

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

**REGULAR MEETING OF THE CITY
COUNCIL COUNCIL CHAMBERS, CITY
HALL
Wednesday, March 25, 2020
7:30 p.m.**

PURSUANT TO GOVERNOR CUOMO'S EXECUTIVE ORDER No. 202.1, REQUIREMENTS UNDER THE OPEN MEETINGS LAW HAVE BEEN SUSPENDED AND PUBLIC BODIES MAY MEET WITHOUT ALLOWING THE PUBLIC TO BE PHYSICALLY PRESENT. FOR THE HEALTH AND SAFETY OF ALL, CITY HALL WILL BE CLOSED TO THE PUBLIC. THE MEETING MAY BE VIEWED LIVE ON ALTICE CHANNEL 75, VERIZON CHANNEL 39 OR ON THE CITY WEBSITE. A FULL TRANSCRIPT OF THE MEETING WILL BE MADE AVAILABLE AT A FUTURE DATE.

1. Pledge of Allegiance.
2. Roll Call
3. Draft unapproved minutes of the Regular Meeting of the City Council held March 11, 2020.
4. Coronavirus Update and City response.
5. General Announcements
6. Adoption of the 2020 County property tax rates.
Roll Call.
7. Update on Courthouse Renovation
8. Open a public hearing to amend Chapter 144 (Peddling and Soliciting) to clarify permit requirements. Please note that this public hearing will be opened and continued until April 15, 2020. The public can email comments to nruttenberg@ryeny.gov. Please note in the subject matter of the email "Chapter 144 Revisions". All written comments will be read during the next City Council meeting and made part of the public record.
9. Discussion of Means of Effecting Council Public Business During the Health Emergency.
10. Resolution waiving the prohibition of sandwich boards during the County's State of Emergency.

11. Authorization for the Corporation Counsel to execute the necessary settlement and release agreement to settle Davis v. City of Rye.
Roll Call.
12. Consideration of a request from the Rye Free Reading Room to use the Village Green to offer Summer Sunday Fundays with Graham Clark. The program would take place Sundays, July 12th, 19th, 26th, and August 2nd and 9th at 3 pm and run for no more than 40 minutes.
13. Consideration of a request from the Rye Free Reading Room to use the Village Green for the Reading Olympics in partnership with the YMCA. The program would take place Thursday, July 30, 2020 from 3:00 pm to 6:00 pm.
14. Consideration of a request from the Rye Free Reading Room to use the Village Green on Thursday, July 23, 2020 from 3:00 pm to 9:00 pm for a free theater performance, offered in partnership with Lawn Chair Theatre.
15. Consideration of a request by the Rye YMCA for the use of City streets for the 32nd Annual Rye Derby on for Sunday, October 4, 2020 (changed from Sunday, April 26, 2020) from 9:00 a.m. to 2:00 p.m.
16. Appointments to Boards and Commissions by the Mayor with Council approval.
17. Old Business/New Business.
18. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, April 15, 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".

Office hours are currently suspended, in light of COVID-19.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on March 11, 2020, at 7:30
P.M.

PRESENT:

JOSH COHN, Mayor
SARA GODDARD
CAROLINA JOHNSON
RICHARD MECCA
JULIE SOUZA
BENJAMIN STACKS
PAMELA TARLOW
Councilmembers

ABSENT:

None

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Souza, to enter into executive session to discuss litigation and personnel matters. At 7:32 P.M., Councilman Mecca made a motion, seconded by Councilwoman Souza, to exit executive session and commence the regular meeting of the City Council. The meeting began at 7:39 P.M.

1. Pledge of Allegiance.

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

2. Roll Call.

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

3. Draft unapproved minutes of the Regular Meeting of the City Council held February 25, 2020.

Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to approve the minutes of the Regular Meeting of the City Council held February 25, 2020.

4. Coronavirus Update

Mayor Cohn made a statement about the coronavirus. He referenced the notice that was published on the City website and emailed to the City's listserv on the steps that the City was taking in response to the coronavirus outbreak. Mayor Cohn also referenced a County call from earlier in the day, which did not add much new information. As of the date of the meeting, there are 131 reported cases in Westchester. Of the 131, 113 are all connected to the New Rochelle

index patient. Also important to note, was that of the 131 cases, only one person has required hospitalization. Mayor Cohn reported that new testing labs are expected shortly. He said that the City has been instructed to exercise caution having large gatherings. Following the steps of the State and the County, boards as of the date of the meeting would continue having meetings as scheduled. Mayor Cohn lastly stated that City residents and staff are working well together to cope with this situation and he was gratified by that.

City Manager Usry stated that the emergency preparedness had become a full time job, as he and staff plan for the safety of residents and staff moving forward. He said he had been in regular communication with the County and nearby towns and the school district, all who have been helpful. The priority of the City is the health, safety, and welfare of everyone here. City buildings have upgraded cleaning, educational and signage has been posted, as well as other safety measures. In terms of protocols, staff is asking people to sign in when they come into City buildings. Most City services are available remotely as listed on the website. In an abundance of caution, the City has had to postpone all senior activities and other activities with large crowds. City Manager Usry asked for everybody's patience, as this is obviously a new issue for all of us. City staff is trying to make this as seamless as possible. City Manager Usry thanked senior staff who had spent a tremendous amount of time on this.

