Mayor Cohn announced that the State assembly would be holding hearings on May 29, 2018. The Public Service Commission will be investigating Con Edison's performance. Con Edison will also be hosting a meeting in Rye on April 12, 2018. Mayor Cohn said that the Council would be trying to participate in these events. Further, Mayor Cohn stated the he and Councilwoman Goddard had an interesting meeting with representatives from Save the Sound, who is inclined to be a helpful resource as the City moves to repairing any outstanding sewer issues. Mayor Cohn said that the Council would invite Save the Sound to a future Saturday meeting at the library with respect to Sound Shore sewage management, and to understand the current infrastructure of these systems within Rye.

14. Old Business.

Councilman Mecca stated that in the B-2 Business District, the notice requirements for those wishing to have outdoor seating are stricter than any other law in the City. This flaw in the law should be corrected and changed comparatively to other local law requirements. Councilman Mecca stated that he would like the Council to consider changing the law to lessen the burden on the applicant.

Councilman Mecca made a motion, seconded by Councilwoman-Tagger Epstein and unanimously carried, to set a public hearing for April 11, 2018.

Mayor Cohn stated that recently, the Council had amended certain FOIL (Freedom of Information Law) procedures with respect to an appeal, in that the Council would be the appellate body in the case of the City Manager being the subject of a FOIL.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to adopt the following resolution:

On June 8, 2017 Mr. Chittenden submitted the following FOIL: *Kindly consider this an e-mail FOIL request for any and all e-mails between Marcus Serrano and Sandra Serrano including but not limited to (sserrano@yorktown.org), (mserrano@ryeny.gov) and any e-mail address that contains (cubancutie) since January 1, 2015.* After reviewing Mr. Chittenden's Appeal and the responsive records to Mr. Chittenden's FOIL, the City Council, acting as the FOIL Appeals Body, grants, in part, Mr. Chittenden's appeal. There were records that should have been

provided as part of the original FOIL request which were not. All remaining records were properly exempted from disclosure under state or federal law (POL § 87(2)(a)) or were properly withheld because their disclosure would constitute an unwarranted invasion of person privacy (POL § 87(2)(b)). In addition, the redactions made to the records that were provided are proper and in accordance with law. The Clerk is directed to email Mr. Chittenden the responsive records not previously provided to him by Friday March 30, 2018.

15. New Business.

There was nothing discussed under this agenda item.

16. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to adjourn the regular meeting into executive session to discuss attorney-client privilege matters, personnel matters and litigation at 9:43 P.M. It was anticipated that the Council would not reconvene into a regular meeting.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

NO. 4

DEPT.: Boat Basin

DATE: April 6, 2018

CONTACT: Sally Rogol, Superintendent of Recreation

AGENDA ITEM: Continuation of a Public Hearing to amend local law Chapter 64, "Boats and Harbors" of the Rye City Code by amending provisions related to moorings.

FOR THE MEETING OF:

April 11, 2018

RYE CITY CODE,

CHAPTER 64
SECTION

RECOMMENDATION: Public Hearing to amend local law Chapter 64, "Boats and Harbors" of the Rye City Code by amending provisions related to moorings.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: The Public hearing was opened on March 28, 2018 and continued to April 11, 2018. The purpose of the Public hearing and recommended amendments is due to a review of Chapter 64 by the Police Department which determined that modifications would be required to allow adequate authority for enforcement of the moorings. The Police and Corporation Counsel have provided their recommendation to the Boat Basin Commission. They have reviewed and agreed to the changes. The American Yacht Club have provided comments which have been incorporated into the law. Staff agrees with the recommendations. The Commission and staff recommends that the City Council approve the modifications as submitted.

See attached proposed Local Law addressing these recommendations.

CITY OF RYE
LOCAL LAW NO. 2018

A local law to amend Chapter 64 “Boats and Harbors” of the Code of the City of Rye by amending Sections 64- ”, as follows:

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

Section 1: Chapter 64. Boats and Harbors

Article I. Boats and Docks.

§ 64-1. Excursion boats.

With the exceptions set forth in § 64-1(A), no person shall operate excursion boats within the City or operate boats regularly carrying passengers or freight, or both, without first obtaining the consent of the Council and subject to such restrictive provisions as the Council may deem advisable, except that this section shall not apply to boats or launches running to and from docks of Yacht Clubs.

