

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

**PUBLIC WORKSHOP AND REGULAR MEETING OF**  
**THE CITY COUNCIL**  
**COUNCIL CHAMBERS, CITY HALL**  
**Wednesday, November 7, 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.*

\*A public workshop with City Council members and the public to discuss a proposed Food Scrap Recycling Program in the City of Rye will commence at 7:30 p.m. and conclude by 8:30 p.m.\*

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meetings of the City Council held October 3, 2018 and October 17, 2018.
5. Consideration of a Memorandum of Agreement (MOA) between the City of Rye and the Rye Police Association of the City of Rye.
6. Presentation of the FY 2019 Budget by the City Manager.
7. Consideration to set a Public Hearing on the 2019 Budget for December 5, 2018.
8. Residents may be heard on matters for Council consideration that do not appear on the agenda.
9. Public Hearing to consider a local law to establish a Community Choice Aggregation Program in the City of Rye
10. Public Hearing to consider a local law to exercise our option under Real Property Tax Law Section 581 (1)(c).
11. Public Hearing to consider a local law to allow the City of Rye to “piggyback” on other federal, state, and local contracts.
12. Consideration of a resolution to authorize a change order for Rye Golf Club in the amount of \$35,000 for its 2018 Golf Course Renovations and Improvements projects.
13. Appointments to Boards and Commissions by the Mayor with Council Approval.

14. Consideration of a request from the Rye Chamber of Commerce, for permission to use the Village Green on **Sunday, November 25, 2018** for one of their sponsors for Mistletoe Magic.
15. Consideration of a request from Rye Recreation to have food trucks on site at the Annual Turkey Run and Paws Walk on Saturday, November 24, 2018 from 8:00 a.m. to noon.
16. Miscellaneous communications and reports.
17. Old Business.
18. New Business.
19. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, November 28, 2018.

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".

**The Mayor and City Council have office hours in the Mayor's Conference Room Annex at Rye City Hall, 1051 Boston Post Road. Attendance by the Mayor and Council Members will vary. The Mayor's Conference Room Annex is located on the 1<sup>st</sup> floor of City Hall adjacent to the Council Chambers. Hours are as follows:**

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

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on October 3, 2018 at 7:30 P.M.

PRESENT:

JOSH COHN, Mayor  
SARA GODDARD  
EMILY HURD  
JULIE SOUZA  
BEN STACKS  
Councilmembers

ABSENT:

RICHARD MECCA  
DANIELLE TAGGER-EPSTEIN  
Councilmembers

The Council convened at 6:30 P.M. Councilman Stacks 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 7:42 P.M., Councilwoman Souza made a motion, seconded by Councilman Stacks, 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 meetings of the City Council held August 8, 2018 and September 5, 2018.

Councilman Stacks made a motion, seconded by Councilwoman Souza and unanimously carried, to adopt the minutes of the regular meeting of the City Council held August 8, 2018 and September 5, 2018.

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

Kent Iarocci, 5 Charlotte Street, addressed and thanked the Council. He said he was concerned about Rye Town Park, which he felt was in disrepair. He asked about capital improvements at the park and felt that funds should be allocated toward park needs. He stated that perhaps Rye Town Park should look into federal funding. Mr. Iarocci asked Mayor Cohn to speak to the Supervisor for the Town of Rye regarding his comments. He then commented on flooding and the Bowman Avenue Dam. Mr. Iarocci lastly commented on the Rye Free Reading Room's capital improvements.

Kelly LeGaye, Rye resident, stated that she was disappointed with the status of the 5<sup>th</sup> hole at the Rye Golf Course. She asked the City to clarify its position on errant golf balls. She was upset with the City's actions regarding the same.

5. Discussion of Food Scrap Recycling Program.

Councilwoman Goddard introduced Patty Caporale and Linda Mackay, Rye Sustainability Committee, and Girl Scout Troop 2196. Ms. Caporale stated that the group had been looking into composting program, in which many are interested. Ms. Mackay said that some people are worried about effects of composting. She introduced Ron Schulhof and Michelle Sterling from the Village of Scarsdale.

Mr. Schulhof and Ms. Sterling presented a slideshow and explained how a Food Scrap Recycling Program could work within a municipality. They displayed plastic bins and explained the resident perspective for the program. They stated that the program had become so popular that there is now a municipal curbside service. They reviewed the finances/ operating expenses, and discussed outreach for the program. Lastly, they said that the program in Scarsdale has brought something great to the community, and they encouraged the City to consider it.

Councilwoman Goddard said that that the Sustainability members could discuss a potential pilot program for the City of Rye. Ms. Caporale stated that the said the estimated start date would be January 1, 2019 with both pickup and drop-off options. The pilot program would be six months. Ms. McKay said the community was now designated as a clean energy community.

Councilwoman Souza asked about how residents would pay for the program. Councilwoman Goddard responded that it would be a voluntary subscription program.

Councilman Stacks asked if a new truck was needed for this program. Superintendent Coyne stated that the current trucks that the City has would be sufficient for the pilot program.