Councilwoman Souza inquired about open meetings with regard to boards, committees, and commissions. She asked that updates on cancellations or changes to meetings be posted on the City website.

City Manager Usry stated that City staff would be communicating with all committee chairs and all appropriate notice would be posted.

5. General Announcements

Councilwoman Tarlow stated that there would be a Boat Basin Commission meeting on March 17, 2020. Further, there will be a Rye Free Reading Room Board meeting on March, 24, 2020. Councilwoman Tarlow said that in the past, she has tried to talk about things that she feels matter. She said that today, she wanted to talk about the importance of being informed and asking questions. She stressed the importance of transparency and residents being informed to be able to take control of the things happening in the community.

Councilman Mecca said that the recent Planning Commission meeting heard the continuation of the Wells Fargo bank conversion proposal to a three story structure. The applicant has proposed a grass roof to encourage the six potential apartments enjoy the outdoors. Councilman Mecca commented that environmentally, a grass roof is a step in the right direction.

Councilwoman Souza announced that spring program registration opened yesterday for Rye Recreation. She was happy to report that Kiddy Camp is full for 2020 and has a waitlist. With regard to Camp 7/8, weeks 1 through 5 are all full, although there still may be opportunity there. Lower Camp registration opens March 19, 2020 at 10:00am online.

Councilman Stacks announced that Rye Golf Club applications are open for membership, and due by March 15, 2020 to get the early discount for the year.

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

There was nothing discussed under this agenda item.

7. Update on the Boat Basin.

City Manager Usry clarified some misinformation and stated that there is no plan to sell, lease, or close the Boat Basin. Row America is certainly a member of the marina, but there has been no attempt from them to lease or buy the property. With regard to the dredge, the task force has been working for the last three months on looking at the issue. The first dredge permit is underway right now. City Manager Usry said that he was hoping to move as quickly as we can after this season. This will be a multiple step process, to figure out how much of a dredge will be required. Staff and consultants are working on the specifics. As it relates to the supervisor, Mr. Hogben resigned ten days ago. The job was posted today. The intent is to hold interviews in the next two weeks and have someone in there shortly thereafter.

Councilwoman Souza asked if there was a list of the position. City Manager Usry responded that there is a civil service list and process that is being followed.

Councilwoman Tarlow asked if the Boat Basin Commission would be involved. City Manager Usry responded that they would be.

Councilwoman Tarlow asked City Manager Usry to explain the process for the permit that is underway. City Manager Usry responded that the City has applied for the permit which takes approximately eight months. The initial permit is for an amount of silting which is 20,000 cubic yards. It will be certainly more than what this one permit can accommodate. There was discussion about the methods for moving silt and cost of the dredging and permit process.

Scott Beechert, Rye resident, addressed the Council. He thanked them for their time. He thanked Councilwoman Tarlow for her comments. He stated that he knew the City could not comment on personnel issues, but that he thought that Mr. Hogben did a fine job. He said he was glad the City was moving forward with the dredging. Mr. Beechert said that the marina was a crown jewel of Rye and it was important that we maintain the marina.

Patrick Quinn, Rye resident, asked if there was any idea of shutting down the marina on the City's part. The Council responded that there was no such idea.

Mayor Cohn said that they had been discussing dredging and biological testing. If the biological testing comes out the wrong way, the cost will be immense. Figuring out the future financially is difficult. But everybody would want it to remain open and operational.

George Klein, Milton Road, addressed the Council. He said he grew up in Rye. He stated his qualifications and stated that he had managed American Yacht Club. He said that he had known George Hogben for over 40 years. He said Mr. Hogben was a dedicated worker and in the summer is there seven days a week. Mr. Klein continued and made a nice statement about the Mr. Hogben.

John Atchinson, 325 Maple Avenue, Mamaroneck, addressed the Council. He made a nice statement about Mr. Hogben and was upset that he left. He felt that the Boat Basin would not open on time.

George Szczerba, 16 Adelaide Street, addressed the Council. He said he was prepared to speak about Mr. Hogben but as others have put it, he did not think that there was any need for that. Mr. Szczerba stated that he would like to challenge how the City was going to open in the marina in two weeks.

Councilwoman Tarlow said that she was new on the Council and was the liaison to the Boat Basin Commission, attending their meetings. She was happy to report that this City Manager is committed to environmental testing to determine the need for the level of dredging. She was hopeful for the future.

Mr. Szczerba asked why the City needed a task force; everyone knows it needs to be dredged. There is probably 25,000 cubic yards.

Mayor Cohn said that the City wants the Boat Basin to continue. The task is not an easy one. The amount is multiple millions of dollars.

8. Update on Rye Recreation improvements.

City Manager Usry reported on the status of the Rye Recreation improvements. He said that the upper pavilion had been demolished. The Girl Scout patio has been prepped for concrete. The lower portion has been poured. The hill has been graded and is ready to be seeded. We are also looking for possible options for outdoor activities. The pathways are to be constructed to the lower and upper pavilions. The next week or so, the lower pavilion will be destroyed and removed. Right now, the City is on budget and on schedule and moving toward an opening for summer camp. City Manager Usry reported that the work was done by City staff, and the thanked them for all their hard work and efforts.