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A. Boat excursions for the purposes of duck hunting, kayaking, stand up paddle boarding or other similar contracted for activities shall be permitted upon issuance of a permit by the Boat Basin Supervisor.

§ 64-2. Sale of goods at docks.

[to be deleted entirely]

Article II. Harbors

§ 64-3. Title, Scope and purpose.

A.

This article shall be known as the “Harbor Ordinance of the City of Rye” and shall apply to all boats and moorings within City-regulated waterways, as defined in § 46-a of the Navigation Law, exempt the areas under the jurisdiction of the Westchester County Park Commission.

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B.

The general purpose of this article is to keep the harbor sanitary and safe, make the best use of available mooring space within the City waterways so as to accommodate more craft, avoid congestion, avoid obstruction of the channels and regulate the operation and speed of boats.

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§ 64-4. Definitions.

BAY CONSTABLE - Seasonal employee as defined under Westchester County Civil Service

BOAT – Includes every kind of boat, houseboat, vessel, or floating craft, **including but not limited to, jets skis, kavaks, paddle boards, and canoes.**

BOAT BASIN SUPERVISOR – The administrative official appointed by the City Manager to oversee the Boat Basin daily functions.

MOORING FIELD – A designated area within a body of water that is professionally managed. Mooring fields usually include an on-land facility where boaters can use showers and restrooms and can sewage pump-out services.

YACHT CLUB – A club organized to promote and regulate yachting and boating.

§ 64-5. Boat identification.

A. All boats anchored or moored in Rye’s waterways, **including docks**, shall be registered or documented in compliance with federal and state laws **and in accordance with this Chapter.**

B. Identification. Vessel operators shall identify themselves and produce the vessel’s registration to city, state or federal law enforcement authorities upon request. Failure to produce such registration upon request shall be presumptive evidence of a violation of this section.

§ 64-6. Discharges from boats.

[no change]

§ 64-7. Toilet facilities.

[no change]

§ 64-8. Living on boats.

[no change]

§ 64-9. Noise on boats.

The operation of any radio, ~~phonograph~~ or television or the use of any musical instrument or other sound-making instrument or device on any boat in such a manner as to disturb the peace is prohibited, except that the transmission of audible signals that are necessary for normal navigation or for emergency purposes is permitted.

§ 64-10. Moorings and floats.

Within the jurisdictional area provided by § 46-a of the Navigation Law and § 64-3 of this chapter, the following restrictions apply:

A. No boat shall be moored within the lines of any channel.

B. No person shall anchor or moor a vessel or float in a mooring area without first obtaining an annual mooring permit from the Boat Basin Supervisor. Such permit shall be applied for on forms available at the Boat Basin and shall be accompanied by an application fee, current inspection certificate, and proof of insurance as shall be fixed from time to time by resolution of the City Council. The person shall file annually with the Boat Basin a local address of an authorized agent for legal service of process, in order to have a local contact in case of an emergency or violation of this chapter. Upon receipt of a properly prepared application, the Boat Basin Supervisor shall determine if the application is complete and, if so, shall process the application. No application shall be deemed complete until the permit fee is paid. No permit shall be issued if the person has any unpaid dues or fees from prior years. Any neighborhood association, Yacht Club, or other entity administering the moorings of its membership which has a regular and comprehensive mooring administration and annual maintenance program shall submit a list of the moorings which require a permit on an annual basis. Such list shall also include either the name of the boat or the registration number, as well as the GPS coordinates of all moorings. The annual submission shall include the quantity of moorings in the program, payment of the permit fee for that quantity of moorings and a certification to the Boat Basin Supervisor that each mooring within the program has been properly and safely maintained in accordance with the provisions of Sec. 64-F. The annual submission shall also include the name, local address, cell phone number and email address of two authorized agents for emergency contact and legal service of process for the moorings on the list.

