

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

**REGULAR MEETING OF THE CITY COUNCIL
Wednesday, December 04, 2019
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. Recognition of the Rye High School boys soccer team for exceptional teamwork and humanitarianism.
4. General Announcements.
5. Draft unapproved minutes of the Budget Workshops on November 13th and 18th, 2019 and the Regular Meeting of the City Council held November 20, 2019.
6. Residents may be heard on matters for Council consideration that do not appear on the Agenda.
7. Mayor and Council amendments to the proposed 2020 City of Rye Budget.
Roll Call
8. Open the public hearing on the 2020 Budget.
9. Resolution authorizing City Manager to enter into a Memorandum of Agreement with the Resurrection School to allow Rye Recreation to host Upper Camp in its facility for the summer of 2020.
10. Resolution authorizing City Manager to enter into a Memorandum of Agreement with the Christ Church to allow Rye Recreation to host Kiddy Camp in its facility for the summer of 2020.
11. Resolution to set a public hearing for December 18, 2019 to remove and renumber Chapter 176, "Energy Conservation" and replace with a New Chapter 83, "Energy Conservation Financing – PACE Program".
12. Resolution to set a Public Hearing to add a new Chapter 84, "Energy Conservation Financing – CPACE Program" for December 18, 2019. The draft law was already voted in on October 2, 2019, but this will renumber the PACE law and allow the City to file it alphabetically.

13. Resolution to waive parking restrictions and parking fees in all downtown parking lots and Purchase Street for the period between December 18, 2019 and December 23, 2019.
Roll Call.
14. Appointments to Boards and Commissions, by the Mayor with Council approval.
15. Old Business/New Business.
16. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, December 18, 2019 at 7:30 p.m.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov 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 1st floor of City Hall adjacent to the Council Chambers. Office hours may be found on the City’s website.

DRAFT UNAPPROVED MINUTES of the
Special Meeting of the City Council of the City of Rye
held in City Hall on November 13, 2019 at 7:30 P.M.

PRESENT:

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

ABSENT:

RICHARD MECCA, Councilmember

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 Deputy City Clerk to call the roll; a quorum was present to conduct official City business.

3. Discussion of the FY 2020 Budget:

● *Boat Basin Budget Review*

George Hogben, Boat Basin Supervisor, gave an overview of the Boat Basin, which is set up as an enterprise fund. The Boat Basin Marina hosts over 400 boats. Mr. Hogben discussed items such as dredging and compliance with different agencies. He also discussed the purchase of a trailer to haul boats at the Marina.

There was general discussion about dredging for the coming years with regard to strategy and financial planning for that endeavor.

● *Public Works Department Budget Review / Building and Vehicle Fund Review*

Ryan Coyne, DPW Superintendent and City Engineer, explained that the DPW oversees sanitation, City-owned properties, fleet management, sewer and drain utility maintenance, streetlight maintenance, signs and road markings in town, and recycling, among others.

There was discussion about lack of garage space and preserving the DPW vehicles. Mr. Coyne reported that the new garbage trucks had been delivered and that they are up-to-date and efficient in performing this important City service. There was also discussion about performing a building assessment. Mr. Coyne thanked his staff for their hard work.

Mr. Coyne reported that capital projects would begin for the 2020 season in January.

4. Adjournment.

There being no further business to discuss, the Council adjourned the public budget workshop at 8:45 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk

DRAFT UNAPPROVED MINUTES of the
Special Meeting of the City Council of the City of Rye
held in City Hall on November 18, 2019 at 7:30 P.M.

PRESENT:

JOSH COHN, Mayor
SARA GODDARD
EMILY HURD
RICHARD MECCA
JULIE SOUZA
BENJAMIN STACKS (arrived at 7:40pm)
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

None

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 Manager to call the roll; a quorum was present to conduct official City business.

3. Discussion of the FY 2019 Budget:

● *Rye Recreation Budget Review*

Joe Fazzino, Deputy Comptroller, gave an overview of the finances of the Recreation Department. Sally Rogol, Recreation Superintendent, highlighted that camp fees increased and they offered 42 youth programs this year. There was general discussion on the future of summer camp relocation due to the renovations at the Rye City School District. Ms. Rogel provided details on the possible renovation of the Damiano Center which would allow the community to better use the facility and a permanent location for the lower camp.

● *Police Department Budget Review*

Mr. Fazzino gave an overview of the finances of the Police Department. Robert Falk, Public Safety Commissioner, added that side arm weapons and their holsters are 8 years old and need replacement. He also talked about adding body cameras and one full time officer in 2020.

There was discussion of the need of one fire truck which is not in the current budget. Lt. Falk spoke about recent car theft and warned the public to lock their cars.

- *Golf Club Budget Review*

Mr. Fazzino gave an overview of the finances of the Golf Club. Jim Buonaiuto, Golf Club Manager, stated building repair and maintenance increased predominantly due to the continued need to maintain the 150 year old building, Whitby Castle. He noted there is a planned nominal increase to membership fees to offset future increased expenditures, which is the second nominal increase after 8 years of flat fees.

There was general discussion about future dining options, as Lessings continues to increase their catering events, which can interfere with regular dining hours.

- *Rye Free Reading Room Budget Review*

Mr. Fazzino gave an overview of the finances of the Rye Free Reading Room. Chris Shoemaker, Director of the Rye Free Reading Room, reported that construction is complete and membership enrollment and visitors are at an all-time high. Mr. Shoemaker spoke about increased hours for the public.

4. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn the public budget workshop at 9:14 p.m.

Respectfully submitted,

Carolyn D'Andrea
City Clerk

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on November 20, 2019, 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 Hurd, enter into executive session to discuss litigation and personnel matters. At 7:30 P.M., Councilman Mecca made a motion, seconded by Councilwoman Hurd, to exit executive session and commence the regular meeting of the City Council. The meeting began at 7:41 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 Rye High School boys soccer team made it to the semifinals. While they unfortunately did not ultimately prevail, the City is very proud of them. Mayor Cohn mentioned and took note of the new timeclock for comments. He asked that all speakers be respectful of the timeclock and of others. He said there were a few other thoughts that came out of the last few meetings. He asked the audience members that if they had previously commented and do not have anything new to add, please consider refraining from repeating comments. He also urged the councilmembers to yield the floor to the residents. To ensure order, he said the Council will not entertain calling out from the audience. Lastly, he said that if they would like to speak tonight, please sign in.

