

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

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, January 08, 2020
7:30 p.m.**

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

1. Pledge of Allegiance.
2. Roll Call
3. Draft unapproved minutes of the Regular Meeting of the City Council held December 18, 2019 and the Special Meeting of the City Council held December 24, 2019.
4. General Announcements
5. Residents may be heard on matters for Council consideration that do not appear on the Agenda.
6. Resolution Against Bigotry and Hatred.
7. Resolution to amend the 2020 Adopted Fees and Charges for the Boat Basin to increase fees for slips.
8. Presentation by Rye Sustainability regarding Fireman's Circle plantings and resolution authorizing transfer of \$3,800 from the Tree Fund to DPW so Rye Sustainability can execute the Fireman's Circle plantings.
9. Appointment of the 2020 Deputy Mayor by the Mayor.
10. Designation of the City Council's Audit Committee by the Mayor.
11. Designation of the City Council Liaisons by the Mayor.
12. Designation of official City newspaper.
13. Designation of the amounts of faithful performance bonds:

| | |
|---------------------|--------------|
| A. City Comptroller | \$ 1,000,000 |
| B. City Clerk | \$ 500,000 |
| C. City Marshall | \$ 100,000 |

14. Appointments to Boards and Commissions by the Mayor with Council approval.
15. Old Business/New Business.
16. Adjournment

* * * * *

The next regular meeting of the City Council will be held on Wednesday, January 22, 2020 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
Regular Meeting of the City Council of the City of
Rye held in City Hall on December 18, 2019, at 7:30
P.M.

PRESENT:

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

ABSENT:

BENJAMIN STACKS, Councilmember

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 7:37 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. Recognition of the Rye High School football team for an outstanding season, achieving the status of New York State Semi-Finalists for the first time since moving to the Class A division.

Mayor Cohn recognized the Rye High School Boys football team for their hard work on a truly outstanding season, which led them to the semifinals for the first time since moving to the Class A Division.

The entire Council congratulated the team and Mayor Cohn presented the team with certificates of congratulations from the City.

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

Councilwoman Souza made a motion, seconded by Councilman Mecca, and unanimously carried, to approve the minutes of the Regular Meeting of the City Council held December 4, 2019.

5. General Announcements

Councilwoman Goddard wished a fond farewell to outgoing member of the Board of Architectural Review, Lisa Hogan, who served for two terms. With regard to departing members of the Conservation Commission/ Advisory Council, she thanked Annalise Stack, who served for 5 years, Andrea Alban-Davies who served for one term and as secretary, and especially Nick Hodnett, who served for over 20 years. Councilwoman Goddard noted that Mr. Hodnett served as chair for over seven years, and that it was always comforting to know that the group and community could rely on Nick for his wealth of information.

Mayor Cohn announced that Peter Larr, a distinguished citizen of Rye, passed away two days before the meeting. Mayor Cohn remarked that to say that Peter was part of the force of this community would vastly understate his role. Mr. Larr spent 19 years on the Planning Commission, served on the Human Rights Commission, the Historical Society, and was very active in the League of Women Voters. He was an incredibly intelligent affable and active personality with a real passion. There was a moment of silence to honor Mr. Larr.

Councilman Mecca said that speaking of Peter Larr, they had served together on the Planning Commission 20 years ago. With regard to recent Planning Commission news, at the last meeting the Commission finalized the drafts for the zoning change recommendations on the Avon property which was the B5 district, as well as the Osborn home. The matters will be referred back to the City Council. Councilwoman Mecca also said that the YMCA has also appeared with a site plan for the property next to City Hall at 1037 Boston Post Road. The Commission is working diligently to consider the application and the issues surrounding that plan.

Councilman Mecca read a letter from the Rye Fire Department addressed to the Mayor, City Council, and citizens of Rye. It discussed the two recent house fires in Rye and stressed the importance of functioning smoke alarms. Working smoke alarms are vital in allowing the department to arrive in the earlier stages of a fire. The letter invited anyone with questions about smoke alarms, carbon monoxide detectors or the like, to contact the Fire Department, who is available 24/7. The non-emergency line is (914) 967-4508 or email at local2029@gmail.com. The letter was signed by John Castelhana, President of career firefighter staff. Councilman Mecca reiterated that fire alarms will get you up and out of bed and get you to self-rescue, which is much more ideal.

Councilwoman Hurd recalled her time as an early councilmember, and the help that Peter Larr gave to her. She said he was one of her first mentors in that role. She said he will be missed.

Councilwoman Hurd then thanked the Chamber of Commerce, who was generous and kind enough of to donate items from the canceled Mistletoe Magic to the City's Holiday Bonfire. She was happy to announce that there would be free parking in the central business district lots from December 19-24, 2019. Councilwoman Hurd then announced that the 18th annual Polar Plunge will take place on January 1, 2020 at Rye Town Park. She encouraged all interested to register. Councilwoman Hurd reminded the community that the 2020 census is coming. The

census is a requirement of the Constitution, and is important to tax allocations government representation. Lastly, she thanked Bob November for his time as chair of the Boat Basin Commission over the last two years, of which she is liaison.

Councilwoman Souza thanked all members of the RyeTV committee for their dedication, support and passion for RyeTV.

Mayor Cohn announced that Rye High School students have created the Rye Snow Angels program, which seeks to help senior citizens in need when complying with the snow shoveling requirements to keep the sidewalks clear adjacent to their homes. He thanked the students for their commitment to the community.

Mayor Cohn said that as he drove down Milton Road today, he witnessed the aftermath of a little boy being hit by a car. It gave him an opportunity to watch the City's emergency response. He shared how impressed he was with how the City's police and fire departments behaved, as well as the EMT. Everyone acted with calmness and great teamwork. Mayor Cohn acknowledged first responders Sergeant Kenny and Officer Gomez, and Firefighters Billington and Acevedo. He said that he had no idea who was at fault, but said that this is the time of year everyone has a lot on their mind. It may affect the way we drive, and it may affect the way we cross the street. He asked everyone to be careful and mindful to ensure safety.

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

Robert November, 4314 Theall Road, thanked Councilwoman Hurd for her two years as liaison for the Boat Basin Commission. He said that these have been challenging times for the Commission. He thanked Councilwoman Hurd for her years of service and support.