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C. ~~Moorings anchoring rafts and/or floats, except those governed by upland owners' property rights, must be assigned a permit by the Bay Constable~~ Boat Basin Supervisor. An annual mooring permit, which contains the name of the authorized mooring location in the City of Rye, shall be valid for a period of one year, commencing April 1 of each year and terminating on December 1 of the same year. The number must be permanently affixed to said raft and/or float. ~~The Bay Constable~~ Boat Basin Supervisor may promulgate regulations governing rafts and floats, subject to the approval of the State Commissioner of Parks, Recreations and Historic Preservation and the City Council.

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D. No boat shall be moored in such a manner as to interfere with the use of a preexisting mooring. The right to use a mooring space shall be based on a first-come first-served basis. A neighborhood association, Yacht Club or other entity administering the moorings of its membership may maintain lists identifying its owners and shall file copies of this information with the Boat Basin. ~~In addition, others may register the placement of their moorings with~~

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the Bay Constable.

- E. A mooring location shall be occupied only by the vessel or float assigned to the location, unless written consent is granted by the Boat Basin Supervisor to use the mooring for another vessel or float. Neighborhood associations, Yacht Clubs or other entities which maintain a comprehensive mooring program may assign locations within their Mooring Field to particular boats and may move boats as needed for safety. The vessel which is assigned a location or granted written consent shall be fully registered, and all registration and current contact information shall be provided to the Boat Basin Supervisor.

- F. Moorings top rigs must be hauled and serviced each year. A winter stick shall be used during winter and a clearly visible float or buoy shall be used at all other times in accordance with the Uniform State Waterway Marking System. Failure to use a winter stick will result in a denial of a mooring permit for the following season. A permanent mooring shall be raised at least once every three years for inspection, at the owner's expense. The Boat Basin Supervisor may accept a written statement from the manager of a Yacht Club or other entity's mooring maintenance program or from a contractor certifying that he/she has inspected the mooring and that it is in safe condition. The inspection certificate shall be dated and signed by the person who has done the inspection and shall certify that the mooring anchor, all ground tackle, including lines, shackles, swivels and chains, are in safe condition.

- G. ~~Moorings anchoring rafts and/or floats, except those governed by upland owners' property rights, must be assigned a permit by the Bay Constable~~Boat Basin Supervisor. The number must be permanently affixed to said raft and/or float. ~~The Bay Constable~~Boat Basin Supervisor may promulgate regulations governing rafts and floats, subject to the approval of the State Commissioner of Parks, Recreations and Historic Preservation and the City Council.Boat Basin Commission.

- H. Unsafe moorings or abandoned moorings, which represent a hazard to navigation, may be removed at the direction of the Boat Basin Supervisor or the Rye Police Department by the enforcement officers if their owners fail to take corrective action following notification. ~~The notification and removal procedures shall be promulgated by the City Police Department using the procedures established under 1224 of the Sate Vehicle and Traffic Law as a model.~~ If directions given by the Boat Basin Supervisor with respect to the removal of unauthorized moorings or changes in location are not carried out within seven days after notice from the Boat Basin

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Deleted: Owners of vessels or floats assigned a location in the mooring area shall furnish, install and maintain either mooring buoys or mooring rafts as designated by the Boat Basin Supervisor.

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Supervisor or the Rye Police Department in person, or by the posting of the order in a visible location in a waterproof envelope on the mooring device, or by regular and certified mail, if a mailing address is known, the Boat Basin Supervisor may cause such moorings to be removed and temporarily stored at the owner's expense.

- I. After removal of any vessel or mooring device as provided in this article, the Boat Basin Supervisor may store or cause such vessel or mooring device to be stored in a suitable place at the expense of the owner. Removal of vessels and moorings shall be removed by a third party contractor for the City. Such owner may redeem the same upon payment of all City fines and fees to the City and of all expenses owed to the person with whom such property is stored.

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- J. An annual permit fee will be imposed on all privately owned boats having moorings in Rye waters, with the exception of the Durland Scout Center, a nonprofit organization. Said fee will be set annually by the City Council before adoption of the budget for the following year.

- K. A mooring buoy shall be constructed of Styrofoam, plastic, metal or other material and be spherical, conical or cylindrical in shape and no less than six (6) inches or more than twenty four (24) inches in diameter. The portion above the waters shall be no less than six (6) inches or more than twenty four (24) inches, exclusive of whips or staffs. Each buoy shall be painted white except portions which are painted with anti-fouling paint. The mooring permit number shall be clearly marked on the mooring buoy and shall be of bold, clear numeral, four inches in height, of a contrasting color, or engraved into buoys, clearly visible. Each permanent mooring buoy anchor shall be of mushroom type only.