Mayor Cohn continued and said that the Council had some discourse in announcements at the last meeting regarding the events surrounding the City and Rye Country Day School (RCDS) of which he would like to respond. The agreement negotiations have terminated after

the State passed a bill in June that the City did not know about, removing the provision for a shared use agreement between the City and the school. Mayor Cohn said that the Otis bill from 2017 was passed without consideration of any other entity to buy the property besides RCDS. However, the positive item was that the 2017 agreement had the requirement of an agreement of shared use with the City. The new bill has removed that requirement. The City had been negotiating with RCDS to have continued shared use into the future. Without telling the City, the new amendment discarded reference to the City of Rye and the shared use agreement. The new bill gives RCDS the same usage rights. Mayor Cohn posted the question, so after the new bill which removes restrictions, why should RCDS continue to negotiate with the City? Mayor Cohn went over a detailed timeline of events in which the City tried to negotiate with RCDS throughout the summer, and then the bill was passed. He explained that in September 2019, the City Council at that point voted 5 to 2 to send a letter to Governor Cuomo that urged the veto of the bill. The Council met November 3, 2019 as quorum in a duly noticed meeting. Mayor Cohn said that every Council member present or not knew or should have known the subject. The Council is not attempting to inhibit the purchase of the property, but rather, guaranteed shared use to protect its residents and needs into the future. Mayor Cohn said that the majority of the Council would like to see a shared use agreement. He invited others on the Council to speak.

Councilwoman Tagger-Epstein commented that she felt they had spoken about all that needed to be said at the last meeting. She said she felt that the process in which this was handled by the Council was not transparent, and it was not deliberated. She said that they had gone over it before, but at the end of the day, that plot of land that's owned currently by the thruway authority would otherwise go up for public auction to any entity if RCDS could not purchase the property, which should be avoided. She said that again, it is about the process, which was sorely lacking.

Councilwoman Hurd said that the goal of the RCDS shared use agreement was not necessarily to preserve green space, but increasing usability of turf field space. She wanted the notion of "green space" to not be confusing, as this is not green space. Speaking to the secrecy point, just as was done in 2017, Assemblyman Otis passed this bill in secret. He did not warn the City, or work with it in any way. He only shared that a new bill had passed after RCDS had become aware of its existence. The City had not even had a chance to respond or try and look at other alternatives. Councilwoman Hurd explained the concept of a BATNA, or a Best Alternative To a Negotiated Agreement. She said that the new Otis bill was RCDS' BATNA to working with the City. Because of this bill that was passed without regard to the City, negotiations ceased. Councilwoman Hurd said that the passage of the bill undermines the honest efforts of the City to work toward resolution and agreement with RCDS.

Councilwoman Souza said that if Assemblyman Otis thought passing this amendment was good for Rye, why would he not involve us? She said that perplexed her. Additionally, if RCDS thought they were offering the City a fair shared use agreement, why did they send a letter to the City asking to not share this with the public. She said that with regard to the letter urging veto, the Council sat in a room and voted 5 to 2 to send the letter. She said that there has been nothing secret about how this Council operates, and to the contrary, the lack of transparency is with Steve Otis.

Councilwoman Goddard said that all of the legislation that Mr. Otis and Shelley Mayer put forth were all publicly discussed, noticed and passed.

Councilwoman Souza and Stacks asked Councilwoman Goddard if she had known about the legislation.

Councilwoman Goddard responded that she had not known, but that as Assemblyman Otis is our representative, they should have known. Councilwoman Goddard commented that for her, it is about policy and procedure. She said she may be in the minority on this Council but the desire for field space at the Thruway authority property is well-documented. In terms of policy, she said she was supporting something that was important to Rye. Second, she said that with respect to the concern over the forever deal, the new legislations specifically provides for protection to the public that they would still be entitled to a percentage of playing time. She said that in terms of the BATNA, the first thing we heard at the last meeting from the head of the hockey group was that the school had spent \$700,000 prior to the backup legislation being passed on this endeavor. She said they would not have spent that much money if they weren't planning on negotiating in good faith. They could have easily said back in July that they were stopping negotiations when the amendment was passed. In terms of their good faith efforts, Councilwoman Goddard said they were continuing. She said that on the procedural issues, there were references to the executive session held on November 3, 2019. She said she received an email the day before. She said she had no idea what would be discussed, had no idea there would be a letter. She said she was never told afterwards what had transpired at that meeting. She said she did not know a letter existed until 10:00pm along with yet another letter sent to RCDS. She said she would like to know the reason for the urgency and what happened afterward.

Councilmembers Hurd and Tagger-Epstein discussed the number of bills sponsored by Assemblyman Otis.

Councilwoman Souza asked why Mr. Otis was even involved. He said that running the City of Rye was not his job anymore, and the fact that the Council is not trusted to do its job is insulting.

Councilwoman Tagger-Epstein said that the legislation was used as a backup plan if negotiations would stall. This was to make sure that that space was safe for the users of the community.

Councilman Mecca said that the Thruway property in question would have been a very desirable asset to the City of Rye. If acquired, there were many uses contemplated. However, with the passage of 2017 bill, RCDS would be the entity to purchase the property. The positive restriction in the 2017 legislation was that in order for RCDS to purchase the property, they would need to go through the City of Rye by way of shared use agreement. The City, abiding by the restrictions in the 2017 bill, decided to use its leverage to allow RCDS to buy this on the condition that it have some say in the use of the fields when the school no longer need them. He said that the City wanted an agreement in place to protect the private user groups who need the field space. It was up to RCDS again through the City of Rye as an agent to buy this property to put their money into improvements on the property, such as the field house. He said that RCDS want to put a walkway which will be helpful. He said that with respect to negotiations, an exercise in good government that the City is able to negotiate with the best interests of the public as the end result. Councilman Mecca said that the only way to move forward would be to enter

into an agreement that would help Rye for the future. He said that's where the City was in negotiating with RCDS. He said the Council wanted to make sure that when the matter of public usage hours came up, it wanted to protect the user groups in our community. He said he thought they were doing a great job negotiating. He said that the City could have done a better job of negotiating if the provision for the shared use agreement still existed. He clarified for the public that despite other comments, the field is not going to go out to auction. It will be sold to RCDS. He said that the Council was trying to protect the interests of those in the City of Rye today and in the future.

Councilwoman Goddard said that Councilman Mecca made such a good point; the Council can disagree but it can also get along.

Councilwoman Tagger-Epstein announced that the Rye Women's Interfaith Thanksgiving service happened this past Sunday at Christ Church. The Human Rights Commission gave out the John Carey Awards for Human Rights. She reported that the Commission also gave out certificates because there were so many amazing students. She reported that the recipient of the John Carey Youth Award for Human Rights went to Adesuwa Carlton of Rye Neck High School. The John Carey Award for Human Rights went to Christine Siller of the Rye Nature Center for all that she does in the community.