Dan Adler, 62 Elmwood Avenue, said that he recently sent an email to the Council with the FOIL documents he received from the City. Mr. Adler said that based on what was received, it was his view that an artificial turf field would violate numerous terms of the EFC funding requirements. He read a statement from the EFC loan document. He said that he felt that from the documents, the field space was a part of the protected area and should not be turfed.

Lindsay Martin, addressed the Council. She thanked councilwoman Hurd and Tagger-Epstein for their service. She asked that the City Council host a workshop to explain why Nursery was chosen as a site for the possibility of turf. She cited the Woodward and Curran report and other studies that she said that Nursery would be the last option for turf. Secondly, she asked that the changes of the re-drawn wetland map of nursery from Stantec is explained.

Suzanne Clary, 14 Dogwood Lane, thanked the Council. She said that it was the wrong move to turf Nursery Field. She said that she spoke with the attorney who drafted the EFC loan document. She said that turfing Nursery Field would contradict the loan documents and the City's on LWRP, which protects Rye waters. She read off several policies from the LWRP. She said that she asked many groups why Nursery Field was the wrong place for artificial turf. She discussed the rich ecosystems of Rye.

Paula Fung, 84 Elmwood Avenue, addressed the Council. She said that Rye Nursery was not the appropriate place for artificial turf. She said it was her position that turf is not permissible at this location due to the documentation that the group will provide to the City to review. She asked the item be renamed to “Nursery Field Rehabilitation and Drainage” in the CIP rather than it indicating turf in the title.

22. Reappointment of Judge Latwin as full-time City Court Judge.

This item was taken out of order. Mayor Cohn said that he proposes to reappoint Judge Joseph Latwin as City Court judge, and that he would appreciate the concurrence of the Council.

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

RESOLVED, that Joseph L. Latwin is hereby reappointed as Rye City Court Judge, with a term expiring January 1, 2030.

ROLL CALL

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

Judge Latwin thanked the Council for this reappointment. He said he was happy to report that the court is operation smoothly and efficiently. He said that the court was one of the best in the county. He discussed the small amount of open cases, which is seen as a successful marker. Judge Latwin said the court is a nice place to come.

Councilman Mecca asked Judge Latwin how he thought that the change in the NYS law will affect operations. Judge Latwin said that the state passed a law requiring that discovery take place right after the person is arraigned. He said his fear is that people will not be able to plead by mail, and that this would delay procedure.

Mayor Cohn congratulated Judge Latwin on becoming president of the City Court Judges Association.

7. Presentation by the Landmarks Committee regarding the replacement of the City of Rye entrance signs.

Jerome Coleman, 2 Hidden Spring Lane, Chair of the Landmarks Committee, addressed the Council. He said that the Committee had been working on a proposal to redo the welcome signs to the City. He recognized former chair Jack Zahringer, and members Maurio Sax, Peter Rolland and Rex Gedney who contributed to this project. Mr. Coleman provided a presentation about the proposal of the new signs. He stated that the goal of the new signs are not to say the athletic achievements of Rye, but that the proposed signs are more welcoming to this great City and celebrate Rye’s rich history. He talked about other local communities that honor the history in the welcome sign. He said the felt the signs proposed are open, broadly representative of the City and heritage. There are 12 signs proposed which would welcome residents and

visitors alike to the major entrances of the City. Mr. Coleman said that Rye deserves truly welcoming signs. He asked the Council to approve the signs, and said that the color and design were carefully selected.

Mayor Cohn thanked the work of the committee members.

Councilman Mecca said that he was the liaison to the Landmarks Advisory Committee and that he was in full support of this. It is important to note that the school has wonderful sports teams, which they can highlight the various accolades on their own property.

Councilwoman Hurd said that this is project that the Committee has been working on for a while now. She said she agreed that the sporting accolades are impressive, but what brings us together as a community is the incredible history.

Councilwoman Tagger-Epstein thanked the Landmarks Advisory Committee on their hard work. She said she felt the proposed signs were very lovely and tasteful. She said that celebrating our history is what so many factions in the community are trying to do. She said she supported it, and also felt it important to hear from other members of the community as well.

Maurio Sax, Landmarks Advisory Committee, addressed the Council. He asked if the council would be setting a public hearing on the issue. He said that the proposed signs are a continuation of the signs of Jay Mansion. The message is that we have a historic city. He felt that the signs currently did not reflect the history of Rye.

The item was continued to a later date.

8. Open a public hearing for December 18, 2019 to remove and renumber Chapter 83, “Energy Conservation” and replace with a New Chapter 83, “Energy Conservation Financing – PACE Program”.

Corporation Counsel Wilson explained that items 8 and 9 were a mere re-numbering of the Code to correctly alphabetize the Energy Conservation financing provisions. Both laws needed to be kept on the books.

Councilwoman Hurd made a motion, seconded by Councilwoman Souza and unanimously carried, to open the public hearing.

With no one to speak on the issue, Councilman Mecca made a motion, seconded by Councilwoman Hurd, to close the public hearing.

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

RESOLVED, that the City Council authorizes to remove and renumber Chapter 83, “Energy Conservation” and replace with a New Chapter 83, “Energy Conservation Financing – PACE Program.”

**CITY OF RYE
LOCAL LAW NO. 8 2019**

A local law to remove and renumber Chapter 83 “Energy Conservation” and replace it with a new Chapter 83 “Energy Conservation Financing – PACE Program” of the Code of the City of Rye to create a program to assist property owners in financing clean energy systems as follows:

Section 1: Chapter 83, Energy Conservation Financing – PACE Program

§ 83-1. Legislative findings; intent and purpose; statutory authority.

A. It is the policy of both the City of Rye and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The City finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This article establishes a program that will allow the Energy Improvement Corporation (EIC), a local development corporation, acting on behalf of the City, to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this article and fulfilling an important public purpose.

B. The City of Rye is authorized to implement this Energize NY Benefit Financing Program pursuant to Article 5-L of the New York General Municipal Law.

C. This article shall be known and may be cited as the "Energize NY Benefit Financing Program Law of the City of Rye."

§ 83-2. Definitions.