Councilwoman Goddard said that the next steps would be to consider if the pilot program would be implemented.

6. Discussion of September 25th Storm Response.

Mayor Cohn stated that there has been flooding in Rye for many years. Rye is in the bottom of a watershed. There have been past studies, but as topography has changed, perhaps

another study would be appropriate. Mayor Cohn discussed the water flow in general in the watershed.

Mayor Cohn said that a flash flood warning was issued in the recent storm. He spoke of the speed that the dam filled, going from 13 feet to 21 feet within just over an hour. Fire and Police communications were sent out. By 10:00 P.M. on the storm date, the roads that were flooded were open.

Eric Moy, 36 Elm Place, spoke about the flooding in the business district. He said that he was realistic about change, but looking for some relief.

Peter Sinnott, 60 Mendota Avenue, stated that he had been presented for at least 20 floods in his time in Rye. He proposed raising the dam for long term flood mitigation. He said that while the sluice gate was positive, it cannot help in large flood incidents.

Mayor Cohn responded that at one point, the Citizens Panel looked at raising the dam as a possible project and rejected it as a possibility. Mr. Sinnott responded that he urged the City to hire an engineer to study the feasibility of raising the dam.

Mayor Cohn said that the New York Rising grant was \$3 million. The grant was under constraints of the list of projects that was previously agreed to.

Bernie Althoff, Rye resident, commented that he did not agree that raising the dam would help the flooding issue, based on prior engineering opinions.

Carolina Johnson, Rye resident, said that the recent flood impacted residents, commuters, and the downtown. She said it was the biggest hazard for Rye, but not included in the upcoming capital projects. She said she was happy to see that the City might address upstream issues.

Councilwoman Hurd echoed that flooding has been a long-term problem. She said that several years ago, the City received the New York Rising grant. There was a group of projects approved to be a part of the New York Rising proposal. DASNY was assigned to the City by the governor's office on this grant. She said some of the projects did not make the cut. She discussed the projects that the City would be pursuing under the grant, totaling \$2.1 million.

Councilwoman Hurd stated that one of the projects was the installation of the two stream gauges which will allow us to collect data, located above the dam, and below the dam. Those gauges would allow for an updated engineering assessment, at a cost of \$50,000, which is required by the State of New York. This could take up to five years of data collection. There also needs to be an emergency action plan. Excavation of the upper Bowman pond was also included, as well as vegetation removal and the implementation of an access pond for the vegetation removal. She also discussed drainage improvements and Milton Harbor House, Hewlett Avenue check valve installation, prevents the water from going back into the storm drain, and lastly, the Rye Nature Center access driveway.

Mr. Sinnott encouraged the City to retain John Meyers to inspect the integrity of the dam.

Councilwoman Souza thanked the Flood Advisory Committee and Councilwoman Hurd. She said she wished the Council and City could do more.

Councilwoman Goddard recognized that the flooding issues have gone on for years. She thanked the Flood Advisory Committee and Councilwoman Hurd.

Councilman Stacks said that the City has run out of time and must spend the grant money. He hoped for the possibility of other solutions to look at in the future.

Councilwoman Hurd said the Flood Advisory Committee had met several times a month in the last few months and that she had been the liaison for two years. She said that the Committee and City will continue to do everything they can to improve the watershed to mitigate flooding as much as possible.

7. Resolution to approve final projects for the New York Rising Community Reconstruction Program. Roll Call

Councilwoman Hurd made a motion, seconded by Councilman Stacks, to approve the list of final projects assigned to the New York Rising Community Reconstruction Program:

Milton Road Drainage Improvements – Milton Harbor House	\$488,164
<i>Milton Road Drainage Improvements - Hydrodynamic Separator</i>	
Milton Road Drainage Improvements – Hewlett Avenue Check Valve	\$64,802
Blind Brook Monitoring System – Installation of 2 Stream Gauges	\$300,000
Bowman Avenue Dam Engineering Assessment	\$50,000
Bowman Avenue Dam Emergency Action Plan	\$27,000
Upper Bowman Pond Expansion – Vegetation Removal	\$320,034
<i>Upper Bowman Pond Expansion Pre-Design Investigation</i>	
<i>Rye Free Reading Room – Flood Proofing</i>	
<i>Locust Avenue Firehouse – Flood Proofing</i>	
Rye Nature Center Access Driveway	\$850,000

ROLL CALL

AYES: Councilmembers Goddard, Hurd, Souza, Stacks, Mayor Cohn

NAYS: None

ABSENT: Councilmembers Mecca and Tagger-Epstein

8. Consider a resolution to authorize the Deputy Comptroller to create a Capital account to allocate funding for New York Rising Community Reconstruction Program projects. Roll Call.

Nothing was discussed under this agenda item.

9. Continuation of Public Hearing to establish the 2019 budgeted fees and charges.

Roll Call.