Councilwoman Souza announced that the Turkey Run road race is Saturday, November 30, 2019 and the Holiday Bonfire will be held Saturday, December 8, 2019 at the Damiano Recreation Center.

Councilwoman Hurd announced that Mistletoe Magic will be held Sunday, December 1, 2019, sponsored by the Chamber of Commerce. She also reported that the Barley House will be open all winter. She stated that the Rye Town Park Commission was also talking about rates for the beach and park for the coming season. She said that all boats should be out of the water by now at the marina.

Councilman Mecca reported that the Planning Commission was making great progress on the City Council's request to the Planning Commission to look at the request for the Avon property and the Osborn. He reported that the presenters are very professional and gathering a lot of information. He was hopeful to have a presentation in January from the Planning Commission back to City Council.

City Manager Usry reported that the City had seen its second very serious residential fire in 4-5 months. The latest fire occurred on November 15, 2019 at 3:45am on Hunter Lane. He was happy to report that all three residents were removed from the house. City Manager Usry reported that he walked scene with incident commander early Friday morning. With all of the fires, the City is undertaking a review of what went right, and what can be improved on. The neighborhood was extraordinarily complimentary of the Police and Fire Departments. City Manager Usry said that the situation would be reviewed in the next month and he would have more info on both fires at that point.

Councilman Mecca thanked the Rye Fire and Police Departments for the quick response. He said that when lives are potentially at stake, everyone can be glad that it was just a fire.

Councilwoman Goddard announced that the Lions Club honored Rye Sustainability along with Roz and Peter Larr, two people who have done so much for the community. She was proud that Rye Sustainability Committee was honored for its hard work.

4. Draft unapproved minutes of the Regular Meeting of the City Council held November 6, 2019.

Councilman Hurd made a motion, seconded by Councilman Stacks, and unanimously carried, to approve the minutes of the regular meeting of the City Council held November 6, 2019.

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

Peter Archer, 22 Mead Place, addressed the Council. He said that recently, the City has been in negotiations with RCDS for the shared use agreement of the Thruway property. He mentioned the recent legislation, removing the restriction on RCDS to purchase the property without coming to a shared use agreement with Rye. He felt upset that the public had been told this inside deal would serve the residents of Rye and New York State for shared recreation. The school and the City would need to come to a shared use agreement before any sale was finalized. Steve Otis, who happens to be a graduate of RCDS, passed a law removing the need for a shared use agreement. Mr. Archer said now this is just a rental property. It is public land transferred to a private entity. He said it was outrageous and as the public learns more about it, everyone thinks it's not a good deal for the residents of Rye and New York State. The school is under no obligation to increase the athletic field use by the public.

6. Discussion of a draft proposed process for the SEQRA and LWRP Coastal Consistency review in connection with the proposed construction of a potential donor-funded turf field at Nursery Field.

Mayor Cohn said that there were comments on the agenda packet that was distributed to the Council and public before the meeting. It is anticipated in January/ February 2020, City staff is being asked to put together for Council consideration a comparison of artificial turf and natural grass. Before the Council hears from the public, Mayor Cohn asked City Manager Usry to walk everyone through the proposed series of studies, review and meetings with everyone.

City Manager Usry said that forthcoming to the Council would be a high-level summary of natural grass improvement versus a turf field. Based on that and other facts, the Council could choose to move in a direction.

City Planner Miller explained that staff has been tasked with coming up with a schedule. By law, there is no formal process by law, and therefore the City is left with attempting to create the most diligent and thoughtful process. The idea is that the City Council would be joined by its partners in the Planning Commission and Recreation Commission in their advisory capacity. There would be a series of public meetings with public comment, depending on the process in these monthly meetings. The plan is a broad overview and not intended to be overly rigid, so that the City may be responsive to public comment.

Councilwoman Goddard said that the City was looking at both turf and natural grass. She said her question is on funding. Because the citizens group has been clear that they would only fund turf as an outcome, the City would not have natural grass improvements in the budget. City Planner Miller said that there are no identified source of funds for any field.

Councilwoman Hurd said that with that being the case, a project like that would be considered for placement in the CIP.

City Planner Miller said that the Council could decide to include a grass field in the CIP, which is a planning document with financial implications.

City Manager Usry said that the Council would need to add that or replace something else currently in the CIP.

Councilman Stacks asked if this outline represented the totality of the SEQRA process. He asked what it included.

Corporation Counsel Wilson said that City Council consideration of a SEQRA determination would be at the point when the City Council designates the project as a Negative or Positive Declaration. This timeline would help the Council jumpstart the SEQRA process.

City Planner Miller said that the Council must make a significance determination within 30 days, or until such time as it has all of the information.

Councilwoman Tagger-Epstein said that according to the timeline, that determination may happen in March or April 2020.

City Manager Usry said that for the month of January, the focus will be to present a side by side analysis, which will certainly not be exhaustive. The comparison would have many factors, such as cost, usability, design, etc. From there, the Council can be able to make an initial determination on the direction to proceed. There was a question on how this would differ from Stantec's side-by-side analysis, and Mr. Usry responded that after the public became engaged, it was clear that a more in-depth study and report should be put together.

Councilwoman Tagger-Epstein said that people are not 100% comfortable with Stantec's approach, and the Council wants to give people the feeling that the study and work is being done on all angles. She asked that the title of the proposed improvements be amended to remove the word "turf," as to not imply a final outcome has been determined. City Manager Usry agreed and reported that the title had been amended to remove the word, "turf."

Councilwoman Goddard thanked City Manager Usry for being so responsive to resident questions. She said she would love as part of this January process is to have a source and uses of funds for each scenario. Realistically, the City would have a bigger obligation with future maintenance, etc. She said she preferred a more holistic view of each project.

Ryan Kovacs and Ata Arslan, Rye High School Varsity Soccer Team, addressed the Council. They stated support for a turf field. They explained that most of the time, the varsity level moves because of the other sports. The poor grass conditions affect the level of play and

practice. Practices are being canceled due to rain. They said that there is a need for turf that will help the entire community.

Robin Read, 8 Newberry Place, said that people had not been considering the environmental impacts of a turf field not being built. He presented a packet of information about the environmental impacts of traffic traveling to fields that are usable. He urged the Council to review the data. He said the risks are real the aggregate travel risks are real. He stated support for turf at Nursery Field.