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§ 64-~~11~~. Notice of removal and sale at auction.

It shall be the duty of the Boat Basin Supervisor to ascertain, to the extent possible, the last record owner and lienholder, if any, of the vessel or mooring and to notify such owner and lienholder, if any, by regular and certified mail, informing them of the removal and storage of such vessel or mooring and of the amount which will be required to redeem the same; the amount of unpaid summonses, if any, which must be paid at the time of redemption of the vessel or mooring; that title to such vessel shall vest in the City of Rye; and that such vessel may be sold at public auction or otherwise disposed at the direction of the Boat Basin Supervisor if not redeemed within thirty (30) days of such notice.

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§ 64-~~12~~. Hazards to navigation.

Any boat, raft or float which becomes a menace to navigation or unseaworthy or sinks, grounds or otherwise becomes disabled shall be removed by the owner or person in charge thereof upon order of the enforcement authorities Police Department of the City of Rye, including Bay Constables, Boat Basin

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Supervisor and any other official authorized pursuant to § 64-16 below. If such boat is not removed within five days after an order to do so, it may be removed by or at the discretion of the enforcement authorities at the expense of the owner or person in charge of said boat. Such removed boats shall be disposed of in accordance with federal, state **and City rules and regulations.**

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§ 64-13. Speed limit.

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No motor-drive boat shall be operated at a speed exceeding five statute miles per hour, except for boats and vessels operated by police, emergency officials or federal enforcement officials in the line of duty or under emergency circumstances. **In addition, no vessel shall be operated by any persons within such limits so as to make dangerous wakes that have the potential to cause injury to persons on another vessel or to cause damage to another vessel, structure or shoreline.**

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§ 64-14. Observance of navigation laws.

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All provisions of the Navigation Law of the State of New York, all laws enacted by the Congress of the United States and all rules and regulations of the United States Coast Guard governing navigable or inland waters of the United States, insofar as they are applicable to the City waterways, are hereby made applicable to same.

§ 64-15. Power to adopt rules.

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The ~~Recreation Commission~~ **Boat Basin Commission** of the City of Rye shall have the power to adopt rules and regulations governing the use of the City of Rye marina, subject to the approval of the City Council.

§ 64-16. Enforcing authority.

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The enforcing authority of this article shall be the Police Department of the City of Rye or duly authorized ~~deputies~~ personnel, **including Bay Constables and any other official authorized to issues summonses and appearance tickets pursuant to Article 150 of the New York State Criminal Procedure Law.**

§ 64-17. Penalties for offenses.

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A. Any person, firm, association or corporation violating any of the foregoing provisions of this chapter shall be guilty of an offense and may, upon conviction, be punished by a fine not exceeding \$250 or imprisonment not exceeding 15 days, or both, for each and every day in violation.

(1) **In addition, any person who has been convicted of a violation of this Chapter herein shall have any current permits revoked and may not be permitted to apply for or to receive permits for two years.**

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B. **Appeals. The City Manager shall be empowered to hear and decide appeals from and review any order, requirement, decision or**

determination made by the Boat Basin Supervisor with respect to the issuance or revocation of a mooring permit.

- (1) Request for hearing. Upon the denial of a permit by the Boat Basin Supervisor in connection with the issuance of a mooring permit or upon issuance of a notice of revocation of any such permit, the aggrieved applicant may, within 10 days after receiving written notice from the Boat Basin Supervisor, file an appeal, in writing, in the office of the City Manager requesting a review of any such determination. The City Manager shall hear and decide such appeals and may reverse or affirm, wholly or partly, or may modify the determination appealed from and/or make such determination and order which, in his or her opinion, should be made under the circumstances.
- (2) Hearing. Upon receipt of a request for a hearing as provided above, the City Manager shall set a time and place for a hearing. Such hearing shall commence no later than **thirty (30)** days after the date on which the request was filed, unless an extension of said time period is agreed upon by both the City Manager and the aggrieved party. Failure by the City Manager to commence said hearing within the above-specified time period shall not be deemed to constitute approval of such request if good and sufficient reason exists.
- (3) Conduct of hearing. The applicant or his/her representative shall be given an opportunity to show cause why such decision by the Boat Basin Supervisor should be modified or withdrawn. The burden of proof in this regard shall be upon said applicant or his/her representative, who shall be required to demonstrate by a fair preponderance of the evidence that the Boat Basin Supervisor's decision should be withdrawn or modified.
- (4) Findings. Upon consideration of the evidence presented, the City Manager shall sustain, modify or revoke the Boat Basin Supervisor's decision.