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

AUTHORITY

The New York State Energy Research and Development authority, as defined by Subdivision 2 of § 1851 of the Public Authorities Law, or its successor.

EIC

The Energy Improvement Corporation, a local development corporation, duly organized under § 1411 of the Not-for-Profit Corporation Law, authorized hereby on behalf of the City of Rye to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this article) and providing for repayment of such funds from monies collected by the City Comptroller as a charge to be levied on the real property and collected in the same manner and same form as the City taxes.

ENERGY AUDIT

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

ENERGY EFFICIENCY IMPROVEMENT

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

QUALIFIED PROPERTY OWNER

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

RENEWABLE ENERGY SYSTEM

An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the authority, not including the combustion or pyrolysis of solid waste.

RENEWABLE ENERGY SYSTEM FEASIBILITY STUDY

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

§ 83-3. Establishment of program.

- A. An Energize NY Benefit Financing Program is hereby established by the City of Rye, whereby EIC, acting on its behalf, may provide funds to qualified property owners in accordance with the procedures set forth under this article, to finance the acquisition, construction and installation of renewable energy systems and energy efficiency improvements and the verification of the installation of such systems and improvements.
- B. The funds provided shall not exceed the lesser of 10% of the appraised value of the real property where the renewable energy systems and/or energy efficiency improvements will be located, or the actual cost of installing the renewable energy systems and/or energy efficiency improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

§ 83-4. Procedures for eligibility.

- A. Any property owner in the City may submit application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the City Clerk's office.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the City, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in Subsection A of § 83-5 of this article. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC acting on behalf of the City, the property owner shall be deemed a qualified property owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under § 83-6 of this article, provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of energy efficiency improvements and/or renewable energy systems be deemed a qualified property owner.
- D. At no one time shall the total of all payments being collected for this program by the City exceed \$50,000 per annum.

§ 83-5. Application criteria.

- A. Upon the submission of an application, EIC, acting on behalf of the City, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:
 - (1) The proposed energy efficiency improvements and/or renewable energy systems are determined to be cost effective by the authority;
 - (2) The proposed energy efficiency improvements and/or renewable energy systems will generate an estimated annual cost savings greater than the annual charge payments;
 - (3) Sufficient funds are available to provide to the property owner;
 - (4) The property owner is current in payments on any existing mortgage;
 - (5) The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
 - (6) Such additional criteria, not inconsistent with the criteria set forth above, as the City, or EIC acting on its behalf, may set from time to time.

§ 83-6. Energize finance agreement.

- A. A qualified property owner may participate in the Energize NY Benefit Financing Program through the execution of an energize finance agreement made by and between the qualified property owner and EIC, acting on the behalf of the City.
- B. Upon execution of the energize finance agreement, the qualified property owner shall be eligible to receive funds from EIC, acting on behalf of the City, for the acquisition, construction, and installation of qualifying renewable energy systems and energy efficiency improvements, provided that the requirements of § 83-7 of this article have been met.
- C. The energize finance agreement shall include the terms and conditions of repayment set forth under § 83-8 of this article.

§ 83-7. Energy audit; renewable energy system feasibility study.

- A. No funds shall be made available for energy efficiency improvements unless determined to be appropriate through an energy audit as defined in § 83-2.
- B. No funds shall be made available for a renewable energy system unless determined to be feasible through a renewable energy system feasibility study as defined in § 83-2.
- C. The cost of such energy audit and/or renewable energy system feasibility study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§ 83-8. Terms and conditions of repayment.

The energize finance agreement between the qualified property owner and EIC, acting on behalf of the City, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the qualified property owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on his or her property tax bill and shall be levied and collected at the same time and in the same manner as City property taxes, provided that such charge shall be separately listed on the tax bill. The City shall make payment to EIC or its designee, in the amount of all such separately listed charges within 30 days of the City property tax due date.
- B. The term of such repayment shall be determined at the time the energize finance agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the City.
- C. The rate of interest for the charge shall be fixed by EIC, acting on behalf of the City, at the time the energize finance agreement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the

benefited real property shall be required to pay any future installments, including interest thereon.

§ 83-9. Verification and report.

- A. EIC shall be responsible for verifying and reporting to the City on the installation and performance of renewable energy systems and energy efficiency improvements financed by such program.
- B. The City shall verify and report on the installation and performance of renewable energy systems and energy efficiency improvements financed by the Energize NY Benefit Financing Program in such form and manner as the authority may establish.

Section 2: This local law will take effect immediately on filing in the office of the Secretary of State.

ROLL CALL

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

9. Open 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.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to open the public hearing.

With no one to speak on the issue, Councilman Mecca made a motion, seconded by Councilwoman Hurd, to close the public hearing.

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

RESOLVED, that the City Council authorizes to add a new Chapter 84, “Energy Conservation Financing – CPACE Program” as follows:

LOCAL LAW NO. 9 2019

**A LOCAL LAW TO ESTABLISH A NEW SUSTAINABLE ENERGY LOAN PROGRAM
(OPEN C-PACE) IN THE CITY OF RYE**

A local law to create a new Chapter 84 “Energy Conservation Financing – C-PACE Program” of the Code of the City of Rye to create a program to assist property owners in financing clean energy systems as follows:

Be it enacted by the City of Rye (the “Municipality”) as follows:

Section 1. This local law shall be known as the “Energy Conservation Financing – C-PACE Program” and shall read as follows:

ARTICLE I

§84-1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the Municipality and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

§84-2. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

Municipality – the City of Rye, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under

the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

§84-3. Establishment of an Energize NY Open C-PACE Financing Program

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

§84-4. Procedures for eligibility

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property

owners on the website of EIC and at the Municipality's offices.

- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

§84-5. Application criteria

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

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

§84-6. Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with

Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.

- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

§84-7. Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

§84-8. Levy of Annual Installment Amount and Creation of Annual Installment Lien

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.
- B. The Finance Agreement shall provide for the repayment of the Secured Amount

in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the “Annual Installment Amount”). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.

- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.
- E. EIC shall act as the Municipality’s agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.
- F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit

Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

§84-9. Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

§84-10. Separability

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

Section 2. This local law shall take effect upon filing with the Secretary of State.