Emily Keenan, 2 Eve Lane, Rye Youth Athletic Foundation (RYAF), addressed the Council. She presented a case, “In the Matter of Fenn School” decided by the Massachusetts Supreme Court which she argued was like in kind to the case at hand. The court found no significant environmental impact. She then addressed the question of, “Why not a grass field?” She stated that if the goal is to expand usability, grass isn’t going to get you there. More importantly, that grass needs pesticides, etc., that are poor for the environment. She said it just doesn’t unfortunately work. Ms. Keenan said she looked forward to the process.

Brett Ehrlich, 91 Hillside Road, RYAF, coach of a youth soccer travel team, and sports marketing consultant, addressed the Council. He said that the group had launched a website, www.Ryeyouthaf.org. He encouraged everyone to visit the website. For those who don’t know where Hillside road is, he stated that they were located in the Rye Park neighborhood, making them one of the closest houses to a turf field in the town. He said he was in favor of turf at Nursery Field. He also reported that in his 6.5 years of living on Hillside, no one has ever expressed health concerns for his family for living so close to turf fields. He asked why now.

Anne Keane, 135 Wappanocca, discussed the concern about the aesthetic view of what a turf field looks like. She showed several photos and explained that with today’s design it was tough to tell the difference between turf and natural grass.

Councilwoman Hurd acknowledged Coach Anne Kean who had coached the undefeated youth travel soccer team.

Sue Drouin, 57 Morehead Drive, read a letter from the Rye Sustainability Committee to the City Council. She said that the group’s goal was to protect the City’s waterways, open spaces, etc. She said that Rye Sustainability does not support the initiative to convert the field from natural grass to artificial turf. She said they were concerned with proximity to sensitive wetlands and materials in synthetic turf.

Libby Alexander, 290 Stuyvesant Avenue, said that she wanted to revisit the acquisition of Nursery Field. She said it was a matter of public record that the nursery field site was acquired in 2003. She said that the City had received a NYSDEC grant for \$1.6 million for our Long Island Sound Wetland Restoration Project at the site. She said that grants come with a stipulation. She asked if the City Council had fully researched the issues, such as is turf permissible with respect to the restoration grants. She said she thought the NYSDEC made loans to the City. She said given that the City spent over \$110,000 she asked that the City not move forward until it has reviewed the restrictions.

Dan Adler, 62 Elmwood, said that in 2011, Woodward & Curran was retained by the City. He said their conclusion was that synthetic turf is not ideal, and that precautions would need to be taken. Of all the placement options in Rye for turf, Mr. Adler said that the report stated that Nursery was the last desirable.

Alison Relyea, 12 Halstead Place, addressed the Council. She said she was there on behalf of Friends of Nursery Field. She said that the group was made up of concerned families who have done extensive research. A question was raised at one point of whether turf would work in Rye. She said that the group does support usability, but not in this site. She said that unfortunately, there were no good comps in Rye to the situation at hand. She said that the area is a treasure and a gift. She talked about Milton cemetery field trips and the importance of culture in that area.

Paula Fung, 84 Elmwood, addressed the Council. She said this is not a new issue and has come up before. In the research that this group has done, we have a letter from former resident Michael Clemens about his recollection of the Nursery Field acquisition as the chair of the Planning Commission.

Lindsay Martin, 8 Elmwood Avenue, addressed the Council. She said she was a Rye native and grew up as an active member of the Rye sports community. She said she could empathize with the limited resources. She said she was truly concerned with the turf proposal at Nursery Field. She also said that parents have gathered together to create Friends of Nursery Field. She said that as has been stated, the artificial turf proposal would have a net negative impact. She asked that the Council not sent this to the Planning Commission. She asked the Council to remove it from the CIP. She said that the group was happy that the Council had listened. She said they would love a task force to be formed to be part of that conversation.

Francesca Mountain, 83 Elmwood, addressed the Council. She thanked them for considering a grass field. She said she was not clear on the plan for parking there. With the estimated usage for the field, she was concerned for traffic and safety implications in the area. She asked for formal traffic study to be completed.

Christine Sasse, 81 Bradford Avenue, said that this has been an issue for 45 years (as long as she has lived in Rye). She said she coached the 5th grade girls power soccer team. She emphasized the importance of sports in the community with the children. She said the more time we can have them on a field is so important to their mental health and stability. Urged the council to consider turf at Nursery Field.

Nina Biornstad, 60 Overlook Place, addressed the Council. She asked them to think back to when they decided to move to Rye. She said that the field they are talking about is something everyone could feel positive about. She encouraged the Council to talk to the kids because they want some place to play. She stated support for turf at Nursery Field.

Noah Adler, 62 Elmwood, student in the Rye City School District, addressed the Council. He said that chose to come to this meeting. He said that he was passionate about climate change and was very concerned about carbon increases carbon emissions. These issues would be felt in 50 to 100 years. He said that it was his generation that needed to be considered. He respectfully asked that the City not turf Nursery Field.

Anne McCarthy, 125 Central said that she had looked up the RYAF, identifying as a nonprofit, who has raised \$750,000 for the proposed turf improvements. She asked the Council if anyone had written a check to the RYAF.

Bill Curran, 16 Valleyview Avenue and RYAF, addressed the Council. He said the group was just parents of kids who play sports in the community. He said that they were people who spend a lot of time on the sidelines of the fields in Rye. He said that too often the conversations are about the poor conditions of the field. He said the fields are an embarrassment and a safety hazard. He said the group wants something the community can be proud of. He stated support for turf.

Councilman Mecca addressed Ms. McCarthy's question regarding donations. He said like many other councilmembers, he had been in Rye for a long time and gives to as many organizations as he can. He explained that when someone polls the Council like that, they forget that the councilmembers are also members of this community. He said that Rye is a very generous community. We all support whatever we can whenever we can.

Anne McCarthy, 125 Central Avenue, said that the sole focus of the RYAF is this field. She said she thought it was important to have disclosure.

Joshua Rand, 70 Bradford Avenue, and RYAF member, addressed the Council. He said that he had three children and had been a coach for a long time in Rye. He said that current conditions were depriving children of the opportunity to engage in a sport that they love. Some have claimed that what we are asking for is more playing time, but in actuality, they are asking for the time that had been promised without cancellation due to rain. He said he supported the proposed turf.

Onur Tuncer, 1 Thorne Place, said that he was a lifelong resident. He stated that he lived across from the nursery growing up. He said that all that was needed was a small space in comparison to the entirety of Rye. He said that what brought him back to Rye was the diversity of things to do here. He said he supported the placement of turf at Nursery Field. He thanked the Council for its time.

