

***APPROVED MINUTES*** of the Regular  
Meeting of the City Council of the City of Rye held in  
City Hall on January 23, 2019, at 7:30 P.M.

PRESENT:

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

ABSENT:

None

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Souza, enter into executive session to discuss litigation and personnel matters. At 7:38 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 7:43 P.M.

1. Pledge of Allegiance.

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

2. Roll Call.

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

3. General Announcements.

Mayor Cohn announced that the City had received notice from the Thruway Authority that the Grace Church Bridge will be reconfigured during I-95 construction to a one-way traffic pattern. This traffic pattern may be in effect for a year. Further, there was a recent communication sent out by the City to the email listserv regarding blasting for the Last Mile project.

Mayor Cohn also announced that Rye ACT has issued a notice for a community forum on the issue of proposed legalization of recreational marijuana, to be held Thursday, January 31, 2019, from 7:00 to 8:30 p.m. in the Blind Brook High School Auditorium. The featured speaker will be Dr. Kevin Sabet. Also, there will be a program called "Resilience" held February 13, 2019 at Rye Presbyterian Church, about a new movement to prevent toxic stress.

3. Annual Message by the Mayor.

Mayor Cohn made the following address to the community:

“I wish everyone a very happy new year! It seems like only a moment ago that I stood before you and offered my thoughts on the year 2018 then to come. My opportunity this evening is to reflect both on 2018 past and now 2019 still to come.

Before I take that opportunity, though, I need to emphasize how important and helpful I have found City staff to be this past year. We have a lean staff. They are asked by many to do much. Yet, they do it skillfully and bounce back, time after time. We all are and should be very grateful to them.

We owe a debt of gratitude to the Council sitting behind me, as well. In the 2017 campaign, my team promised to work hard to get things moving in Rye, and to get the public more involved in the Council’s work. This year, the Council met approximately 40 times, as compared with the typical approximately 20 meetings. Our meetings included both workshops and work sessions open to the public. We instituted twice-weekly Council office hours, which seem to have been appreciated by many, including by Council members who have been alerted to important issues in office hours meetings. I owe my individual thanks to the members of the Council for their extraordinary efforts and especially to Deputy Mayor Hurd for the time she has made available to me and the City.

Now let me speak about some, only some, of the priorities we have been working on or intend to work on for our City.

Capital Projects - We spent much of last year studying and assembling a capital investment program to effect mandated improvements that we are obliged to make, as well as to deal with aspects of plant, equipment and infrastructure long neglected and overdue for repair. We must renovate our courthouse in compliance with the requirements of the State of New York. We will trade-in our aged-out garbage truck fleet, and we will rebuild a crumbling DPW garage to house the new, larger trucks. We will renovate another DPW garage and replace our too-small, deteriorating salt shed. City Hall will finally be blessed with replacement of its 50+ year-old HVAC system and with a tune-up of other aged building systems. We already have substantial sewer work planned and we anticipate that we will need to execute millions of dollars more should we succeed in settling the Save the Sound lawsuit.

These improvements require a great deal of money. In anticipation, we established a capital projects fund that will provide cash to start projects. We are fortunate to have old debt retiring and rolling off our balance sheet. Nonetheless, it seems certain that the City will need to incur new debt late this year or early next.

We promised to seek grant funding. We are pleased to announce that, with staff leadership, we have received approximately \$4 million of grants dedicated to sewer repair. We will continue to seek additional grant funding for capital and other projects.

I don't want to leave capital projects without discussing our roads. A road construction consultant recently visited us at a public Council meeting and gave us a short course on road reconstruction. One take-away for me was that spending at our present level for road renewal will not get us where we need to be quickly enough. I hope my Council colleagues feel the same way. With even relatively small increments of additional funds, we can accelerate our progress towards acceptable roads in Rye. We all are excited and relieved by the much -delayed work on Firemen's Circle, but I would hazard that everyone wants to see more road improvements in Rye. A word of comfort for those whose roads have been torn up by Con Ed this past year and those who will face more of the same as Con Ed finishes its gas main projects when warm weather returns: Con Ed's method is to rough patch first and then return to properly repave. We will see that it does so.