Councilwoman Souza commended the progress.

9. Consideration to set a public hearing for March 25, 2020 to amend Chapter 144 (Peddling and Soliciting) to clarify permit requirements.

Corporation Counsel Wilson explained further clarification was needed before the correct draft law was available to the public. As such, the public hearing is requested to be set for March 25, 2020 from the originally scheduled date of March 11, 2020.

Councilwoman Tarlow made a motion, seconded by Councilwoman Souza, to amend the public hearing dates to include April 15 and 29, 2020 provisionally, as meeting cancellations may be expected due to COVID-19 and the precautions that may ensue.

Councilwoman Tarlow made a motion, seconded by Councilwoman Johnson and unanimously carried, to set the public hearing for Chapter 144, “Peddling and Soliciting,” for March 25, 2020, provisionally April 15, 2020, and provisionally April 29, 2020.

10. Consideration of a request from the City of Rye’s Complete Committee (US Census), to use the Village Green for Census Awareness Day on April 1, 2020 from 12:00 pm – 4:00pm.

Mayor Cohn talked about the importance of the census and encouraged all residents to participate in this Constitutionally-mandated action.

City Clerk D’Andrea, co-chair of the Rye Complete Count Committee, explained that Census Day is observed nationally, and is an awareness day that localities use to spread the word and inform the public about the census. The event would be a small setup, with food trucks and the library’s census hub available.

Councilwoman Souza made a motion, seconded by Councilman Mecca and unanimously carried, to approve a request from the City of Rye’s Complete Committee (US Census), to use the Village Green for Census Awareness Day on April 1, 2020 from 12:00 pm – 4:00pm, or an alternative backup date being any weekday in April 2020 that is currently not being used by another event.

11. Consideration of a request from the City of Rye’s Complete Committee (US Census), to have food trucks on Haviland Lane for Census Awareness Day on April 1, 2020 from 12:00 pm – 4:00pm. The City Council will have to waive § 144-8D and G of the City Code.

Councilwoman Souza made a motion, seconded by Councilwoman Tarlow and unanimously carried, to approve a request from the City of Rye’s Complete Committee (US Census), to use the Village Green for Census Awareness Day on April 1, 2020 from 12:00 pm – 4:00pm, or an alternative backup date being any weekday in April 2020 that is currently not being used by another event.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Mecca, Souza, Stacks, Tarlow
NAYS: None
ABSENT: None

12. Old Business/New Business.

Councilman Mecca brought up a new business item. He stated that with the impending state budget, which may include the legalization of marijuana, it might be prudent for the Council

start discussing zoning regulations that would create parameters for this type of sale. He asked his colleagues if it was something they may want to consider.

Councilwoman Tarlow said that for clarification, Corporation Counsel Wilson, City Manager Usry and City Planner Miller would consider looking at the zoning ramifications and different locations throughout the City and there would be a discussion based on that information.

Councilman Mecca stated that would be the ideal process, and the Council would need to do this before the state budget, to get ahead of it.

Councilwoman Goddard said that she personally thought it would be good to have a public conversation about it.

Mayor Cohn asked if it was possible to do that and have that conversation.

Corporation Counsel Wilson said that the City can explore the legal and zoning parameters to prepare for this issue.

All members of the Council agreed it would be good to have the conversation.

Corporation Counsel Wilson brought up another new business item. She asked the Council to authorize her to sign a retainer agreement with Daniel Seymour, Esq., to assist in representing the City's interest in the John Doe v. City of Rye matter at a rate of \$295/ hour.

Councilwoman Tarlow made a motion, seconded by Councilwoman Johnson, to adopt the following resolution:

RESOLVED, that Corporation Counsel is hereby authorized her to enter into a retainer agreement with Daniel Seymour, Esq., to assist in representing the City's interest in the John Doe v. City of Rye matter at a rate of \$295/ hour.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Mecca, Souza, Stacks, Tarlow
NAYS: None
ABSENT: None

13. **Adjournment.**

There being no further business to discuss, Councilwoman Souza made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the meeting at 8:35 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: FINANCE

DATE: March 20, 2020

CONTACT: JOSEPH S. FAZZINO, Deputy City Comptroller

AGENDA ITEM: Adoption of the 2020 County property tax rates.

FOR THE MEETING OF:

March 25, 2020

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council adopt the 2020 County tax rates.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other

BACKGROUND:

The City must by law collect the County taxes and remit the collected amount of the tax warrant to the County in two installments: 60% on May 25th and the balance of 40% on October 15th.

The County tax rates must be adopted by the City Council in order to provide sufficient lead time for the preparation and mailing of the County tax bills, and to allow sufficient time for property owners to remit their payment within the penalty-free period (the month of May).

Failure to adopt this resolution does not relieve the City of its legal responsibility to remit to the County the amount of the tax warrant due on the dates noted above, and, by State law, the City cannot waive penalties for late payment of property taxes, even if the property owner(s) did not receive a bill or received a bill after the penalty-free period.