Tim White, 332 Forest Avenue, commented that the debate and dialogue has been great tonight. He said that the RYAF had been at this an entire year. He explained that the group started this thinking it would be a great community project and a unifying act. He said that the last thing they wanted was something that would create division. He said that the group was not anonymous and are very proud. To clarify, he said the group did not dictate the timing or the field with than a great sense of urgency other than to raise the capital. He said they wanted a process around this and they applaud this project. He said that the group felt that turf was the right thing and this was the right location. He said that what happens should be the best decision for the community. He said that group was not hiding behind anyone.

Suzanne Clary, Rye resident, addressed the Council. She said she would like to think that all the groups will work together. She asked if the Rye Youth Athletic Foundation would donate funding for both turf and grass alternatives. Mayor Cohn alerted Ms. Clary that a letter was included in the agenda packing with the group's position.

7. Resolution declaring the formation of a Boat Basin Special Committee

Councilman Hurd made a motion, seconded by Councilman Mecca, and unanimously carried, to adopt the following resolution:

WHEREAS, the Boat Basin of the City of Rye (the “City”) was established as an Enterprise Fund in 1985; and

WHEREAS, until now the Boat Basin has been self-sustaining without financial or operational support from the City; and

WHEREAS, the Boat Basin is becoming increasingly unusable by larger boats due to continuous silt build-up, an issue that will affect more boats with each passing year; and

WHEREAS, the future of the Boat Basin’s existence is contingent upon costly dredging projects in order to be a viable, operating marina that will necessitate the financial assistance of the City; and

WHEREAS, the Army Corps of Engineers is no longer funding these types of local projects; and

WHEREAS, the City would like to identify ways for the Boat Basin to have a sustainable future while at the same time protecting the tax dollars of the community at large, not just the marina members; and

WHEREAS, the City does not currently have sufficient data to determine what, if any, dredge plan is most appropriate both financially and operationally, and

WHEREAS, the City wants to establish a temporary committee to provide guidance to the City Manager, the City Council, as well as other boards and committees within the City, to complete a thorough review of the issues facing the Boat Basin as well as an analysis of the dredging options (costs vs. benefits) available to ensure the future of the Boat Basin that would be in the best interests of the City,

NOW, THEREFORE, BE IT RESOLVED, that the City of Rye Boat Basin Special Committee is hereby established; and be it further

RESOLVED, that the Committee shall be appointed by the Mayor with City Council approval and that one member shall be designated by the Mayor as Chairman, and be it further

RESOLVED, that the Committee shall be comprised of the following:

1. No less than 5 members consisting of:
 - a. Two members of the Boat Basin Commission;
 - b. Two members of the Finance Committee;

- c. A member of the Planning Commission;
-
- 2. Additional staff as needed and determined by the City Manager to act in an advisory capacity, and be it further

RESOLVED, that the Committee shall have the following duties and powers:

- 1. Establish Committee rules and procedures for meetings and as acceptable to the City Manager;
- 2. Determine the initial scope of work and a set plan of diligence;
- 3. Engage all necessary external parties including but not limited to Consultants, City Staff, the Army Corps of Engineers, etc. in order to provide its findings in a timely fashion;
- 4. Determine, in good faith, all appropriate interested parties affected or benefited by the dredging of the Boat Basin and the Milton Harbor Channel and reach out as deemed necessary for input;
- 5. Determine and develop the scope of dredging as well as alternative plans, if deemed advisable, for the Boat Basin future;
- 6. Provide cost benefit analyses regarding the dredging options;
- 7. Reach out to the community and other relevant user-groups regarding their desire for such an endeavor;
- 8. Establish a timeline for dredging as well as a list of responsibilities;
- 9. Make recommendations to the City Manager regarding the most suitable approach for dredging the Boat Basin or provide alternative recommendations based on its findings;
- 10. Make recommendations to the City Manager for an appropriate and sustainable revenue model for the Boat Basin taking into account, among other things, the need for future dredging requirements;

RESOLVED, that the Committee shall have the following term:

- 1. Two-year term and each member shall serve for 2 years
- 2. If under any circumstance, a member cannot complete his/her 2-year term, the Council will appoint a new member in his/her stead;

3. The City Council may extend the time of the Committee terms at its will, as needed.

The resolution passed.

City Manager Usry said that this has been an information process in the last six months. The reality is that the challenges caused by silting and the need to dredge have been beyond the resources of the Boat Basin.

Councilwoman Goddard asked if committee meetings would be calendared. City Manager Usry responded that they would be.

Councilman Stacks said that the committee was a great idea.

Councilwoman Hurd commended the Boat Basin Commission on all their work. As the marina is a smaller part of the Long Island Sound which faces many issues, it should not be entirely the burden of the Boat Basin Commission to address these issues.

Mayor Cohn said that members would be appointed by the Mayor with Council approval.

Anne McCarthy, Rye Resident, said that she was not a fan of laying committees onto commissions. She said she was not sure what this is for. She said she did ask questions at the last meeting about the Boat Basin getting into the hauling business.

City Manager Usry responded that the action of the Council to engage in hauling of boats was taken six hours prior to his appointment as City Manager. He said he would be reporting back to the Council about progress.

Ms. McCarthy said that she would like to have a review of the hauling business.

City Manager Usry said that the Boat Basin runs as an enterprise fund. Their recommendation is for the Council to help and take action.

Councilwoman Hurd asked what Ms. McCarthy's issue was with hauling so that she could better understand the problem. Ms. McCarthy stated that she was interested in the process.

Robert November, Chairman of the Boat Basin Commission, spoke briefly on the issue of hauling. He said that the hauling plan was basically that the Boat Basin needed to increase the revenue to help with the dredging problems and that the economics were reviewed

Rob Alexander, 290 Stuyvesant, addressed Ms. McCarthy's comments and reported to the Council that those private entities responsible for removing the boats was not getting done, and so that Boat Basin needed to purchase a hauler so that the boats would be successfully removed out of the water.

8. Resolution declaring the City Council's intent to be Lead Agency over the SEQRA and LWRP Coastal Consistency Reviews for the Milton Harbor Dredging Project.

City Manager Usry explained that this is a procedural step with respect to dredging. The City has a fixed period of time where the city could declare itself lead agency.

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

WHEREAS, The City of Rye has applied to the New York State Department of Environmental Conservation (NYSDEC) for tidal wetland permit(s) in connection with the proposed dredging of the Milton Harbor Navigation Channel; and

WHEREAS, the NYSDEC submitted a 30-day Notice of Intent to Establish Lead Agency to the City of Rye dated October 26, 2019 [attached hereto] in which it states that the NYSDEC has no objection to the City assuming Lead Agency status for the environmental review of this project;

NOW, THEREFORE, BE IT RESOLVED, that the Rye City Council declares itself Lead Agency and will assume responsibility for determining the need for an environmental impact statement (EIS) for this project; and

BE IT FURTHER RESOLVED, that the Rye City Council requests that no permit be issued by the NYSDEC until such time as it has received written confirmation from the City as to the consistency of the proposed action with the coastal policies of the City-adopted Local Waterfront Revitalization Plan (LWRP).