§ 64-~~18~~. Disclaimer of responsibility for City.

The City assumes no responsibility for the safety of any vessel at the Boat Basin and shall not be responsible for loss or damage or injury to persons or property due to wind, waves, theft, collision, chafing, vandalism, fire, **ice**, low water levels, or any other cause. The City shall not be liable for any damage to the vessel occurring before, during or after a severe storm, hurricane, or other emergency, for service performed, or for the failure to provide services. **In addition, the City shall not be responsible for any damages incurred from the removal, towing, hauling or storage of the vessel, mooring or any other equipment.**

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Section 2: Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 3: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Manager

DATE: April 6, 2018

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Public Hearing to amend Chapter 197, "Zoning", Article VIII "Tables of Regulations: Table B Business Districts-Use Regulations Column 3 Permitted Accessory Uses" of the City code by amending the notification requirements related to Seasonal Outdoor Customer Seating Annual Permits.

FOR THE MEETING OF:

April 11, 2018

RYE CITY CODE,

CHAPTER	197
ARTICLE	VIII

RECOMMENDATION: Public Hearing to amend Chapter 197, "Zoning", Article VIII "Tables of Regulations: Table B Business Districts-Use Regulations Column 3 Permitted Accessory Uses" of the Rye City Code by amending provisions related to notification requirements related to Seasonal Outdoor Customer Seating Annual Permits.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: A request was received asking that the notification requirements related to Seasonal Outdoor Customer Seating Annual Permits be similar to other notice requirements.

See attached proposed Local Law addressing these recommendations.

CITY OF RYE
LOCAL LAW NO. 201

A local law to amend Chapter 197 “Zoning”, Article VIII “Tables of Regulations: Table B Business Districts-Use Regulations Column 3 Permitted Accessory Uses” to amend the notification requirements related to Seasonal Outdoor Customer Seating Annual Permits as follows:

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

Section 1: **Chapter 197. Zoning**

Article VIII. **Tables of Regulations: Table B Business Districts-Use Regulations Column 3 Permitted Accessory Uses.**

§ 197-86. Table of Regulations.

B-1 Neighborhood Business Districts.

(3) Seasonal outdoor customer seating annual permit.

(i) For properties located in the B-1 Neighborhood Business District, the applicant shall notify the neighbors by sending out a public notification provided by the City. The applicant shall prepare a notification list, based on the most current City of Rye Tax Maps and Tax Assessment roll, showing the Tax Map sheet, block and lot number, the owner’s name and owner’s mailing address for each property located, wholly or partially, within ~~500~~**300** feet of the subject property. If a property on the public notification list is also listed as a cooperative or an apartment, the notice shall be mailed to the property owner of record. These mailing requirements must be performed in accordance with the following requirements:

[1] The mailing shall be limited solely to the notice provided by the City.

[2] The notice shall be mailed to all property owners ~~by certified mail (no return receipt)~~ at a post office or official depository of the Postal Service at least 10 days prior to the submission of the outdoor dining application to the City. **The applicant must obtain a certificate of mailing for every notice mailed.**

[3] The applicant must provide to the City a copy of the notice that was circulated and a copy of the certificate of mailings.

Section 2: Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 3: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager's Office

DATE: April 6, 2018

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of an request to amend local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-21, "No parking, standing or stopping", to prohibit parking on the west side of Coolidge Drive from Osborn Road to Harding Drive. Section 191-20.F, "Four-hour limit between the hours of 8:00 a.m. and 6:00 p.m., except on Saturday and Sundays", by adding the following: Osborn Road – northernmost access drive to Osborn School to Theall Road; Coolidge Avenue – east side from Harding Drive to Osborn Road; and Theall Road – west side from the southerly end of the dedicated parking lane to Osborn Road.