Councilman Stacks thanked the Deputy Comptroller and the Finance Committee, who did a great job thinking thoroughly through the reasonability of the fees. He said it was not easy to face raising fees, but they did a great job preparing the fee proposals.

Councilwoman Hurd made a motion, seconded by Councilwoman Souza and unanimously carried, to close the public hearing on the 2019 budgeted fees and charges.

Councilwoman Hurd made a motion, seconded by Councilman Stacks, to adopt the following resolution:

**RESOLVED**, that the fees and charges are adopted for 2019 in accordance with the proposed fees attached to the agenda of the City Council meeting dated October 3, 2018.

ROLL CALL

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

10. Resolution to modify the fees regarding the 2019 commuter parking permits. Roll Call.

Mayor Cohn explained that commuter parking permit fees in the Metro North parking lot need to be approved by the MTA. The MTA has capped the total increase by 15%, and the fee has been calculated to be \$874 per year.

Councilwoman Souza made a motion, seconded by Councilman Stacks and unanimously carried, to adopt the following resolution:

**RESOLVED**, that the fee for the 2019 commuter parking permits is modified to \$874 for both residents and non-residents.

ROLL CALL

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

11. Consideration of a request by the Rye YMCA for the use of City streets for the 31st Annual Rye Derby on Sunday, April 28, 2019 from 9:00 a.m. to 2:00 p.m.

Councilwoman Goddard made a motion, seconded by Councilwoman Hurd and unanimously carried, to approve the request by the Rye YMCA for the use of City streets for the 31st Annual Rye Derby on Sunday, April 28, 2019 from 9:00 a.m. to 2:00 p.m.

12. Resolution to permit waiver of food truck law for two food trucks at Rye Town Park on October 20, 2018.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd and unanimously carried, to waive Chapter 144 (8)(d) and (g) of the Rye City Code to permit two food trucks at Rye Town Park on October 20, 2018.

13. Resolution to approve the hiring of Best, Best and Krieger, LLP to challenge the FCC's decision with respect to wireless antennas for a price not to exceed \$6,000.

Roll Call.

Mayor Cohn said that this would be a joint syndicate of municipalities on this effort, with the City paying only a share of the legal costs.

Councilwoman Goddard made a motion, seconded by Councilwoman Hurd, to adopt the following resolution:

**RESOLVED**, that the City Council approve the hiring of Best Best & Krieger, LLP to challenge the FCC ruling on telecommunications antennae for a cost not to exceed \$6,000.

ROLL CALL

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

14. Resolution to declare certain Rye Recreation equipment as surplus. Roll Call.

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

**WHEREAS**, the City has been provided with a list of City equipment identified as being obsolete or will become obsolete during 2018, and,

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

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

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

ROLL CALL

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

15. Old Business

There was nothing discussed under this agenda item.

16. New Business.

Councilwoman Souza announced that Halloween Window Painting sign up was still open, and encouraged all interested to attend on Sunday, October 21, 2018.

Councilwoman Hurd announced that the Council had approved the hiring of the cable consultant at the recommendation of the Council subcommittee on Cable TV. She reported that the consultant was hard at work putting together the framework for his analysis, and he anticipates the report by mid-November.

Councilwoman Goddard announced that on Friday, October 5, 2018 at 10:30 a.m. the Sustainability Committee would be sponsoring an event with the Jay Heritage Center about native plant trees with an acclaimed tree expert. The event is free and open to the public. She encouraged all to attend.

Councilwoman Hurd added that the Edith Read Fall Festival would be held Saturday, October 13, 2018 from noon until 5:00 p.m.

City Clerk D'Andrea reminded the community that renewals will begin October 4, 2018 for those who have a commuter parking permit.

Councilman Stacks announced that the Golf Club had been winding down for the season. He send Upcoming renovations.

17. Adjournment.

At 9:41 P.M. there being no further business to discuss, Councilwoman Souza made a motion, seconded by Councilman Stacks, to adjourn the regular meeting of the City Council.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk

***UNAPPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on October 17, 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 7:31 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 7:31 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. General Announcements.

Mayor Cohn announced that the MTA wishes to place a cell tower along the Metro North train line. He said that they want to put one in Rye, which is proposed to be a 130 foot tower with an added 14 feet of equipment installation. The purpose of the tower is for railroad security purposes. To defray expenses, MTA has reported that they would allow the installation of cellular antennae to be placed on the pole. Currently, the MTA is looking at the northeast end of the New York City-bound side of the train parking lot next to the Boston Post Road overpass. This desire for a cell tower has been pending for four years. Mayor Cohn said that there was some interaction with the prior City Council that was not made public. He also reported that there has been interaction with Assemblyman Otis who has done a very good job of negotiating

with the MTA. At this point, the plan has been presented to the City. Staff and Councilmembers have been engaged in a discussion with the MTA about locations and the City is doing further legal analysis on its options. Mayor Cohn said that the MTA has a fairly convincing legal argument that they can do this as-of-right. He further said that the MTA has promised that the City would have a six month period to comment on any official proposal. The City will be talking with the MTA and will try to propose other alternative sites. Mayor Cohn said that this proposed tower is not something that the City wants in that location and was doing everything it could to mitigate any issue.