The resolution passed.

9. Resolution authorizing City Manager to enter into a Memorandum of Agreement with the Resurrection School to allow Rye Recreation to host Upper Camp in its facility for the summer of 2020.

This item was adjourned to a later meeting to be determined.

10. Resolution authorizing City Manager to enter into a Memorandum of Agreement with the Christ Church to allow Rye Recreation to host Kiddy Camp in its facility for the summer of 2020.

This item was adjourned to a later meeting to be determined.

11. Authorization for City Manager to enter into an Inter-municipal Agreement with Westchester County for the Stop-DWI Patrol for the City of Rye Police Department.

Corporation Counsel Wilson explained that there are different weekends with DWI checks. The County reimburses the municipalities for this initiative.

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

RESOLVED, that the City Council authorizes the City Manager to enter into an inter-municipal agreement from October 1, 2019 through September 30, 2020 on the STOP-DWI Patrol Project; now therefore be it

RESOLVED, that in exchange of performing under the agreement, the County will reimburse the City for an amount not to exceed \$10,000.

ROLL CALL

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

12. Resolution designating the days and time of regular meetings of the City Council for 2020 setting January 8, 2020 as the first regular meeting.

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

RESOLVED, that the City Council designates the following days and time of regular meetings of the City Council for 2020 setting January 8, 2020 as the first regular meeting.

- January 8, 22
- February 5, 26
- March 11, 25
- April 15, 18 (Joint School Board), 19
- May 13, 27
- June 10
- July 15
- August 5
- September 16
- October 7, 21
- November 4, 18
- Budget Workshops: November 17, 23
- December 2, 16

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

There was nothing discussed under this agenda item.

14. Old Business/New Business.

There was nothing to report under this agenda item.

15. Adjournment

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to adjourn the meeting at 10:08 pm.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: December 1, 2019

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Mayor and Council amendments to the proposed 2020 City of Rye Budget.

FOR THE MEETING OF:

December 4, 2019

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Mayor and the Council propose 2020 Rye City Budget amendments before opening the public hearing.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Rye City Charter stipulates that a Public Hearing must be held on the proposed Budget.

The City Manager presented the 2020 budget on November 6, 2019. The Council held Budget Workshops on November 13th and 18th.

Before opening the Public Hearing, the Mayor and Council may have amendments to the proposed budget.



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: December 1, 2019

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Open the Public Hearing on the proposed 2020 Budget.

FOR THE MEETING OF:

December 4, 2019

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and the Council hold a Public Hearing on the proposed 2020 Rye City Budget.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Rye City Charter stipulates that a Public Hearing must be held on the proposed Budget. The Public Hearing shall be held not later than the first Wednesday in December of the current year and upon at least 10 days' notice.

The City Manager presented the 2020 budget on November 6, 2019. The Council held Budget Workshops on November 13th and 18th.

The Public Hearing on the Budget is opened on December 4, 2019 and the Budget adoption is scheduled for December 18, 2019.

The proposed 2020 Budget is available on the City website www.ryeny.gov.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: December 4, 2019

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Resolution authorizing City Manager to enter into a Memorandum of Agreement with the Resurrection School to allow Rye Recreation to host Upper Camp in its facility for the summer of 2020.

FOR THE MEETING OF:

December 4, 2019

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the Mayor and Council authorize the City Manager to enter into the agreement.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

Because Rye Schools will be unavailable for Rye Rec camps during summer construction, Rye Rec Superintendent, Sally Rogol, worked with Resurrection School to accommodate Upper Camp for the summer of 2020.

See attached agreement.



December __, 2019

Monsignor Dwyer
Resurrection School
910 Boston Post Rd.
Rye, NY 10580

Dear Monsignor Dwyer,

The City of Rye's Recreation Department and the Resurrection Parish have had discussions regarding a business arrangement whereby Resurrection School would grant to the City of Rye the right to use the Resurrection School's facilities for the City of Rye's "Day Camp" for the summer of 2020.

Please find enclosed the Agreement for the City of Rye to operate their Day Camp programs at Resurrection School.

If you have any questions or concerns, please do not hesitate to contact me,

Sincerely,

Sally Rogol
Superintendent, City of Rye Recreation Department
1051 Boston Post Road
Rye, New York 10580
srogol@ryeny.gov
(914) 967-2535



December , 2019

Rev. Donald M. Dwyer, Pastor
Resurrection School
910 Boston Post Rd.
Rye, New York 10580

Dear Monsignor:

The following Agreement between the City of Rye (the “City”) and Resurrection Church is to take effect upon signing.

1. TERM/ FACILITY USE

The City will operate its Day Camp at Resurrection School during the dates of June 29, 2020 and ending August 7, 2020. The City will use the following program areas within Resurrection School’s Facility:

- Resurrection Grammar School, including 4-6 classrooms, restrooms, the upper level gymnasium, the lower level cafeteria, the ‘snoopy’ room and the lower gymnasium. There will also be the occasional use of the playground, as properly arranged with Rye YMCA. All daily custodial cleaning will be included.

2. HOURS OF FACILITY USE

Day Camp:

- Early Morning Drop-Off: 8:00am – 8:30am
- Camp day: 8:30am – 3:00pm
- Staff Hours: 7:30am – 3:30pm
- Rye Recreation camp will be taking 2-trips per week – only using the facilities on those days for approximately 2 hours for drop off and dismissal.

3. FEES:

The City will pay Resurrection School the following: \$17,400

Payment Schedule: 1/3 payment Feb. 1, 2020; 1/3 payment May 1, 2020; Final payment, July 15, 2020.

4. RULES:

All City staff and participants shall adhere to any and all rules and regulations of Resurrection Church property presently existing or implemented by Resurrection School acting reasonably during the term. Resurrection School shall provide a copy of existing rules and regulations. If there are any changes, Resurrection School will notify the City.

5. STAFFING:

- The City's Day Camp programs are licensed by the Westchester County Department of Health. Staff to camper ratios, as well as staff training, are in compliance with the Westchester County Department of Health.
- In addition, the parties agree that the City, under this agreement, will be providing programming and skilled, certified personnel to conduct activities at Resurrection Church. The City shall conduct supervisory activities only during the times when conducting its programs and shall bear no responsibility whatsoever outside of those specified hours of operation. Resurrection Church may request replacement of City personnel who are or become unacceptable to Resurrection Church acting reasonably. In such event, the City agrees to promptly provide qualified replacement personnel.