For the 2020 Tax Year, the combined county tax rate for the Blind Brook Sanitary Sewer District decreased by 4.03% and the combined county tax rate for the Mamaroneck Valley Sanitary Sewer District decreased by 2.60%.

RESOLVED, that the tax rates for the amounts of Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District charges for the fiscal year beginning January 1, 2020, shall be as follows:

Westchester County

Levy	\$27,878,200
Taxable Assessed Value	140,622,000
Taxable Rate per \$1,000 Assessed Value	198.249207

Blind Brook Sewer District

Levy	\$4,932,004
Taxable Assessed Value	141,438,611
Taxable Rate per \$1,000 Assessed Value	34.870280

Mamaroneck Valley Sewer District

Levy	\$729,744
Taxable Assessed Value	19,635,808
Taxable Rate per \$1,000 Assessed Value	37.163940

Refuse Disposal District No. 1

Levy	\$2,355,447
Taxable Assessed Value	141,975,369
Taxable Rate per \$1,000 Assessed Value	16.590333

And be it further

RESOLVED, that the Council does hereby certify to the City Comptroller the above stated levies and tax rates for Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District No. 1 charges, and the City Comptroller is hereby directed to apportion and extend against each taxable property listed upon the assessment roll of the City of Rye for 2020 at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums computed and determined, and, it is further

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



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: March 25, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Open a public hearing to amend Chapter 144 (Peddling and Soliciting) to clarify requirements and soliciting law.

FOR THE MEETING OF:
March 25, 2020

RECOMMENDATION: That the Council open the public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

Some updated language is necessary to clarify our solicitor and peddling law.
See Attached.

CITY OF RYE
LOCAL LAW NO. ____ 2020

A local law to amend in its entirety Chapter 144 “Peddling and Soliciting” to reflect changes in exemptions and criminal background check requirements:

Section 1

Chapter 144 “Peddling and Soliciting”

§ 144-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CHARITABLE — The purpose of an organization which has received a letter of determination approving tax exempt status under Title 26 of the United States Code § 501(c)(3) or the purpose of a school club, recognized and affiliated with a public or private school, having a program with annual campaigns to support the public or private school club.

COMMERCIAL — The purpose of solicitation which is not noncommercial, as defined in this section.

CORPORATION — The meaning consistent with the New York State Business Corporation Law and the New York State Not for Profit Corporation Law.

ESTABLISHED PLACE OF BUSINESS — A building or store in which or where the person transacts business and deals in the goods, wares and merchandise he or she hawks, peddles or solicits for during regular business hours.

HAWKER AND PEDDLER — Any person, either principal or agent, who, from any boat or in any public street or public place or by going from house to house or place of business to place of business, on foot or on or from any animal or vehicle, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, except milk, newspapers, periodicals, books and pamphlets.

NONCOMMERCIAL — The purpose of solicitation which is charitable, as defined in this section, religious or political.

PERSON — Any individual, firm partnership, joint venture, association, social club, league, fraternal organization, joint-stock company, estate, trust, business trust, receiver, trustee, syndicate or any other group acting as a unit. The word "person" shall include the definition of corporation.

SOLICITATION —

- A. The act of any person, whether a resident of the City or not, traveling by foot, vehicle or any other type of conveyance who goes from house to house, business to business, from place to place or in or along any highway, street or sidewalk within the City either:
 - (1) Requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value;

- (2) Taking or attempting to take orders for the sale of any goods, wares, merchandise or services of any kind, or description for future delivery or for services to be performed in the future, either in person or by distributing flyers and leaflets; and
 - (3) Selling and making immediate delivery of any goods, wares, merchandise or services of any kind or description, commonly referred to as "peddling."
- B. Solicitation shall not include the following so long as the person is not requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value:
- (1) A person communicating or otherwise conveying ideas, views or beliefs or otherwise disseminating oral or written information to a person willing to directly receive such information, provided that such information is of a political, religious or charitable nature;
 - (2) A person seeking to influence the personal belief of the occupant of any residence or business in regard to any political or religious matter;
 - (3) A person seeking to obtain, from an occupant of any residence or business, an indication of the occupant's belief in regard to any political or religious matter;
 - (4) A person conducting a poll, survey or petition drive in regard to any political matter; and
 - (5) A person carrying, conveying, delivering or transporting dairy products, newspapers, or other goods to regular customers on established routes or to the premises of any person who had previously ordered such products, goods or services and is entitled to receive the same.

SOLICITOR — Any person, whether a resident of the City or not, engaged in solicitation.

§ 144-2. Exemptions.

Nothing contained in this chapter shall be deemed to apply to any of the following:

- A. A sale conducted pursuant to an order of any court.
- B. A wholesaler selling articles to dealers or merchants who have an established place of business in the City of Rye.
- ~~C. A child 18 years of age or under who resides within the City of Rye and who solicits or peddles on behalf of a charitable, religious, athletic, social, educational or civic organization, including but not limited to the Boy Scouts, Girl Scouts, Cub Scouts, Brownie Scouts, clubs, classes or organizations sponsored by any school located within the City of Rye of which such child is a member.~~
- D. The peddling of meats, fish, fruit and farm produce by farmers and persons who produce such commodities on their own land, provided that they have otherwise complied with all applicable licensing and health and safety requirements of any other competent governmental body or agency, as well as the Zoning Code of the City, and the sale takes place from a stationary location upon property owned or leased by the seller of such goods.
- E. A not-for-profit organization's sale of food ancillary to a fundraising event, such as a picnic or carnival, that lasts no longer than five consecutive days. This exemption shall not apply to any door-to-door peddling or soliciting.
- F. Any person holding a license pursuant to Section 32 of the General Business Law, "Licenses to veterans of the armed forces of the United States."