4. Draft unapproved minutes of the regular meetings of the City Council held September 12, 2018 and September 26, 2018.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the minutes of the regular meetings of the City Council held September 12, 2018 and September 26, 2018.

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

Kent Iarocci, 5 Charlotte Street, addressed the Council. He thanked the Mayor and Council and the community. He stated he had given a lot of thought to Bowman Avenue and he recommended dredging in the dam to minimize or prevent flooding in Rye. He said another option would be increasing the dam's height. He said that the problem was that both were very costly. He also said that an operable sluice gate would be helpful for flood mitigation as well.

Councilwoman Hurd responded and commented that the City was working with engineers on the sluice gate, and the hydrologists and engineers need to collect more data. The NY Rising grant has paid for the installation of two sensors, to program and operate the sluice gate. There is no guarantee that it will prevent flooding altogether, but will hopefully mitigate it.

Lucy Berkoff, spoke in support of the proposed composting program. She said that she had been promoting composting at the Midland School and has been personally composting for eight years with her family.

Natalie Jackson, Sierra Desai, Megan Coyne and Sofia Kai, Rye Girl Scouts, spoke in support of composting in Rye. They read letters of support into the record and asked the Council to support the composting initiative.

Lori Fontanes, 11 Robert Crisfield Place, read a letter into the record about her support of the proposed composting program in Rye.

Charlie Cosenza and Claire Cosenza, Rye residents, said that they support curbside composting. Mr. Cosenza said that he had learned that 95% of trash could actually be composted or recycled.

6. Public Hearing to consider a local law to establish a Community Choice Aggregation Program in the City of Rye.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein, to set the public hearing on the local law to establish a Community Choice Aggregation Program in the City of Rye for November 7, 2018 at 7:30 P.M. in Rye City Hall.

7. Report of the City's financial position by the Deputy Comptroller.

Joe Fazzino, Deputy Comptroller, presented the third quarter results for the City of Rye. The 2018 General Fund revenues are up \$594,000 or 1.9 percent from last year. He said the largest piece of this is the tax levy. He highlighted the interest and penalties collected as a result of the City initiating the foreclosure process. The City Comptroller's office is working with those in arrears on appropriate payment plans so that the City can recoup any unpaid taxes. Mr. Fazzino also commented that penalties may be lower because of the prepayment of taxes at the end of 2017 due to the federal SALT deduction. Mr. Fazzino commented that the charges for services are up \$65,000 with the majority coming from an increase in parking meter revenues, recreation fees, and mooring fees. Interest and investment income is up 100% since last year.

Looking ahead to the budget, Mr. Fazzino noted that fees that can offset expenditures. Licenses and fees are currently down from this point last year because of a delay in the MTA permit sales. Building revenue is down from last year but expected to exceed projected budget. City ordinance violations and code violations have increased. There has been a decrease in parking fines of \$9,000, with more people paying the meters timely, avoiding a ticket.

Councilwoman Souza asked about the increase in the parking meter revenues from last year, to ensure that a decrease in parking fines was not due to a lack of enforcement.

Mr. Fazzino reported that state aid was down \$140,000 as a result of a decrease of first-half mortgage tax revenues. Mr. Fazzino stated that the City had received information for the second-half mortgage tax revenue, and the City will receive \$1,623,000 of mortgage tax for 2018, or \$23,000 more than budget.

Mr. Fazzino said that General Fund expenditures are up \$1.2 million. The largest component is an appropriation of fund balance to general capital projects. He also reported that overall, salaries and wages are up \$202,000. There have been 16 resignations and retirements, which should result in the City paying less on new hires. Equipment purchases are down, mostly from purchasing meter machines. Materials and supplies are down \$80,000. Mr. Fazzino commented that the installation of LED lights has saved the City on energy costs. Councilman Stacks asked if the City had budgeted for that; Mr. Fazzino responded that the current estimated savings of \$160,000 is still on target. Mr. Fazzino added that another decrease was tax certiorari payments. There were several large settlements in 2017. Mr. Fazzino reported that with the bad winter weather this year, salt costs have increased. However, contractual costs are down \$83,000. The largest decrease are legal fees, down \$81,000. Employee benefits up \$380,000,

but added that there was a decrease in workers compensation expenses. Mr. Fazzino said that the City was finally seeing old outstanding workers compensation cases coming off the books.

Mr. Fazzino stated that the 2018 revised budget column represents the budget for the full year, not for nine months, and shows the planned use of fund balance adopted in the 2018 budget plus any expenditure carryovers from the prior year.

There was general discussion among the Council. Mr. Fazzino explained that this use of fund balance was budgeted to preserve 10% of the City's General Fund undesignated fund balance.

8. Consideration to set a Public Hearing on November 7, 2018 to consider a local law to exercise our option under Real Property Tax Law Section 581 (1)(c).