6. COMMUNICATION WITH SCHOOL REPRESENTATIVES:

Normal communications will be with the Director in charge of the specific programming. Director in charge of the programming would inform the Supervisory Staff of all requests from the school; other daily communications about schedules or specific situation's will be through Sally Rogol, Superintendent or Assistant Superintendent Erin Mantz.

7. MAINTENANCE:

Resurrection Church will be responsible for ongoing maintenance of all facilities at Resurrection Church. Resurrection Church will ensure that bathrooms are fully stocked and trash is emptied on a regular basis.

8. PARKING:

The City shall ensure its personnel and any participants in any programs of the City at Resurrection School to park only in the designated parking lots. Parking is not guaranteed.

9. INSURANCE:

- *9.1 Insurance* – City of Rye. The City shall maintain liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate as well as an umbrella liability

policy in the amount of \$5,000,000 at all times during the term. Such policies shall name Resurrection School as an additional insured on such policies. The City shall provide evidence of such policies at all times during the term at request of Resurrection School.

- *9.2 Insurance* – Resurrection School. Resurrection School shall maintain liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate as well as an umbrella liability policy in the amount of \$5,000,000 at all times during the term. Such policies shall name the City of Rye as an additional insured on such policies. Resurrection School shall provide evidence of such policies at all times during the term at request of the City.

10. INDEMNIFICATION:

- *10.1 Indemnification* – the City. The City hereby indemnifies Resurrection Church and holds it harmless from and against all claims, liabilities, damages, losses, cost and expenses (including reasonable attorneys' fees) arising out of any action, claim, suit or proceeding brought by any third party resulting from, related to or in connection with this agreement or the use of the premises by the City, its personnel, participants and guests, except for the gross negligence or willful misconduct of Resurrection School. This provision shall survive the termination of this agreement.
- *10.2 Indemnification* – Resurrection Church. Resurrection Church hereby indemnifies and holds the City harmless from and against all claims, liabilities, damages, losses, costs and expenses (including reasonable attorneys' fees) arising out of any action, claim, suit, or proceeding brought by any third party resulting from, related to or in connection with this Agreement or related to Resurrection School's responsibility herein to maintain the premises and surrounding grounds in a condition that is safe for the City's personnel, participants and guests, to access the designated portions of the premises during the City scheduled program times and events. This provision shall survive the termination of this agreement.

11. MISCELLANEOUS:

- (A) This Agreement shall not be assigned, sublicensed or otherwise transferred to any other party without the prior written consent of Resurrection Church. Any attempted assignment, sub-license or transfer shall be void and shall be a breach of this Agreement.
- (B) Any notice, report, approval or consent required or permitted hereunder shall be in writing and will be deemed to have been effectively given: (i) immediately upon personal delivery of a facsimile transaction to the parties to be notified (ii) one (1) day after deposit with a commercial overnight courier with tracking capabilities, or (iii) three (3) days after deposit with the United States Postal Service, by registered or certified mail, postage prepaid to the respective addresses of the parties as set forth above.
- (C) The waiver by either party of a breach of this Agreement or any right hereunder shall not constitute a waiver of any subsequent breach of this Agreement, nor shall any delay by either party in exercising any right under this Agreement operate as a waiver of any such right.
- (D) All section headings and indices are inserted for convenience only and shall not affect the interpretation of this Agreement.

(E) This Agreement shall not be construed against any party by reason of the fact that such party or such party's attorney drafted this agreement or any portion hereof.

(F) This Agreement constitutes the entire agreement between us pertaining to its subject matter, and it supersedes any and all written or oral agreements previously existing between us with respect to such subject matter. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing by the parties.

(G) This Agreement shall be interpreted in accordance with the laws of the State of New York. The parties consent to the jurisdiction of the federal and state courts located in the State of New York with venue in Westchester County.

Agreed to by:

City of Rye
By: Greg Usry
Interim City Manager

Date

Resurrection Church
By: Rev. Donald M. Dwyer, Pastor
Authorized Signatory

Date



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: December 4, 2019

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Resolution authorizing City Manager to enter into a Memorandum of Agreement with the Christ Church to allow Rye Recreation to host Kiddy Camp in its facility for the summer of 2020.

FOR THE MEETING OF:

December 4, 2019

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and Council authorize the City Manager to enter into the agreement.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

Because Rye Schools will be unavailable for Rye Rec camps during summer construction, Rye Rec Superintendent, Sally Rogol, worked with Christ Church to accommodate Kiddy Camp for the summer of 2020.

See attached agreement.



December __, 2019

Reverend Kate Malin
Christ's Church
2 Rectory Street
Rye, NY 10580

Dear Reverend Malin,

The City of Rye's Recreation Department and the Christ's Church Parish have had discussions regarding a business arrangement whereby Christ's Church would grant to the City of Rye the right to use the church's facilities for The City of Rye's "Kiddy Camp" for the summer of 2020.

Please find enclosed the Agreement for the City of Rye to operate their Kiddy Camp program at Christ's Church.

If you have any questions or concerns, please do not hesitate to contact me,

Sincerely,

Sally Rogol
Superintendent, City of Rye Recreation Department
1051 Boston Post Road
Rye, New York 10580
srogol@ryeny.gov
(914) 967-2535



December , 2019

Reverend Kate Malin
Christ's Church
2 Rectory Street
Rye, NY 10580

Dear Reverend:

The following Agreement between the City of Rye (the "City") and Christ's Church (the "Church") is to take effect upon signing.

1. TERM/ FACILITY USE

The City will operate its Day Camp at the Church during the dates of June 29, 2020 and ending August 7, 2020. The City will use the following program areas within the Church's Facility:

- Five (5) classrooms, the kitchen area, the art room and the playground.
All daily custodial cleaning will be included.

2. HOURS OF FACILITY USE

Day Camp:

- Camp day: 9:00am – 12:00pm
- Staff Hours: 8:00am – 12:30pm

3. FEES:

The City will pay the Church the following: \$6,000 for the 6 week program

4. RULES:

All City staff and participants shall adhere to any and all rules and regulations of Church property presently existing or implemented by the Church acting reasonably during the term. The Church shall provide a copy of existing rules and regulations. If there are any changes, the Church will notify the City.