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§ 144-3. License required.

It shall be unlawful for any person to act as a hawker, peddler or solicitor, as herein defined, without first having obtained a license from the Clerk. The license shall be carried on the person of the licensee at all times while engaging in peddling or soliciting and shall be exhibited by the licensee to any person on demand. A picture of the licensee shall appear on the valid license.

§ 144-4. Certificate for equipment.

The application for a license shall be accompanied by a certificate from the Sealer of Weights and Measures of the County of Westchester, certifying that all weighing and measuring devices to be used by the applicant have been examined and approved, if applicable.

§ 144-5. License application.

To obtain a license to solicit, peddle or hawk within the City of Rye, a person shall make a written application to the Clerk in a form prescribed by the Clerk and provide the following information:

The full name of the applicant, including any nicknames commonly used, home address, telephone number, any mobile telephone number or email address used on a regular basis, date of birth and social security number.

- A. A valid driver's license with a clearly delineated license number and state of issuance or other acceptable proof of identification;
- B. If the applicant works for another person or entity of any nature, the name, address, telephone number, email address, and website address of the person or entity to the extent such exists;
- C. A brief description of the solicitation business to be conducted, and the intended area where the business is to be conducted if less than the entire residential area of the City;
- D. Two photographs, two inches by two inches in size, full face on a white background, taken of the applicant within the prior sixty-day period of time which accurately reflect the appearance of the applicant on the date of the application;
- E. An affidavit that the applicant is not disqualified because of prior criminal history and whether the applicant has ever been convicted of a crime and, if so, under what name, with a listing of such conviction, including crime jurisdiction, date and sentence imposed.
- F. If the solicitor is a minor (under the age of 16), a notarized authorization by the applicant's parent or legal guardian. The authorization form is part of the application form.
- G. A description of the vehicle which the applicant wishes to use in carrying out his business or occupation as well as the name of the vehicle owner and registration details.
- H. County Health Department permit number, if a food vendor.
- I. If peddling or soliciting for a corporation, the state in which it is incorporated and the names of its officers along with a copy of its certificate of incorporation.

§ 144-5.1. Criminal background check.

This section shall only apply to commercial solicitation.

- A. The City of Rye shall initiate a criminal history background check of prospective commercial solicitors, including those persons acting on behalf of an employer or other person.
- B. The criminal background check shall not be initiated without the written consent of the person.
- C. A license shall not be issued to any person who refuses to consent to or cooperate in the securing of a criminal history record background check.
- ~~D. Each applicant shall submit two sets of fingerprints and any other necessary information to L-1 Identity Solutions (or other outsourcing agency under contract~~

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~~with the New York State Division of Criminal Justice Services (DCJS) for processing. In addition, a certified check or money order, in the amount specified by and made payable to DCJS to cover the cost of processing fingerprints, shall accompany the application.~~

- E. The City of Rye Commissioner of Public Safety and/or his designee shall be responsible for reviewing the criminal history record information (CHRI) disseminated by DCJS. All applicants requiring a background check must have the results of their background check reviewed by the Police Commissioner and/or his designee prior to submitting their application to the City Clerk.
- F. If a prospective applicant has been convicted of a specified criminal activity, any decision regarding such prospective applicant's fitness for a license must be made upon consideration of New York State Correction Law §§ 701 to 703-b and §§ 751 to 753.

§ 144-5.2. Expiration; renewal; revocation; denial; appeal.

The following provisions shall apply to licenses for commercial solicitation:

- A. All licenses granted under the provisions of this chapter shall be reviewed annually and may be renewed thereafter, unless sooner revoked.
- B. Prior to the expiration of a license and upon application for renewal of the license, the Clerk shall determine if the applicant, peddler or solicitor has acted in compliance with the applicable provisions of this chapter and conditions of the license.
- C. The license may be renewed upon a determination that the solicitor or peddler has substantially complied with the terms and conditions of the permit and the requirements of this chapter.
- D. Renewal fees shall be established by a resolution of the City Council and may be amended from time to time.
- E. If it is determined that the solicitor or peddler has not been in compliance with any of the provisions of this chapter, the license shall not be renewed.
- F. The Clerk may revoke any license granted under the provisions of this chapter for any of the following reasons:
 - (1) The applicant provided false, misleading or misrepresented information in procuring the license;
 - (2) The applicant or any person who worked on behalf of or with the applicant failed to comply with the requirements of this chapter;
 - (3) The applicant or any person working on behalf of or who worked on behalf of or with the applicant is convicted of violating any federal, state or local law while in the course of operating under the license;