FOR THE MEETING OF:

April 11, 2018

RYE CITY CODE,

CHAPTER	191
SECTIONS	21 & 20.F

RECOMMENDATION: The City Council should consider setting a public hearing on the attached local law adopting the parking restrictions recommended by the Traffic and Pedestrian Safety (TPS) Committee.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: In response to concerns raised by area neighbors the TPS Committee recommended the following parking restrictions:

Four Hour Parking, 8:00 AM to 6:00 PM, Monday through Friday, be instituted in this area along the following roads/sections:

- Osborn Road – from Theall Road to Osborn School Entrance Driveway.
- Coolidge Avenue – from Osborn Road to Harding Drive on the east side (and No Parking be permitted on the west side in this area).
- Theall Road – from Osborn Road to the Rye Manor parking lane.

Please see attached memorandum from the TPS for additional background. City staff has prepared the attached map and draft local law for the City Council's consideration.

**CITY OF RYE
MEMORANDUM**

TO: Mayor Cohn and City Council
ALSO TO: M. Serrano, C. Miller, R. Coyne, Commissioner Corcoran
FROM: Traffic and Pedestrian Safety Committee
SUBJECT: Coolidge Avenue/Osborn Road Parking
DATE: February 7, 2018

At the request of a number of City Residents living in the Glen Oaks section, the Traffic and Pedestrian Safety (TPS) Committee has prepared this Memorandum regarding our opinion of possible modifications to the current parking conditions along Osborn Road, Coolidge Avenue, and Theall Road. Osborn Road, Coolidge Avenue and Theall Road are narrow roadways to support the two directions of traffic with parking as well as the amount of traffic.

In 2015/2016, the Town of Harrison changed their parking procedures along their portion of Osborn Road, pushing more cars to park in the City of Rye. The City then followed with eliminating parking on Osborn Road from the Harrison border to Theall Road, as requested by the residents in that area and recommended by the TPS. Woods Lane had already had parking limits of Four Hour Parking, 8:00 AM to 6:00 PM, Monday through Friday. One of our concerns back then was that the change would result in “parking creep”, in other words, it would just push the parking further into the City and onto the adjacent streets. This has recently occurred.

Lately, this has been occurring as commuters utilizing the Harrison Train Station are parking on Osborn Road, Coolidge Avenue, and possibly Theall Road (although it is harder to determine the ownership of the vehicles on Theall Road). Vehicles that are not owned by the nearby residents are parking on these streets daily from early in the morning through to nighttime. Various residents have attended our meetings, presenting photographs and videos. Members of the TPS have performed their own observations as well as observations with Commissioner Corcoran. In the case of Coolidge Avenue, cars are parked in both directions, limiting sight distance and the ability for two cars to travel in opposite directions. There is also a full-size school bus that tries to go through there during school pick-up. Previously, there was limited parking on these streets, mainly some residential parking and during school pick-up and during some school events. Residents on Osborn Road stated that they are having problems backing out of their driveway.

It is the recommendation of TPS that Four Hour Parking, 8:00 AM to 6:00 PM, Monday through Friday, be instituted in this area along the following roads/sections:

- Osborn Road – from Theall Road to Osborn School Entrance Driveway
- Coolidge Avenue – from Osborn Road to Harding Drive on the east side (and No Parking be permitted on the west side in this area).
- Theall Road – from Osborn Road to the Rye Manor parking lane.

Our concern remains that this may push some of the commuters further into the Glen Oaks neighborhood or take spaces away from the Seniors at Rye Manor and so the impacts will need

to be reviewed again after implementation. Currently there has not been non-area residents parking further in in Glen Oaks and discussions with some of these residents indicate that they do not want the Four Hour restriction at this time.

The side of Coolidge Avenue to permit the parking has been debated. An advantage of permitting it on the west side (closer to Harrison) is that a driver travelling on Osborn Road who can't find a spot on Osborn Road could then turn onto Coolidge to park. An advantage of permitting it on the east side (closer to Boston Post Road), is that there is somewhat of a narrow parking lane already there for part of the roadway and that students could be dropped off at the sidewalk and would not have to cross Coolidge Avenue. However, part of that parking lane is close to the Stop Sign and drivers are not supposed to park within thirty feet of a Stop Sign or twenty feet of a crosswalk.