Mayor Cohn stated that a local law could be established to disallow a tax shift to income-producing property as a result of converting a non-condominium property to condominium.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried to set a public hearing on November 7, 2018 to consider a local law to exercise our option under Real Property Tax Law Section 581 (1)(c).

9. Consideration to set a Public Hearing on November 7, 2018 to consider a local law to allow the City of Rye to “piggyback” on other federal, state, and local contracts.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd, to a public hearing on November 7, 2018 to consider a local law to allow the City of Rye to “piggyback” on other federal, state, and local contracts.

10. Consider a resolution to transfer \$250,000 from Unassigned Fund balance to Capital Project Fund - general capital.  
Roll Call.

Mayor Cohn explained that the funds were held back because there was consideration to put the funds towards roads. Some of the reserve may still be put towards roads, but the consideration will not take place until after a report is completed on a search to find more cost-effective methodologies. If the City does not use it for roads, it will be available for capital improvements.

While speaking on the topic of capital improvement, the Mayor provided an update that the City is currently in the in-depth planning stage on the Police/Court facility and is able to proceed with this stage without having to bond. Additionally, the Mayor wanted to clarify that the City is will be ordering garbage trucks that will accommodate the current, twice a week, pickup schedule. City Hall improvements are needed, namely a new HVAC system and plumbing upgrading, as these have not been updated since the 1960s. The DPW salt shed, DPW fuel tanks, and the Central Ave pump station, DPW building #5 and #7 are all are currently in the

design phase. The Council believes the roll-off of bonds in coming years will cover the planning and construction phase with bond proceeds.

Councilwoman Hurd made a motion, seconded by Councilman Mecca, to transfer \$250,000 from the Unassigned Fund balance to the Capital Project Fund.

ROLL CALL

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

11. Resolution to declare certain City of Rye IT equipment as surplus.  
Roll Call.

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

**WHEREAS**, the City has been provided with a list of City equipment identified as being obsolete or will become obsolete during 2018; and

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

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

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

ROLL CALL

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

12. Consider a resolution to authorize the City Manager to sign a settlement with Verizon in the amount of \$6,000 to cover the underpayment of utility user’s tax (“UUT”).  
Roll Call.

City Manager Serrano explained that the City hired an auditor to review the Verizon and Cablevision franchises. During the auditor’s review, there was a discovery of the underpayment of \$6,000, due to a discrepancy with DVR costs.

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

**WHEREAS**, the City Manager is authorized to execute an agreement on behalf of the City of Rye with Verizon in the amount of \$6,000 to cover the underpayment of utility user’s tax (“UUT”).

**ROLL CALL**

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

13. Consider donation of plantings to be placed on City property and authorization to enter City property to plant. Subject to insurance certificates approved by Corporation Counsel.

Councilwoman Goddard announced that Rye Resident, Ryan Prime, had been talking with the City about raising money through a new nonprofit that he started with other residents. The goal of the nonprofit is to help beautify Disbrow Park. Mr. Prime has been working with resident Peggy Peters to come up with a planning scheme and they are prepared to make a donation to the City. Councilwoman Goddard thanked Mr. Prime and the Disbrow Park Conservancy.

Councilwoman Goddard made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to accept a donation of plantings from Disbrow Park Conservancy to be placed on City property.

14. Consider a resolution authorizing the City Manager to retain the services of Brown and Weinraub, PLLC to work with the City of Rye and the Village of Port Chester, SUEZ and the PSC to complete an agreement that would allow the release of water usage data. The cost total cost would not exceed \$15,000 and will be split between the City of Rye and the Village of Port Chester.

Roll Call.

City Manager Serrano explained that some time ago, 11 municipalities joined together to create a coalition urging the PSC to release water usage data for to be able to assess a sewer fund within each municipality. This item would allow the City to retain counsel to complete an agreement to execute with the municipalities, Suez, and the PSC.

Councilwoman Souza made a motion, seconded by Councilwoman Tagger-Epstein, to adopt the following resolution:

**RESOLVED**, that the City Manager is authorized to execute and agreement to retain the services of Brown and Weinraub, PLLC to work with the City of Rye and the Village of Port Chester, SUEZ and the PSC to complete an agreement that would allow the release of water usage data; now therefore be it also

**RESOLVED**, that the cost total cost would not exceed \$15,000 and will be split between the City of Rye and the Village of Port Chester.

**ROLL CALL**

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

15. **Miscellaneous communications and reports.**

Councilwoman Goddard announced that Saturday, October 27, 2018 will be Drug Takeback Day, which was planned by Rye ACT and other organizations, and will be held at the Rye Police Department. The Police Department will be open from 8:00 a.m. to 4:00 p.m. to receive unused or expired medications. Councilwoman Goddard also announced that Zero Waste Day will be held Saturday, November 3, 2018 in the Playland parking lot. This day will be a County drop-off recycle day. Information can be found at [zero-waste-day.org](http://zero-waste-day.org). Councilwoman Goddard thanked Catherine Parker and Kristen Jaust for organizing the event.