ROLL CALL

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

10. Continue the Public Hearing on the 2020 Budget

Councilwoman Hurd proposed a change to the 2020 Budget. She stated that the Boat Basin Commission requested at their budget workshop that the entire mooring fee pool be allocated to the Boat Basin. Historically, the first \$40,000 has been given to the City.

Councilwoman Hurd made a motion, seconded by Councilman Mecca, to amend the proposed 2020 budget to allocate the entire mooring fee collected to the Boat Basin.

ROLL CALL

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

City Comptroller Fazzino explained that the amendment to the budget would create a .16% difference in the tax rate. Specifically, the proposed tax rate with the amendment went from \$179.76 per thousand of assessed value to \$180.06. The tax levy is \$25,416,958.

Mack Cunningham, Rye resident, addressed the Council. He said that to provide some clarity, the mooring fee was put into place in 1999, allocating \$40,000 to the General Fund from that fee. He also stated that he manages technology in his career, and supports the focus on looking at the City's technology and processes, and cyber security. He said that cyber insurance is very important in protecting the City and that he took it to the Golf Commission, which runs its processes heavily on credit card transactions. Municipalities are systematically investing in cyber security, and Mr. Cunningham said that he supported the City performing a tech audit to prevent being compromised. Mr. Cunningham then asked about progress on proposed Forest Avenue improvements, as the City received a grant. He inquired as to why the project was not a line item in the 2020 budget.

City Manager Usry stated that on the technology front, he fully agreed with Mr. Cunningham, as this point was made a priority in the City Manager's budget letter. In terms of the Forest Avenue sidewalks, it is not a line item in the budget because it will be considered in the CIP priorities and the funding and operational rollout will be discussed at that time.

Mr. Cunningham asked about the status of the sewer rent fund, which would fund vital capital improvements to the sewer infrastructure. City Manager Usry responded that the City was now finally in a position with the PSC to collect the water usage data that would measure everyone's share of the rent fund. Until the City has 12 months of metering data, it cannot put the financial case forwarded. It will be part of the 2020 initiative, and will commence once the data is complete, expected in July or August.

Mr. Cunningham asked about the billing/ mechanics of the sewer rent fund. City Manager Usry responded that the billing is the last step of it. The case has to be made of the impact of bringing in the non-property tax payers into the equation and showing the impact of the residential standpoint not only for maintenance. Mr. Cunningham commented that nonprofits are the biggest consumer of the water.

With no one left to speak, Councilman Mecca made a motion, seconded by Councilwoman Hurd, to close the public hearing.

11. Resolution to adopt the 2020 Budget and establish the 2020 tax levy and 2020 tax rate.
Roll Call

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

RESOLVED, that the City Council adopts the 2020 Budget for the City of Rye, with a tax rate of \$180.06 per thousand and a tax levy of \$25,416,958.

ROLL CALL

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

12. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers.

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

RESOLVED, that the City Council authorizes the City Comptroller to make the necessary year-end closing transfers.

ROLL CALL

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

13. Authorization to update the Resolution dated 05/23/18 regarding EFC financing for Locust Avenue sewer repair.

City Manager Usry said that in May 2018, the Council passed as a resolution passed for the EFC financing for the Locust Avenue sewer repair. That resolution said that the City “may” provide funding. The word “may” needs to be “shall.”

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

RESOLVED, that the City Council update the Resolution dated 05/23/18 regarding EFC financing for Locust Avenue sewer repair is amended and adopted as follows:

RESOLVED, to authorize the expenditure for the design and engineering consultants with respect to, and construction of repairs or replacement (including rerouting) of, the damaged I-95 sewer line that has drained into the Locust Avenue storm drain and design and engineering consultation and work necessary to complete the Sanitary Sewer Evaluation Survey.

RESOLVED, that the funds to cover the cost for consultants and construction shall be made from General operations, Contingency, Fund Balance or Debt.

ROLL CALL

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

14. Resolution declaring the City Council’s intent to be lead agency under SEQRA, issuing a negative declaration, authorizing the City Manager to initiate Rye Recreation improvements for a cost not to exceed \$1,000,000 from the Capital Project Fund, and referral to the Board of Architectural Review for advisory review and comment.

City Manager Usry introduced Recreation Superintendent Rogol and City Engineer/ Superintendent of Public Work Coyne. City Manager Usry reminded the Council and community that Rye Recreation faces a new set of challenges this coming summer and for several years to come, as the Rye City School District is planning major capital improvements that will prevent summer camp from being held at the school. He also discussed long-term needs for camp and other recreation events at the Damiano building.

Superintendent Rogol presented a slideshow to the Council of proposed plans for improvements to the Damiano Recreation Center, which would help the City run summer camp more efficiently for years to come. She showed the location of the improvements and presented statistics on proposed increased capacity.

Councilwoman Souza asked about the number of restrooms to ensure that there were enough for the proposed increase in campers.

There was discussion about the placement and design of the comfort stations.

Superintendent Rogol continued to discuss the specifics of the improvements.

Mayor Cohn commented that the Council was used to seeing prices that will change, but this particular project would have such a quick start date, that it will be more promising to not stray much from the proposed costs, which is helpful.

Councilman Mecca said that the wild card will be the cost of labor. City Manager Usry commented that it was the reason for asking for a “do not exceed” number.

Councilwoman Tagger-Epstein thanked Superintendent Rogol for doing an amazing, thoughtful job on this proposal. Superintendent Rogol responded that it was a team effort, and thanked her staff and City Engineer Coyne.

Councilwoman Souza asked what the life would be of the new building additions and comfort stations. Superintendent Rogol responded that while she didn’t know directly, they are built to last. The comfort stations are made to withstand public use.

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

RESOLVED, that the City Council declare the City Council’s intent to be lead agency under SEQRA, issuing a negative declaration, authorizing the City Manager to initiate Rye Recreation improvements for a cost not to exceed \$1,000,000 from the Capital Project Fund, and referral to the Board of Architectural Review for advisory review and comment.

ROLL CALL

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

18. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2020.
Roll Call

This item was taken out of order. Councilman Mecca made a motion, seconded by Councilwoman Hurd and unanimously carried, to adopt the following resolution:

RESOLVED, that the City Council authorizes the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2020.