5. STAFFING:

- The City's Day Camp programs are licensed by the Westchester County Department of Health. Staff to camper ratios, as well as staff training, are in compliance with the Westchester County Department of Health.
- In addition, the parties agree that the City, under this agreement, will be providing programming and skilled, certified personnel to conduct activities at the Church. The City shall conduct supervisory activities only during the times when conducting its programs and shall bear no responsibility whatsoever outside of those specified hours of operation. The Church may request replacement of City personnel who are or become unacceptable to the Church acting reasonably. In such event, the City agrees to promptly provide qualified replacement personnel.

6. COMMUNICATION WITH SCHOOL REPRESENTATIVES:

Normal communications will be with the Director in charge of the specific programming. Director in charge of the programming would inform the Supervisory Staff of all requests from the school; other daily communications about schedules or specific situation's will be through Sally Rogol, Superintendent or Erin Mantz, Assistant Superintendent.

7. MAINTENANCE:

The Church will be responsible for ongoing maintenance of all facilities at the Church. The Church will ensure that bathrooms are fully stocked and trash is emptied on a regular basis.

8. PARKING:

The City shall ensure its personnel and any participants in any programs of the City at the Church to park only in the designated parking lots.

9. INSURANCE:

- *9.1 Insurance* – City of Rye. The City shall maintain liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate as well as an umbrella liability policy in the amount of \$5,000,000 at all times during the term. Such policies shall name Christ's Church as an additional insured on such policies. The City shall provide evidence of such policies at all times during the term at request of the Church.
- *9.2 Insurance* – Christ's Church. The Church shall maintain liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate as well as an umbrella liability policy in the amount of \$5,000,000 at all times during the term. Such policies

shall name the City of Rye as an additional insured on such policies. The Church shall provide evidence of such policies at all times during the term at request of the City.

10. INDEMNIFICATION:

- *10.1 Indemnification* – the City of Rye. The City hereby indemnifies the Church and holds it harmless from and against all claims, liabilities, damages, losses, cost and expenses (including reasonable attorneys' fees) arising out of any action, claim, suit or proceeding brought by any third party resulting from, related to or in connection with this agreement or the use of the premises by the City, its personnel, participants and guests, except for the gross negligence or willful misconduct of the Church. This provision shall survive the termination of this agreement.
- *10.2 Indemnification* – Christ's Church. The Church hereby indemnifies and holds the City of Rye harmless from and against all claims, liabilities, damages, losses, costs and expenses (including reasonable attorneys' fees) arising out of any action, claim, suit, or proceeding brought by any third party resulting from, related to or in connection with this Agreement or related to the Church's responsibility herein to maintain the premises and surrounding grounds in a condition that is safe for the City's personnel, participants and guests, to access the designated portions of the premises during the City's scheduled program times and events. This provision shall survive the termination of this agreement.

11. MISCELLANEOUS:

- (A) This Agreement shall not be assigned, sublicensed or otherwise transferred to any other party without the prior written consent of the Church. Any attempted assignment, sub-license or transfer shall be void and shall be a breach of this Agreement.
- (B) Any notice, report, approval or consent required or permitted hereunder shall be in writing and will be deemed to have been effectively given: (i) immediately upon personal delivery of a facsimile transaction to the parties to be notified (ii) one (1) day after deposit with a commercial overnight courier with tracking capabilities, or (iii) three (3) days after deposit with the United States Postal Service, by registered or certified mail, postage prepaid to the respective addresses of the parties as set forth above.
- (C) The waiver by either party of a breach of this Agreement or any right hereunder shall not constitute a waiver of any subsequent breach of this Agreement, nor shall any delay by either party in exercising any right under this Agreement operate as a waiver of any such right.
- (D) All section headings and indices are inserted for convenience only and shall not affect the interpretation of this Agreement.
- (E) This Agreement shall not be construed against any party by reason of the fact that such party or such party's attorney drafted this agreement or any portion hereof.
- (F) This Agreement constitutes the entire agreement between us pertaining to its subject matter, and it supersedes any and all written or oral agreements previously existing between us with respect to such subject matter. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing by the parties.

(G) This Agreement shall be interpreted in accordance with the laws of the State of New York. The parties consent to the jurisdiction of the federal and state courts located in the State of New York with venue in Westchester County.

Agreed to by:

City of Rye
By: Greg Usry
Interim City Manager

Date

Christ's Church
By: Reverend Kate Malin
Authorized Signatory

Date



CITY COUNCIL AGENDA

DEPT.: Legal

DATE: December 4, 2019

CONTACT: Kristen Wilson, Corporation Counsel

AGENDA ITEM: Resolution to set a public hearing for December 18, 2019 to remove and renumber Chapter 176, "Energy Conservation" and replace with a New Chapter 83, "Energy Conservation Financing – PACE Program".

FOR THE MEETING OF:
December 4, 2019

RYE CITY CODE:
CHAPTER
SECTION

RECOMMENDATION: That the City Council sets a public hearing to amend the City Code number for Chapter 176.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

The two PACE local laws are being renumbered to fit alphabetically into the Code and this change must be subject to a public hearing.



CITY COUNCIL AGENDA

DEPT.: Legal

DATE: December 4, 2019

CONTACT.: Kristen Wilson, Corporation Counsel

AGENDA ITEM: Resolution to set a Public Hearing to add a new Chapter 84, "Energy Conservation Financing – CPACE Program" for December 18, 2019. The draft law was already voted in on October 2, 2019, but this will renumber the PACE law and allow the City to file it alphabetically.

FOR THE MEETING OF:
December 4, 2019

RYE CITY CODE:
CHAPTER
SECTION

RECOMMENDATION: That the City Council sets a public hearing to amend the City Code.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

The two PACE local laws are being renumbered to fit alphabetically into the Code and this change must be subject to a public hearing.



CITY COUNCIL AGENDA

DEPT.: City Council

DATE: December 4, 2019

CONTACT: Mayor Josh Cohn

AGENDA ITEM: Resolution to waive parking restrictions and parking fees in all downtown parking lots and Purchase Street for the period between December 18, 2019 and December 23, 2019.

FOR THE MEETING OF:
December 4, 2019

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the City Council seeks to support the Central Business District local businesses during the 2019 Holiday Season, and;

WHEREAS, the City Council encourages residents to shop and dine downtown during the holiday season as buying locally helps all of us while strengthening our local economy, and;

RESOLVED, the City Council will provide free parking for the period between December 18, 2019 and December 23, 2019 by waiving parking restrictions and parking fees in all downtown lots (Car Parks 1-5) and Purchase Street at the City's expense.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: To encourage shopping in the Central Business District during the holidays, the City is waiving parking fees for the designated period.