Councilman Mecca reported that there was a Planning Commission meeting the previous evening. There was a presentation and approval for the rebuilding of the wall and observation area at Rye Town Park that was damaged at Superstorm Sandy in 2012. He explained that the Planning Commission issues approvals or changes within the wetland or wetland buffer area. Therefore, this coastal / environmental issue came before the Commission. The Commission is also reviewing a property across the street from the YMCA. There was also a subdivision approval at 3 Club Road, to change it to a two-lot subdivision from a three-lot subdivision. He said that the bad news is that this approval creates a flag lot. There will be a Saturday morning site walk at the Golf Club.

Councilwoman Hurd stated that Rye Town Park had been approved for the seawall improvements, as mentioned by Councilman Mecca. She also announced that the Friends of Rye Town Park would be holding their Fall Festival on October 20, 2018 from 11:00 a.m. to 3:00 p.m. Councilwoman Hurd also said that the Rye Town Park Parking Committee hired a parking consultant, who created a more delineated parking area that will hopefully maximize spaces. Further, there is hope to automate the parking process. On behalf of the Flood Advisory Committee, she reported that the Council voted to approve the list of NY Rising projects. The City has met with some engineers to discuss the possibility of programming the sluice gate sooner. The City has also reached out to State and U.S. Representatives for possible grant money opportunities. The Chamber of Commerce will be hosting their annual Mistletoe Magic

on Sunday, December 5, 2018 from 12:00 to 3:00 p.m. Councilwoman Hurd also reported that the Taste of Rye event was held several weeks ago to benefit My Sister's Place. Councilwoman Hurd also thanked the City Clerk's office for executing the recent film permit for the Blacklist and asked that the Chamber continue to be apprised of the usage of parking for these events, as they were with the recent permit. There was some concern with a new "pop-up" store for the holiday season coming into town, but it would be difficult to act to prevent this type of business late in the process; perhaps a solution can be thought of before next year. On behalf of the Boat Basin, Councilwoman Hurd reminded the community that this is the time to remove boats from the water. She asked those who still had boats docked to notify the supervisor when ready to be hauled out. To avoid late fees, this should be done timely.

Councilwoman Tagger-Epstein reported on the Traffic and Pedestrian Safety Committee. She said that a conversation that has been raised has been the issue of parents walking their kids to school witnessing cracked sidewalks, hedges in the right-of-way, etc. Residents with these concerns have inquired about the proper channels to report such issues. She suggested maybe an online complaint form with the upcoming launch of the new website. On behalf of the Human Rights Commission, one issue of importance has been inclusion and embracing special needs. Councilwoman Tagger-Epstein said she was happy to report that the Rye Historical Society will be working with RAISE (Rye All Inclusive Special Education) and open as a safe space for children with sensory issues or special needs during the upcoming Halloween Window Painting event.

Councilwoman Souza announced that Rye Recreation and children's philanthropy of the Rye Women's Club would be hosting the Annual Halloween Window Painting event from 9:00 a.m. to 3:00 a.m. on Sunday, October 21, 2018. This will be a great day in the town, and she encouraged all to attend.

Councilman Stacks announced that the Rye Golf Club would be having an end-of-season celebration to be held Thursday, October 25, 2018. There will be night golf at 6:30 p.m. and a complimentary party from 7:00 to 9:00. This is a members-only event. He said that RSVPs are a must, and there will be a live band. He also reported that the Rye Football team beat Harrison in two consecutive weekends. This Friday night, the team will be playing Nyack at home 7:30. He encouraged all to come and support the team.

Mayor Cohn stated that he attended a meeting at Con Edison on Theodore Fremd with elected officials and the President of Con Edison, to deal with criticism over the March storm. He reported that they have put thought into responses to some of the issues. Over the next four years, there will be \$100 million of system-hardening in Westchester. He said they had given a lot of thought into how to get crews to Westchester in the event of a storm emergency. Mayor Cohn said that he had asked the president of Con Edison if he had planned on corporate sensitivity training.

Councilwoman Hurd thanked the Mayor taking the time to do that. She said that Mayor Cohn often goes above and beyond on these issues, and this will make a difference.

16. Old Business.

There was discussion over Con Edison doing work in Rye. Councilwoman Souza asked about the logistics of street opening permits on a private road. Staff responded that they would review the issue.

17. New Business.

There was nothing discussed under this agenda item.

18. Adjournment.

There being no further business to discuss, Councilwoman Souza made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the meeting into executive session for litigation and personnel matters at 9:06 p.m.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk



# CITY COUNCIL AGENDA

NO. 5

DEPT.: City Manager

DATE: November 4, 2018

CONTACT: Marcus Serrano

**AGENDA ITEM:** Consideration of a Memorandum of Agreement between the City of Rye and the Rye Police Association.

**FOR THE MEETING OF:**

November 7, 2018

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council consider an agreement for the contract period of 1/1/2016 – 12/31/2023.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

That the Council consider an agreement for the contract period of 1/1/2016 – 12/31/2023.