ROLL CALL

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

15. Resolution Commencing the Transition of Rye TV to a Not-For-Profit or third party organization.

Mayor Cohn said that the discussion tonight is regarding the public access portion of Rye TV. The government access will continue as it has been operating. Mayor Cohn thanked the outgoing Cable and Communications Committee members, all who have resigned from the committee. He said that Councilmembers Goddard, Hurd and Stacks have worked on the Council's subcommittee tasked with thinking about RyeTV for almost a year. Mayor Cohn read a statement outlining the history of RyeTV's progression over the last several years. He talked about the history of cable, PEG grants for public television franchises, and the massive growth in cable television. He said that due to the hard work of residents, RyeTV grew into the fine production organization that it is today. RyeTV has enjoyed a group of staff and volunteers that do fine work. It has the support of many community groups. But so far as the Council can tell, putting aside the government access channel, the audience for public television is shrinking. RyeTV had wanted to spend \$1 million that they diligently saved for equipment. We find ourselves tasked with an evaluation not well suited with the Council. Mayor Cohn said that it would be prudent to transfer this responsibility to those accustomed to figuring out what service oriented and creative organizations must do.

Councilwoman Goddard said she agreed that RyeTV and public access channels are facing challenges in today's world. She said we have also seen, on a micro level, a shrinking audience for RyeTV. This whole exercise that the subcommittee undertook over the last two years was to improve and enhance upon RyeTV to make its audience larger, to increase the programming and one of the things that was discussed was forming a working group. Councilwoman Goddard said that her understanding was that there would be a group with staff, Rye Cable and Communications Committee members, and others that would create a plan for RyeTV. She said that they had one working group meeting with RyeTV and at the end of that meeting, the group discussed a variety of options, such as getting advice from neighboring LNC TV. A list of talking points was put together. Councilwoman Goddard said she personally still felt that the group was in the discussion phase. She said she was troubled by the sad news of the resignation of every single one of the RyeTV Committee members. Councilwoman Goddard said that while she agrees with the fellow subcommittee members, she was not prepared to move forward with voting on a resolution this evening.

Councilwoman Hurd read comments submitted by Councilman Stacks, who could not be present at the meeting. He thanked the Rye Cable and Communications Committee for having done an admirable job of steering RyeTV over the years. He made mention of the franchise fees in his letter and other communities. Councilman Stacks' letter said that the first unanimous conclusion was that the city should be responsible for the care of figuring out the path for RyeTV, and that it was determined that no one on the committee or the Council could adequately advise on this endeavor. Councilman Stacks' letter lastly stated that RyeTV should go to a new home so that it could grow and flourish.

Councilwoman Hurd thanked the committee. She said she acknowledged that it can be difficult to reimagine what currently exists. The goal of finding a new home for the public access is to ensure that RyeTV continues and grows.

Councilwoman Souza said that as the liaison to RyeTV, she appreciates all the work and passion there. She said that she felt the committee was frustrated that movement wasn't being done fast enough. Councilwoman Souza said she was eager to find what the partnership can be.

Councilwoman Tagger-Epstein expressed concern over the lack of definition about what would become of RyeTV, as there is an unknown entity who would be taking over. She felt that the working group should have been given an opportunity to work more on this. She said that she was not prepared to vote on an uncertain resolution, and was upset to hear that each member of the RyeTV committee had resigned. She said it spoke volumes about how the Council did this.

Councilwoman Hurd said that the subcommittee had spoken informally with several nonprofits in town. There was a conversation in the subcommittee that RyeTV could not move forward unless formal Council action was taken. Councilwoman Hurd talked about an RFP to the nonprofits to gauge RyeTV's best placement. She said her understanding based on the letters of resignation was that the members did not feel capable of finding a new home for RyeTV. Councilwoman Hurd said she supported the resolution.

Mayor Cohn said he read the resolution the same way as Councilwoman Hurd. He encouraged the Council to consider the various arrangements with third party entities.

There was general discussion over the future of RyeTV and the Council takeaways from what had occurred.

Paula Fung, former RyeTV committee, said that the resignations came with a great deal of sadness and the group wished it did not have to be that way. She recalled the beginning of her involvement with RyeTV and said it was fun when it started. RyeTV did so much for nonprofits. She addressed the comment about the lack of viewership, RyeTV was now streaming online, making the numbers about viewership unreliable. She said she thought those numbers are very hard to track. By streaming, we give our content away. She recognized Cable Access Coordinator, Nicole Levitsky, who is the one and only staff member. Ms. Fung questioned why Council liaison Souza was not a part of the committee, as she would have brought more knowledge and perspective on the issues at hand. Regarding the comment that the City had reached out to nonprofits in town, Ms. Fung reported that the committee was not aware of those conversations. She felt there could have been a wider reach. She said the committee was so

willing to work together. The million dollars saved by the committee could have been put to great use. She spoke also about the danger of losing space in the middle school. She reported that the group went over to LMC TV to see their setup. She said the group thought the Council would work with the group.

Mayor Cohn asked Ms. Fung if she would assist with the future of RyeTV. Ms. Fung responded that she would need to think about it.

Councilwoman Hurd made a statement about working together with the members of the committee.

Councilwoman Tagger-Epstein reiterated that she would like to see the working group continue.

Mayor Cohn recommended that the Council vote on the proposed resolution, which outlines the City's action. He hoped that the City could consider various options.

Councilwoman Hurd said that she and Councilman Stacks agreed.

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

RESOLVED, that the City Council Commences the Transition of Rye TV to a Not-For-Profit or third party organization.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Hurd, Mecca, Souza

NAYS: Councilmembers Goddard and Tagger-Epstein

ABSENT: Councilman Stacks

Robin Jovanovich, Rye Record, said it would be helpful to the community to understand what will take place and a timeframe for such a transition. She also asked about the future of Ms. Levitsky's job.

City Manager Usry provides for some structure in the transition. It is the intention to have a conclusion by September 2020. The City may be providing financial support to this endeavor. Further, he stated that the full time employee will remain in the budget.

16. Approve the application of Daniel Archino for the position of Volunteer Firefighter for the City of Rye Fire Department.