- (4) The activities for which the license was granted were or are being conducted in a manner that is detrimental to the public health, safety, peace or welfare.
- B. When a license has been revoked, no other license shall be issued under the provisions of this chapter to the same applicant within one year of the date of revocation.
- C. An application for a license under this chapter may be denied for the following reasons:
 - (1) The applicant fails to cooperate with or consent to the criminal background check as stated in this chapter.
 - (2) An applicant's background check reveals a conviction for any criminal offense including, but not limited to, violent crimes, sexual assault, possession of a controlled substance, theft, fraud or burglary.
 - (3) Fraud, misrepresentation or false statement in the application for the license.
 - (4) Fraud, misrepresentation or false statement made in the course of carrying out the applicant's trade, business or occupation.
 - (5) Any violation of this chapter.
 - (6) Carrying out of the licensed business, trade or occupation in an unlawful manner or in such a way as to breach the peace or to constitute a menace to the health, welfare or safety of the public.
 - (7) The license shall not be transferable or assignable. In the event that a licensee shall permit any other person to possess or use such license, such license shall automatically be revoked, and the licensee shall thereby be guilty of violating this chapter, and no application for a further license may be made for a period of one year from the date of revocation.
 - (8) Any applicant who has had a license denied or revoked by the Clerk may appeal to the City Manager, in writing, within 30 days of the receipt of the denial or revocation. The City Manager will thereafter hold a hearing within 45 days of receipt of the demand for such hearing to review the determination of the Clerk.

§ 144-6. License fee.

The annual license fees shall be set annually by resolution of the City Council before adoption of the budget for the following year for each license issued pursuant to this chapter.

§ 144-7. Name and address on vehicle.

Every vehicle used by a licensed hawker, peddler or solicitor in or about his or her business shall have the name of the licensee and his or her address plainly, distinctly and legibly painted in letters and figures at least two inches in height in a conspicuous place on the outside of the sides of every such vehicle, and such name and address shall be kept so painted plainly and distinctly at all times while such vehicle is in use during the continuance of the license.

§ 144-8. Restrictions.

A licensed hawker, peddler or solicitor shall:

- A. Not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale; or offer for sale any unwholesome, tainted or diseased provisions or merchandise.
- B. Keep the vehicle and receptacles used by him in a clean and sanitary condition and the foodstuffs and edibles offered for sale well covered and protected from dirt, dust and insects.
- C. Not blow a horn, ring a bell or use any other noisy device to attract public attention to his or her wares, or shout or cry out his or her wares.
- D. Not stand nor permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.
- E. Not sell any confectionery or ice cream within 250 feet of any school property between the hours of 8:00 a.m. and 4:00 p.m. on school days.
- F. Not permit any vehicle used by him or her to stop or remain on any crosswalk.
- G. Not create or maintain any booth or stand, or place any barrels, boxes, crates or other obstructions, upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

§ 144-8.1. Restricted hours.

No person while conducting the activities of peddler or solicitor shall enter upon any private residence, knock on doors, or otherwise disturb persons in their residence between the hours of ~~8:00~~ **8:30** p.m. and 9:00 a.m.

§ 144-9. Written orders; duplicates.

All orders taken by licensed solicitors who demand, accept or receive payment or deposit of money in advance of final delivery shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and

one copy shall be given to the purchaser at the time the deposit of money is paid to the solicitor.

§ 144-10. "Do not knock" registry.

- A. Any owner or occupant of property located in the City who wishes to prohibit commercial soliciting on the premises shall complete a form available in the City Clerk's office and on the City's website. The completion of the form will allow the owner/occupant's premises to be included on a list of properties that do not permit commercial solicitation (herein referred to as the "do-not-knock registry" or "registry").
- B. In order to be removed from the registry, the owner and/or occupant must complete a form indicating that he/she does not want his/her property to be included on the registry.
- C. Any owner and/or occupant who has requested enlistment on the do- not-knock registry, pursuant to this chapter, shall be able to purchase from the City, for a nominal fee, a sticker or sign for display indicating enlistment on the do-not-knock registry.
- D. All solicitors shall obtain the current do-not-knock registry at the time of issuance of a permit or at the time of registration to solicit pursuant to the provisions of this chapter. It is presumed that all solicitors will have knowledge that an owner does not want to be solicited by having access to this registry and the owners name is listed on such registry.
- E. ~~Solicitors~~ Commercial solicitors shall not solicit at any premises identified on the then current do-not-knock registry.
- F. It shall be the responsibility of the solicitor to check each residence for the presence of such signage and to obtain updated copies of the registry.

§ 144-11. Unwanted solicitations prohibited.

- A. It is unlawful for any person to go upon, ring the bell, knock on the door of or attempt to gain admission to the premises of any residence, dwelling or apartment in the City of Rye where the owner, adult occupant or other person in control thereof has expressed his objecting to such activity either by explicit instructions, oral or written, or, in the case of commercial solicitation, has posted a sticker or sign or has registered for the City's Do Not Knock Registry pursuant to § 144-10, or by posting a sign or decal bearing the words "No Solicitation" or words of similar import such as: "No Solicitors," "No Solicitation," "No Soliciting," "No Peddlers," or "No Trespassing," provided the signage has letters at least one inch in height, and is posted conspicuously so that it can be seen by persons approaching the front entry of the residence or at the front doorway, or by persons assisting a solicitor who has such a visual impairment as to be unable to see the sign.
- B. Activities related to a service requested by the owner or occupant of the property and

undertaken in the ordinary course of business, including but not limited to deliveries of utility notices, telephone directory deliveries, regular newspaper deliveries, work order notices and service inquiries, are presumed to be requested or invited for the purpose of this section.