# CITY COUNCIL AGENDA

NO. 9

DEPT.: Legal

DATE: November 1, 2018

CONTACT: Kirsten Wilson, Corporation Counsel

**AGENDA ITEM:** Public Hearing to consider establishing a Community Choice Aggregation Program in the City of Rye.

**FOR THE MEETING OF:**

November 7, 2018

**RYE CITY CODE:**

CHAPTER  
SECTION

**RECOMMENDATION:** Open the Public Hearing to consider a local law establishing a Community Choice Aggregation Program in the City of Rye.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

On September 12, 2018 Westchester Power made a presentation to the City Council and the public regarding their Community Choice Aggregation Program. On September 26, 2018 The City Council called for a public hearing to be held on November 7, 2018.



# CITY COUNCIL AGENDA

NO. 10

DEPT.: Legal

DATE: November 1, 2018

CONTACT: Kristen Wilson, Corporation Counsel

**AGENDA ITEM:** Public Hearing to consider a local law to exercise our local option in Real Property Tax Law Section 581 (1)(c).

**FOR THE MEETING OF:**

November 7, 2018

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** Open the Public Hearing to consider a local law to allow the City of Rye to exercise our local option in Real Property Tax Law Section 581 (1)(c).

**IMPACT:** Environmental Fiscal Neighborhood Other:

**BACKGROUND:** This is a recommendation by the City Assessor to protect the City's assessment roll. This law would prevent individuals converting 3-family, 2-family homes or single-family homes into condominiums. When these properties are converted into condominiums, they are assessed as income-producing properties and typically pay significantly less property tax than a comparably valued single family home.



# CITY COUNCIL AGENDA

NO. 11

DEPT.: Legal

DATE: November 1, 2018

CONTACT: Kristen Wilson, Corporation Counsel

**AGENDA ITEM:** Public Hearing to consider a local law to allow the City of Rye to “piggyback” on other federal, state, and local contracts.

**FOR THE MEETING OF:**

November 7, 2018

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** Open the Public Hearing to consider a local law to allow the City of Rye to “piggyback” on other federal, state, and local contracts.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Taking advantage of certain government contracts that are “piggyback” enabled would allow the City of Rye to take advantage of other governmentally approved rates on existing contracts.



# CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager

DATE: November 1, 2018

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Consider a resolution to authorize a change order for Rye Golf Club in the amount of \$35,000 for its 2018 Golf Course Renovations and Improvements projects.

**FOR THE MEETING OF:**

November 7, 2018

**RYE CITY CODE:**

CHAPTER  
SECTION

**RECOMMENDATION:** That the City Council approve a resolution to authorize a change order for Rye Golf Club in the amount of \$35,000.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

Currently, the golf club staff is requesting an approval to use an additional \$35,000.00 of golf club operating funds for possible change orders made within the field while the 2018 Golf Course Renovations and Improvements projects is ongoing. Such change orders may be related to encountering large subsurface boulders that require additional time and labor to remove or rerouting of cart paths & curbing in addition to changes needed for contouring or grading land in a different manner from the original plans based upon observations uncovered after existing turf or sod has been removed.

See attached.



**CITY OF RYE**  
Golf Club

**Interoffice Memorandum**

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To: Members of the City Council  
From: Jim Buonaiuto, Golf Club Manager  
Date: November 7<sup>th</sup>, 2018  
Subject: **Contingency allocation for Project 2018-01**

At a regular meeting of the Council of the City of Rye held on June 6, 2018 the bid for the 2018 Golf Course Renovations and Improvements was awarded to Turco Golf, Inc. in the amount of \$617,141.00 because it was the low bid meeting specifications. This award did not include any contingency funds for field changes.

Currently, the golf club staff is requesting an approval to use an additional \$35,000.00 of golf club operating funds for possible change orders made within the field while the project is ongoing. Such change orders may be related to encountering large subsurface boulders that require additional time and labor to remove or rerouting of cart paths & curbing in addition to changes needed for contouring or grading land in a different manner from the original plans based upon observations uncovered after existing turf or sod has been removed.

Our bid included several unit-prices for instances in which field-changes should become necessary and where a previously agreed upon unit-price has not been agreed to via the bidding process we will depend upon our retained golf course architect to review proposed pricing for fair market value. Any expenses above the original contract will be charged to cost center 78521.52981 "Golf Course Improvements".

Should you have any further questions or concerns please direct them to my office.

Thank you for your considerations.



# CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager

DATE: November 1, 2018

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Consider a request from the Rye Chamber of Commerce, for permission to use the Village Green on Sunday, November 25, 2018 for one of their sponsors for Mistletoe Magic.

**FOR THE MEETING OF:**

November 7, 2018

**RYE CITY CODE:**

CHAPTER  
SECTION

**RECOMMENDATION:** That the City Council approve this request.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

See attached.