Mayor Cohn expressed thanks to Daniel Archino for signing up and committing to do the incredible amount of training required to become a volunteer firefighter.

Councilman Mecca congratulated Mr. Archino for joining and wished him the best.

All were in favor and approved the application.

17. Resolution to approve an updated retainer agreement with the Corporation Counsel.
Roll Call.

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

RESOLVED, that the City Council approve an updated retainer agreement with the Corporation Counsel.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Hurd, Mecca, Souza, Tagger Epstein

NAYS: None

ABSENT: Councilman Stacks

19. Resolution to authorize participation in Westchester County contracts related to cooperative bidding arrangements for ordinary course of business.
Roll Call

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

RESOLVED, that the City Council authorize participation in Westchester County contracts related to cooperative bidding arrangements for ordinary course of business.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Hurd, Mecca, Souza, Tagger-Epstein

NAYS: None

ABSENT: Councilman Stacks

20. 2020 Participation in the Tree City program.

Melissa Grieco addressed the Council. She said that for the third year in a row, the City would be applying for Tree City USA status. There is no fee, and at this point only the Mayor's signature was required.

Mayor Cohn signed the Tree City application.

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

Mayor Cohn referenced the special ad hoc Boat Basin committee to advise the City Manager from several meetings ago that was created.

From the Boat Basin Commission, Mayor Cohn appointed Bob November and Joe Pecora, from the Finance Committee, he appointed Bill Gates, and Jim Sandling, and Planning Commission Chair Nick Everett to the special Boat Basin ad hoc committee. The purpose and hope for this committee would world to help figure out some solution for the enormous

problem that the marina faces with regard to the need for dredging.

With regard to the Finance committee, Mayor Cohn thanked this exiting Calle Erickson and Greg Usry for their service, and who are departing from the committee. He stated that he would like to reappoint Jim Jenkins for another three year term to end December 31, 2022, and to designate him as chair. He also reappointed Jono Peters and Jim Sandling, for three year terms expiring December 31, 2022. He appointed Susan Watson to finish out Ms. Erickson's term.

23. Old Business/New Business.

Emily Hurd said that the Boat Basin Commission had been looking at slip holder fees for 2020. They feel there is some room for change, but more information to come after the first meeting of the year.

Mayor Cohn said many of us are aware of the crumbling wall on the Boston Post Road. That wall has been repaired in part and it is the City's view is that it is the homeowner's responsibility to repair. It really has become a safety issue, as there are frequent near accidents there. At this point, the Council agrees to authorize Corporation Counsel to commence injunctive relief action in State Supreme Court.

Corporation Counsel Wilson said that she was hopeful to resolve this quickly and amicably without the need for heavy court involvement.

Councilman Mecca agreed and said that this is an opportunity for those residents to take control of the process. If the city gets involved, it must use prevailing wage, which would be much more costly to fix.

Councilman Mecca made a motion, seconded by Mayor Cohn, to authorize the Corporation Counsel to commence and injunctive proceeding in New York State Supreme Court regarding the wall adjacent to the Boston Post Road near the Loudon Woods neighborhood.

ROLL CALL

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

24. Farewell to two Council Members.

Councilwoman Tagger-Epstein thanked everyone, especially Henry King, who attends every meeting. She thanked all the residents in the community for allowing her to serve. She said that it has been one of the greatest honors in her life. She said that a month into her term, she gave birth to her third baby, Jesse. There have been many nights that she missed the opportunity to put him to bed due to her commitment to the City, which she will enjoy after her term has ended. She said she hoped she had made no secret of the work she had done to

better the community. Councilwoman Tagger-Epstein remembered former Mayor Sack, who shared what it takes to be a good councilmember. He had interviewed previous councilmembers, and Councilwoman Tagger-Epstein talked about two in particular. The first being Judge Latwin, who stated, “You need to know Rye. The more you are able to know the City, the more you are able to attune your decisions to the needs of the City.” She also recalled a quote from former councilman Jerry Seitz, who said, “You may not always agree, but I think that the end of the day you want people to feel that they have been heard and understood, and that you’ve given thought to the concerns.” She said that to this point, there have been instances where she has not agreed with her colleagues. But that is OK. She said it was important that in disagreement, we do not shut others out. She talked about Rye Park, RyeTV, Nursery Field, and other issues, such as Crown Castle, in which people may not agree. She said that the residents speaking before the Council and in the community were as passionate about their issues as those on the dais, not making one issue more important than another. She said working groups should have time to work. If there are issues that pit neighbor against neighbor, we need to do a better job. She talked about the integrity of the process. With this role, comes great responsibility. Councilwoman Tagger-Epstein said that she hoped people knew how seriously she has taken that responsibility. Our words matter, our actions matter, because our children are listening.

Councilwoman Hurd said that she did not prepare any remarks, but that she could not remember life before the City Council. She said that this role has been an honor and a privilege to serve this community. She thanked Meg Cameron for her faith about Councilwoman Hurd as a candidate in the summer of 2015. Councilwoman Hurd said that Ms. Cameron encouraged her to run and did a great campaign. She said she appreciates everyone who supported her in that campaign. Upon leaving, the City Council, she looks back and feels that she did the best job she could do. Councilwoman Hurd said she also feels incredibly lucky to work with City staff who keeps the city running. She singled out Corporation Counsel Wilson for her guidance and kindness during her time on the Council. She also said she felt so blessed to have been able to meet so many members of the community. Peter Larr came to mind first. Others like Jack Zahringer, Maurio Sax, and Bob November also were of note and had spent many years contributing to the community. She also thanked Bernie Altoff, Joe Pecora, Holly Kennedy, Margaret Ricketts and Pam Dwyer. She also thanked City Manager Usry who started as a volunteer and stepped into this role which is incredibly challenging. She said that the improvements that she had noticed in the management is incredible. She said she felt so confident that the City will run smoothly and well under his leadership. She said, to her fellow councilmembers: it has been a real privilege. She thanked Councilman Mecca and said that getting to know him has been really special for her. She thanked Councilwoman Souza and said they had gone head-to-head on a lot of issues, but are able to maintain a friendship throughout that. She thanked Councilwoman Goddard and said that while some ups and downs, she appreciated all that Councilwoman Goddard does in her service to the community. She thanked Councilwoman Tagger-Epstein and said that it has been a roller coaster the last four years, but a really fun one. She thanked Mayor Cohn. She said he had known him for a long time as her neighbor across the street. She thanked him for not being a political person with no agenda. She noted that Mayor Cohn wants to do what is best for the City. She said that she had learned more in two years working under the mayor than she had in her life. Councilwoman Hurd said that the City is in great hands and they are leaving the City a much better place.