- C. Nothing in this section shall be construed to prohibit the distribution of leaflets, pamphlets or other literature such as commercial, political or religious material distributed in a lawful manner.

§ 144-11.1. Penalties for offenses.

Violation of the provisions of this chapter shall be punishable as provided in § 1-15 of the Code of the City of Rye and as otherwise provided herein.

Section 2: Severability.

If any phrase, sentence, part, section, subsection or other portion of this chapter or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

Section 3: Effective date.

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



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: March 25, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Discussion of Means of Effecting Council Public Business During the Health Emergency.

FOR THE MEETING OF:
March 25, 2020

RECOMMENDATION: That the Council discuss the changes to the Open Meetings Law during the Health Emergency.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

See Attached.



CITY OF RYE

To: Mayor Cohn and Rye City Council Members

From: Kristen K. Wilson, Esq., Corporation Counsel

Date: March 25, 2020

Re: Governor's suspension of Open Meetings Law

Please allow this memorandum to outline the changes to the New York State Public Officers Law (specifically the Open Meetings Law) based on Governor Cuomo's Executive Order 202.1 issued last week. The purpose of this memo is to outline possibilities with respect to Council meetings only. I will advise separately on how the array of City boards, commissions and committees might proceed. Under Executive Order 202.1, the City can hold public meetings and conduct public business in the following ways:

1. In person at a public location, as it regularly does under the OML.
2. In-person at a public location, with some or all of the members attending via video-conferencing and in-person attendance allowed at all locations where video-conferencing is occurring as well as at the public location, as permitted under the OML. Note, the benefit of proceeding in this manner is that it is currently permitted by the OML and no transcript is required to be made.
3. By conference call, with no in-person location, but the public must be able to listen in to the conference call, which must be recorded and a transcript provided at a later date.
4. By video-conferencing, with no in-person location, but the public must be able to view the video-conference online, which must be recorded and a transcript provided at a later date.

The Notice of Meeting for option 2 must provide the location of any member who is attending via video-conferencing and state the public can attend at that location.

The Notice of Meeting for options 3 and 4 should a) state in-person attendance will NOT be permitted; b) provide the conference call number or video-conference link; and c) state that the

conference call or video-conference will be recorded and a transcript of the meeting will be made available at a later date.

As far as public hearings, we need to allow for public input and, although there is no specific guidance from the State, many other municipalities are providing a specific timeframe for written comments to be emailed in lieu of live testimony. I would recommend the following protocols be put in place for any public hearing:

1. Leave any hearing open to allow for at least a ten-day written comment period prior to entertaining any official action.
2. Specify to whom all emails must be directed for the specific hearing (e.g., City Clerk, Planner, Zoning Board clerk, City Manager's office) and the deadline by which comments must be sent.
3. Provide the above information on the agendas and post the same instructions on the City's website.
4. We can also post any written comments to the website for everyone to view.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: March 25, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Resolution waiving the prohibition of sandwich boards during the County's State of Emergency.

FOR THE MEETING OF:
March 25, 2020

RECOMMENDATION:

Resolution to temporarily suspend all parking meter regulations in effect for the Central Business District through April 4, 2020

WHEREAS, in an effort to support the retail businesses during this COVID-19 pandemic, the City Council would like to temporarily waive the prohibition set forth under Rye City Code Section 165-6(6) "Prohibited Signs" that prohibits the display of sandwich boards on sidewalks outside businesses; and

WHEREAS, to help businesses promote the sale of their products while maintaining the recommended six-foot separation between individuals, the City Council wants to ease signage regulations to allow business owners to effectively communicate to the public how to obtain the goods being sold.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby temporarily suspends the prohibition set forth in Rye City Code Section 165-6(6) related specifically to sandwich boards.

This resolution shall be effective immediately and remain in effect until the County's State of Emergency has been lifted.

Roll Call:

BACKGROUND:

This resolution shall be effective immediately and remain in effect until the County's State of Emergency has been lifted.



CITY COUNCIL AGENDA

DEPT.: Corporation Council

DATE: March 25, 2020

CONTACT: Kristen Wilson, Corporation Counsel

AGENDA ITEM: Authorization for the Corporation Counsel to execute the necessary settlement and release agreement to settle Davis v. City of Rye.

FOR THE MEETING OF:

March 25, 2020

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the City Council authorize Corporation Counsel to sign the settlement agreement.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The City has agreed to settle this matter after mediation for \$114,000.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: March 25, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Consideration of a request from the Rye Free Reading Room to use the Village Green to offer Summer Sunday Fundays with Graham Clark. The program would take place Sundays, July 12th, 19th, 26th, and August 2nd and 9th at 3 pm and run for no more than 40 minutes.