October 22, 2018

Ms. Carolyn E. D'Andrea  
City Clerk  
City of Rye  
1051 Boston Post Road  
Rye, NY 10580

Re: Rye Chamber of Commerce "Mistletoe Magic"

Dear Ms. D'Andrea;

On behalf of the Rye Chamber of Commerce, I am writing to request permission from the City for use of the Village Green on **Sunday, November 25, 2018** for one of our sponsors for Mistletoe Magic. Brava dance would like to use the Village Green for their dancers, including a stage that they would like to put up on Saturday, November 24, 2018. I would also like to request use of an electric outlet from the Town Hall for the day of the event from 10 a.m. to 3 p.m.

If approved, I understand we must coordinate the logistics with Commission Corcoran / Lt. Craig of the Rye City Police Department. An insurance certificate will be provided upon approval.

Thank you in advance for your consideration.

Very truly yours,

**Sara Leibowitz**

Sara Leibowitz

**cc: City Manager – Marcus Serrano**

Rye Chamber of Commerce, PO Box 72, Rye, NY 10580



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/22/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> BNC Insurance Agency, Inc. 90 South Ridge Street  Rye Brook NY 10573		<b>CONTACT NAME:</b> Andrea Schena <b>PHONE (A/C, No, Ext):</b> (914) 937-1230 <b>FAX (A/C, No):</b> (914) 937-1124 <b>E-MAIL ADDRESS:</b> aschena@bncagency.com	
		<b>INSURER(S) AFFORDING COVERAGE</b>	
		<b>INSURER A:</b> Hartford Fire Insurance Co.	<b>NAIC #</b> 19682
<b>INSURED</b>		<b>INSURER B:</b>	
Rye Chamber Of Commerce Limited DBA Rye Merchants Association PO Box 72 Rye NY 10580		<b>INSURER C:</b>	
		<b>INSURER D:</b>	
		<b>INSURER E:</b>	
		<b>INSURER F:</b>	

**COVERAGES****CERTIFICATE NUMBER:** CL18102286899**REVISION NUMBER:**

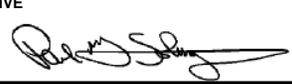
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b>			16SBAPD4560	11/11/2018	11/11/2019	EACH OCCURRENCE	\$ 2,000,000	
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000	
	GEN'L AGGREGATE LIMIT APPLIES PER:							MED EXP (Any one person)	\$ 10,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PERSONAL & ADV INJURY	\$ 2,000,000	
	OTHER:						GENERAL AGGREGATE	\$ 4,000,000	
							PRODUCTS - COMP/OP AGG	\$ 4,000,000	
								\$	
	<b>AUTOMOBILE LIABILITY</b>						COMBINED SINGLE LIMIT (Ea accident)	\$	
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$	
	<input type="checkbox"/> OWNED AUTOS ONLY	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident)	\$	
	<input type="checkbox"/> HIRED AUTOS ONLY	<input type="checkbox"/> NON-OWNED AUTOS ONLY					PROPERTY DAMAGE (Per accident)	\$	
							\$	\$	
	<b>UMBRELLA LIAB</b>						EACH OCCURRENCE	\$	
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> OCCUR					AGGREGATE	\$	
	<input type="checkbox"/> DED	<input type="checkbox"/> RETENTION \$					\$	\$	
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>						PER STATUTE	OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y <input type="checkbox"/> N					E.L. EACH ACCIDENT	\$	
	If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				E.L. DISEASE - EA EMPLOYEE	\$	
							E.L. DISEASE - POLICY LIMIT	\$	

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: Mistletoe Magic on Purchase Street, November 25, 2018 - City of Rye included as additional insured when required by written contract or agreement

**CERTIFICATE HOLDER****CANCELLATION**

City of Rye City Hall 1051 Boston Post Road Rye NY 10580	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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# CITY COUNCIL AGENDA

NO. 15

DEPT.: City Manager

DATE: November 1, 2018

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Consider a request by Rye Recreation to have food trucks on site at the Annual Turkey Run and Paws Walk on Saturday, November 24, 2018 from 8:00am to noon.

**FOR THE MEETING OF:**

November 7, 2018

**RYE CITY CODE:**

CHAPTER  
SECTION

**RECOMMENDATION:** That the City Council approve this request.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The food trucks will be stationed within Rye Recreation Park.

See attached.

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INTEROFFICE MEMORANDUM

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**TO:** MARCUS SERRANO, CITY MANAGER  
**FROM:** ERIN MANTZ, ASSISTANT SUPERINTENDENT  
**SUBJECT:** RECREATION TURKEY RUN FOOD TRUCK REQUEST 2018  
**DATE:** OCTOBER 31, 2018  
**CC:** NOGA RUTTENBERG

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Rye Recreation would like to request permission to have food trucks on site at the Annual Turkey Run and Paws Walk. The event is on Saturday, November 24, 2018 and begins at 8:00am and ends around noon. The food trucks will be stationed within Rye Recreation Park.

Please let me know if you need any additional information.