Mayor Cohn said that he had been lucky to have Councilwoman Hurd as a counselor and sounding board.

Councilwoman Goddard said that she was going to miss the wit and the levity. She said that both Councilmembers Tagger-Epstein and Hurd have been a lot of fun to be around. She said they had ups and down but it has been truly an honor to work with both of them.

Councilman Mecca recounted that 4.5 years ago he ran at the same time in the contest for City Council seats and it was a lot of doorbell ringing. The energy of the two outgoing councilmembers was astounding. He remembered the tough, long campaign. He said he was happy and proud to have served four years with Councilmembers Hurd and Tagger-Epstein. It has been a wonderful experience. He said that together, they had done a lot and there are many accomplishments. He said he was just sorry that he could not spend four more years with them.

Councilwoman Souza said this was hard. She thanked Councilwoman Tagger-Epstein for having conversations about other things that matter. She said that she would miss Councilwoman Tagger-Epstein's heart and passion. She thanked Councilwoman Hurd for changing her point of view which helped her grow. She said that the City is better served for her perspective. Councilwoman Souza said she would not have run for office without Councilwoman Hurd. She thanked Councilwoman Hurd and Tagger-Epstein for being friends and really good public servants.

Mayor Cohn concluded with thanks to both outgoing councilmembers with the incredible amount of time and energy that have been put into the City's business. He thanked Councilwoman Hurd in particular as Deputy Mayor, and outperformance with her role with the Boat Basin, New York Rising, and Rye Town Park.

25. Adjournment

There being no further business to discuss, Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to adjourn the meeting at 10:34 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 December 24, 2019, at 2:00
P.M.

PRESENT:

JOSH COHN, Mayor
JULIE SOUZA
BENJAMIN STACKS
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

SARA GODDARD
EMILY HURD
RICHARD MECCA
Councilmembers

Mayor Cohn called the meeting to order at 2:00 P.M. Deputy Clerk Pietrosanti called the roll; a quorum was present to discuss official City business.

Mayor Cohn was pleased to announce the candidate for Rye City Court Part Time Judge, Valerie Livingston. Ms. Livingston, although currently in private practice, was the former Assistant District Attorney in the Rye Branch of the Westchester County Court System. Having worked for the District Attorney's Office for many years, Ms. Livingston is very familiar with the branch. She has lived in Rye for 30 years, having raised three children with her husband, Edward. Mayor Cohn said that he learned last week that there is a New York State judicial course given to new judges in January 2020, so this special meeting was necessary so she can attend.

Councilwoman Tagger-Epstein added that Ms. Livingston's credentials were very impressive. Councilwoman Tagger-Epstein said also that she did not get the chance to meet Ms. Livingston prior to the meeting or review other resumes. In closing, she stated that compassion and thoughtfulness and the ability to get along with staff and others makes for a great judge.

On Motion of Councilwoman Souza, seconded by Councilman Stacks, the following resolution was adopted by the City Council of the City of Rye, New York:

**RESOLUTION APPOINTING VALERIE A. LIVINGSTON AS RYE CITY
COURT PART-TIME JUDGE**

WHEREAS, the current Rye City Court part-time judge's term is expiring on January 31, 2020; and

WHEREAS, the City Charter requires the Mayor to nominate, with Council approval, a part-time judge for a term of six (6) years; now therefore be it

RESOLVED, that Valerie A. Livingston be appointed Rye City Court Part-Time Judge for a six-year term commencing February 1, 2020 and expiring on January 31, 2026.

ROLL CALL

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

Denise Cypher, Rye resident, addressed the Council. She expressed her general disappointment that Judge Cypher was not reappointed as part time judge. She provided examples of his good character as judge to the Council.

There being no further business to discuss, Councilman Mecca made a motion at 2:11 P.M., seconded by Councilwoman Souza, to adjourn the Special Meeting of the City Council.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: City Council

DATE: January 08, 2020

CONTACT: Mayor Josh Cohn

AGENDA ITEM: Resolution Against Bigotry and Hatred.

FOR THE MEETING OF:

January 08, 2020

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

We, the City Council of the City of Rye, NY are resolved to stand in solidarity with the people of Monsey, New York in rejecting all forms of bigotry, hatred, anti-Semitism and discrimination of any kind. We are appalled by the anti-Semitic attack on our neighbors and are resolved that hate will have no home in our community.

Our nation was founded on the principle of religious freedom and the right of all people to life, liberty and the pursuit of happiness. We will do our part, and urge Rye residents to do theirs, to ensure that all people are free to practice their faith and pursue the American dream in peace. This will be the achieved only if we all resolve to respect and support one another, and to teach our children to do the same.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 8, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Resolution to amend the 2020 Adopted Fees and Charges for the Boat Basin to increase fees for slips.

FOR THE MEETING OF:

January 8, 2020

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council approve these changes.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 8, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Presentation by the Rye Sustainability committee on a planting proposal for Fireman's Circle and resolution authorizing the transfer of \$3,800 from the Tree Fund to DPW.

FOR THE MEETING OF:

January 8, 2020

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the Mayor and Council review the planting recommendations and authorize the transfer of funds.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

See attached.