FOR THE MEETING OF:

March 25, 2020

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the City Council approve this request for the Rye Free Reading Room.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The Rye Free Reading Room has requested use of the Village Green on the following Sundays: July 12th, 19th, 26th, and August 2nd and 9th at 3 pm for no more than 40 minutes. This is to offer Summer Sunday Fundays with Graham Clark

The City Council is asked to approve the Rye Free Reading Room's request for use of the Village Green.

See attached.



March 25, 2020

Honorable Joshua Cohn, Mayor
Rye City Council

Dear Mayor Cohn:

The Rye Free Reading Room respectfully requests the use of the Village Green to offer Summer Sunday Fundays with Graham Clark. The program would take place Sundays, July 12, 19, 26, and August 2 and 9 at 3 pm and run for no more than 40 minutes. The program is available for free to participants.

Graham Clark is a children's musician with fans in Rye and across Westchester, and his musical program, featuring singing and movement, draws a crowd. He uses a guitar and a small portable amplifier.

We would like to have Graham and the audience out on the Village Green, underneath the tree in front of the library. The library will have a staff member on hand to help supervise the crowd.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Chris Shoemaker', with a long horizontal flourish extending to the right.

Chris Shoemaker
Director



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: March 25, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Consideration of a request from the Rye Free Reading Room to use the Village Green for the Reading Olympics in partnership with the YMCA. The program would take place Thursday, July 30, 2020 from 3:00 pm to 6:00 pm.

FOR THE MEETING OF:

March 25, 2020

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the City Council approve this request for the Rye Free Reading Room.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The Rye Free Reading Room has requested use of the Village Green Thursday, July 30, 2020 from 3:00 pm to 6:00 pm for Reading Olympics.

The City Council is asked to approve the Rye Free Reading Room's request for use of the Village Green.

See attached.



March 25, 2020

Honorable Joshua Cohn, Mayor
Rye City Council

Dear Mayor Cohn:

The Rye Free Reading Room respectfully requests the use of the Village Green to offer the Reading Olympics in partnership with the YMCA. The program would take place Thursday, July 30 from 3 to 6 pm. The program is available for free to participants.

The program will feature games, events, and crafts that connect to the Olympics, but will not involve any tents or other structures added to the lawn.

Staff from both the library and the YMCA will be on hand to supervise the activities.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Shoemaker', with a long horizontal flourish extending to the right.

Chris Shoemaker
Director



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: March 25, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Consideration of a request from the Rye Free Reading Room to use the Village Green on Thursday, July 23, 2020 from 3:00 pm to 9:00 pm for a free theater performance, offered in partnership with LawnChair Theatre.

FOR THE MEETING OF:

March 25, 2020

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the City Council approve this request for the Rye Free Reading Room.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The Rye Free Reading Room has requested use of the Village Green on Thursday, July 23, 2020 from 3:00 pm to 9:00 pm for a free theater performance, offered in partnership with LawnChair Theatre.

The City Council is asked to approve the Rye Free Reading Room's request for use of the Village Green.

See attached.



March 25, 2020

Honorable Joshua Cohn, Mayor
Rye City Council

Dear Mayor Cohn:

The Rye Free Reading Room respectfully requests the use of the Village Green on Thursday, July 23, 2020 for a free theater performance, offered in partnership with LawnChair Theatre. In order to allow time for setup and cleanup, we would like to request permission to use the Green from 3 to 9pm. The performance will run between 6:30 and 8:30 pm.

This free theater performance provides Rye residents with an engaging and enriching experience. The library will provide power for a small lighting rig and sound system, and will provide the portable riser stage, which is 18 feet by 3 feet.

The Rye Free Reading Room is committed to providing a wide range of programming that enhances the lives of Rye residents, and has collaborated with the City for approval of similar requests. We are excited to continue to support community focused programs, and appreciate your consideration of this request.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Chris Shoemaker', with a long horizontal flourish extending to the right.

Chris Shoemaker
Library Director



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: March 20, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Consideration of a request by the Rye YMCA for the use of City streets for the 32nd Annual Rye Derby on for Sunday, October 4, 2020 (changed from Sunday, April 26, 2020) from 9:00 a.m. to 2:00 p.m.

FOR THE MEETING OF:

March 25 2020

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

The Rye YMCA is requesting the Council approve use of City streets for the 32nd Annual Rye Derby on Sunday, October 4, 2020 (changed from Sunday, April 26, 2020) from 9:00 a.m. to 2:00 p.m.

See attached email request.

From: [Laura Kelleher](#)
To: [City Clerk: Usry, Greg G.](#); [Ruttenberg, Noga P.](#)
Cc: [Susan Olson](#)
Subject: Rye YMCA Derby
Date: Thursday, March 19, 2020 1:45:10 PM

Hi All,

I hope everyone is doing okay in this very unsettling time. The Rye YMCA was to have the 32nd Annual Rye Derby on Sunday, April 26 but due to the current restrictions placed by the State of New York we will need to postpone the race. We are looking to reschedule the event for Sunday, October 4, 2020. We would like to send out a notification that the event is cancelled and would like to include the new date. Please advise.

Thank you.

Laura

Laura Kelleher
Special Events Assistant
Rye YMCA
21 Locust Avenue
Rye, NY 10580
914-967-6363 ext 210