TPS has the benefit of having representatives from Osborn School parents, Glen Oaks residents, and the City's Emergency Services as well as active liaisons from the City Council and the School District. In making our decision, discussions were also held with representatives of the School District and the Fire Department. It is our opinion that the Council should consider the authorization of a Study to determine long term solutions for the area. Acknowledging that such Study would take a while for funding to be provided and to be prepared, the TPS is recommending the above immediate parking modifications for the Council's consideration. Additional meetings should be held between the City and the School District to discuss potential long term improvements.

**PROPOSED LOCAL LAW
CITY OF RYE
LOCAL LAW NO. _____-2018**

A Proposed Local Law Amending Chapter 191, *Vehicles and Traffic*, of the Code of the City of Rye for the Purpose of Adding New On-Street Parking Restrictions On Coolidge Avenue, Osborn Road and Theall Road

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

Section 1. Current Section 191-20.F, *Four-Hour Limit*, of Chapter 191, Part I, Article III, of the Code of the City of Rye is hereby amended to add in alphabetical order the following streets:

- F. Four-hour limit. The parking of vehicles is hereby prohibited in the following locations for a period longer than four hours between the hours of 8:00 a.m. and 6:00 p.m., except on Sundays:

Name of Street	Side	Location
<u>Coolidge Avenue</u>	<u>East</u>	<u>From Harding Drive to Osborn Road</u>
<u>Osborn Road</u>	<u>North</u>	<u>From the northern-most access drive to Osborn School to Theall Road</u>
<u>Theall Road</u>	<u>West</u>	<u>From the southerly end of the dedicated parking lane to Osborn Road</u>

Section 2. Section 191-21 of Chapter 191, *Parking, standing or stopping*, of Chapter 191, Part I, Article III, of the Code of the City of Rye is hereby amended to add the following street:

§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
<u>Coolidge Avenue</u>	<u>West</u>	<u>From Osborn Road to Harding Drive</u>

Section 3. This local law shall take effect immediately on filing in the office of the Secretary of State.

*Note: Deleted language is in ~~striketrough~~ and new language is **bold and underlined**.*

Osborn Road Area Parking Restrictions





CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager

DATE: April 6, 2018

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a request by the Lustgarten Foundation Cancer Research Institute for use of City streets on Sunday, April 15, 2018 from 9:00 a.m. to 12:00 p.m. for their annual Westchester Pancreatic Cancer Research Walk.

FOR THE MEETING OF:

April 11, 2018

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: The use of City streets is requested for the annual Westchester Pancreatic Cancer Research Walk to be held at Rye Playland on Sunday, April 15th from 9:00 a.m. to 12:00 p.m. The event was organized in memory of Gigi Shanes-Hernandez who was a life-long Rye resident, to raise awareness and funds to support research efforts on pancreatic cancer. Thanks to private funding 100% of every donation goes directly to pancreatic cancer research.

See attached letter and map of event.

Hello Mike,

Thank you for taking the time to speak with me earlier.

I am managing the Lustgarten Foundation's Westchester Pancreatic Cancer Research Walk that is taking place at Playland on Sunday, April 15th.

Attached is our proposed route. It will be the same as the past few years. We are requesting that the walkers turn right on the sidewalk along Dearborn Ave after leaving the pavilion. They would then proceed straight on the sidewalk, turn right onto the Forest Ave. sidewalk and then eventually turn right onto the sidewalk that runs parallel to the entrance to Playland. We expect approx. 1,000 people at the event and they will be spread out by the time they reach the pavilion at Rye Town Park. We will have staff and marshals along the route to help the walkers navigate the sidewalks and also have route arrows placed prior to the start of the Walk. All arrows will be taken down once the route is over.

Please let me know if you have any questions on the attached or above.

Thanks so much for your time and I look forward to hearing back!

Andrew Wallach

EW Group I Manager, Operations
(o) [914-380-3452](tel:914-380-3452) (f) [914-636-5585](tel:914-636-5585)
629 Fifth Ave., Suite 300, Pelham, NY 10803 | EWGrp.net

For Medical Emergencies Call 914-557-4423