Proposed plant budget
Target Install- Spring 2020

Plant List- Compiled by Liz Garrett
Milton Road Circle updated 11/11/2019

| Category | Latin Name | Common Name | Qty | Size | Unit \$ | Total \$ | Remarks | Native Notes |
|---------------------------|---|-----------------------------|-----|---------|------------|------------|--|-----------------|
| Trees | Cornus Florida- disease-resistant cultivar | Dogwood | 3 | 4" | \$1,000.00 | \$3,000.00 | Premium shape | Native cultivar |
| | Crataegus virdis 'Winter King' | Hawthorne | 1 | 8-10' | \$650.00 | \$650.00 | Multi trunk | Native cultivar |
| Shrubs | Aesculus parviflora | Bottlebrush buckeye | 3 | 48"-60" | \$175.00 | \$525.00 | | Native SS |
| | Hydrangea querc. 'Sykes Dwarf' | dwarf oakleaf hydrangea | 9 | 5 Gal | \$39.00 | \$351.00 | Could be another cultivar | Native cultivar |
| | Ilex crenata 'Hoogendorn' | Japanese holly | 6 | 5 Gal. | \$38.00 | \$228.00 | | |
| | Itea virginiana 'Little henry' | Virginia sweetspire | 12 | 3 Gal | \$24.00 | \$288.00 | | Native cultivar |
| Herbaceous | Amsonia 'Blue Ice' | bluestar | 20 | 1 Gal | \$8.00 | \$160.00 | | Native hybrid |
| Perennials | Amsonia hubrechtii | Arkansas buestar | 10 | 2 Gal | \$10.00 | \$100.00 | | Native SS |
| | Asclepias incarnata 'Ice Ballet' | swamp milkweed | 7 | 1 Gal | \$8.00 | \$56.00 | | Native cultivar |
| | Aster cordifolius (symphutrichum cordifolium) | blue wood aster | 17 | 1 Gal | \$8.00 | \$136.00 | Avondale' preferred? | Native SS |
| | Baptisia australis var. minor | dwarf false indigo | 12 | 1 Gal | \$10.00 | \$120.00 | | Native cultivar |
| | Calamintha nepeta 'Montrose White' | white catmint | 9 | 1 Gal | \$8.00 | \$72.00 | | |
| | Deschampsia cespitosa 'Goldtau' | tufted hairgrass | 9 | 1 Gal | \$8.00 | \$72.00 | | Native cultivar |
| | Heuchera villosa 'Autumn Bride' | coral bells | 14 | 1 Gal | \$8.00 | \$112.00 | | Native cultivar |
| | Pyranthemum muticum | mountain mint | 12 | 1Gal | \$8.00 | \$96.00 | | Native SS |
| Groundcover | Geum fragaroides | barren strawberry | 96 | Flats | \$3.00 | \$288.00 | | Native SS |
| Bulbs | Crocus tommasinianus 'Alba' | white Crocus | 60 | | \$1.75 | \$105.00 | | |
| | Tulips clusiana 'Lady Jane' or 'Pepermint Stick' | species tulip | 80 | | \$1.00 | \$80.00 | | |
| Annuals | Spring/early summer | | 60 | 4" | \$4.50 | \$270.00 | | TBD |
| | Late summer/ Fall | | 48 | 4" | \$4.50 | \$216.00 | | TBD |
| Mulch and soil amendments | | | 4 | Yd | \$50.00 | \$200.00 | Sweet-Peat or All-Gro | |
| Circle Total | Plant material only- Does not include delivery of large trees | | 488 | | | \$7,125.00 | | |
| Bump - Outs: | Plant 3 Areas at first | | | | | | | |
| Shrubs | Viburnum- low for Christ Chrch | Viburnum- | 3 | 3 Gal. | \$38.00 | \$114.00 | Nudum perhaps?- native with good shape | |
| | Viburnum- taller | Viburnum- | 8 | 48-60" | \$175.00 | \$1,400.00 | Dentatum?- native with good shape | |
| Groundcover/ | Narcissus- various | Daffodils- white and poetic | 48 | | \$1.50 | \$72.00 | | |
| Bulbs | Carex appalacia | Sedge | 180 | lg plug | \$1.55 | \$279.00 | | Native SS |
| Bump-out Total | 3 areas only | | 239 | | | \$1,865.00 | | |
| Grand Total | | | 727 | | | \$8,990.00 | | |



CITY COUNCIL AGENDA

DEPT.: City Council

DATE: January 08, 2020

CONTACT: Mayor Josh Cohn

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

FOR THE MEETING OF:

January 08, 2020

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: that the following resolution be adopted:

RESOLVED, that two Council members be appointed to the City Council's Audit Committee for a one-year term commencing January 1, 2020.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

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



CITY COUNCIL AGENDA

DEPT.: City Council

DATE: January 08, 2020

CONTACT: Mayor Josh Cohn

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

FOR THE MEETING OF:

January 08, 2020

**RYE CITY CODE,
CHAPTER
SECTION**

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

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

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

Audit Committee
Board of Appeals
Board of Architectural Review
Boat Basin Commission
Conservation Commission/Advisory Council
Emergency Medical Services
Finance Committee
Flood Advisory Committee
Government Policy & Research Committee
Landmarks Advisory Committee
Legal Case Management Committee
Planning Commission

Police Pension Fund
Recreation Commission
Rye Cable and Communications Committee
Rye City School Board
Rye Free Reading Room
Rye Golf Commission
Rye Merchants Association
Rye Playland Advisory Committee
Rye Town Park
Sustainability Committee
Traffic & Pedestrian Safety Committee



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: January 08, 2020

CONTACT: Greg Usry, Interim City Manager

ACTION: Designation of the official City newspaper.

FOR THE MEETING OF:

January 08, 2020

RYE CITY CODE,

CHAPTER
SECTION

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

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

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



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: January 08, 2020

CONTACT: Greg Usry, Interim City Manager

ACTION: Designation of the amounts of faithful performance bonds.

FOR THE MEETING OF:

January 08, 2020

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and City Council designate faithful performance bonds for the City Comptroller, City Clerk and City Marshal.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Section § C23-3, "Surety bonds" of the City Charter stipulates that "The City Comptroller, City Clerk, City Judge, Acting City Judge, City Marshal and such other officers and employees as may be specified by the Council shall give bond for the faithful performance of their duties. The bond shall be in such sum and with such corporate sureties as may be approved by the Council. The premium of all such surety bonds shall be paid by the city."

Faithful performance bonds will be designated in the following amounts:

- | | |
|---------------------|-------------|
| A. City Comptroller | \$1,000,000 |
| B. City Clerk | \$ 500,000 |
| C. City Marshal | \$ 100,000 |