Finances - well, capital investments and road work leads us straight to further discussion of the City's finances. Our 2019 budget is intended to allow the City to fulfill all its responsibilities without jeopardizing its AAA bond rating. As previously noted, however, we expect to be using that bond rating either this year or next.

Our budget depends on a 2.28% property tax increase – well under the tax cap. We remain concerned, however, for the future about our reliance on property taxes and property tax increases to provide for the inevitable and constantly increasing costs that the City as a service provider must bear. Prominently, our employees deserve fair wages that are responsive to the cost increases imposed on them and their families. Our entire property tax revenue, however, which comprises roughly 60 percent of the City's revenue, fails to cover all of the City's employee related cost. On the other side of the equation, the City's taxable assessed value has declined in the last two years, despite the increased valuations that accompany new construction. In other words, our tax base may be shrinking -- and this without the housing market even yet taking account of the reduction in deductibility of state and local taxes. There is reason for concern here. The City must search diligently for alternate revenue sources.

To help us all with our financial concerns, we did, as we had promised, reinvigorate the Finance Committee. That committee has been a terrific help, reviewing most of the City's operations and supporting the Council in myriad ways, including: examining and challenging the financial aspects of City activities and enterprises, reviewing City fees and charges, scrutinizing our capital investment plans and creating a citizen's budget report that was extremely favorably received by the public. We are looking forward to another year of working with the Finance Committee. We, along with the Finance Committee, will be looking closely in the near future at the proposal for a sewer fund fed by sewer rents, to more equitably distribute sewer costs and to aggregate funds dedicated to the massive sewer improvements we will need to undertake.

Union Contracts - Employee-related costs dominate our budget. We began last year with four open union contracts. We succeeded, after an intense but respectful negotiation, in achieving a contract with our police officers that closed out past open years and will run forward through 2023. We are hopeful that this joint achievement with our police will be repeated in negotiations with our other employees.

Wireless Services – We continue to look for a means to bring improved wireless service to Rye on a basis consistent with resident wishes. On the litigation front, the City prevailed in both federal and state court litigation brought by tower-builder Crown Castle, which is acting for Verizon. Crown has indicated that it will appeal the state court decision. We opened talks with Crown, but the talks have produced nothing. Meanwhile, the Federal Communications Commission passed an industry-favoring order that circumscribes municipal rights. This has caused us to hurriedly revise the City’s wireless law. Many cities, ranging in size from New York and LA to Rye, are seeking to overturn the FCC order in court. Stay-tuned, so to speak. Separately, we are in talks with the MTA about their desire to erect a tower more than a hundred feet tall along the Metro North right of way to serve the MTA police radio system. Again, stay-tuned.

Flooding – We found on arrival in office \$3 million in NY Rising grant funding languishing for lack of continuing attention. We learned to our alarm that the City would have to move quickly to finalize project choices and initial planning to the satisfaction of the grant administrators or we would lose our funds. With the help of the Flood Advisory Committee we made hard choices among projects based on evolving engineering and cost information. As finally decided, substantial funds will be applied to sensor installation on Blind Brook and on Upper Bowman Pond cleanup, but the largest single use of funds will be for a new road to the Nature Center that will allow access that will not be threatened by a flooding brook. The Council approved the allocation of funds literally on the extended deadline date set by the administrators. We continue to seek additional sources of aid and expertise to help us ease the risk of flooding along Blind Brook. To be clear, however, all of the potential remedies that we have seen thus far may mitigate the risk of flooding, but they will not, singly or in combination, eliminate that risk.

United Hospital – Starwood –We have held our breath while Starwood has sought a buyer for the United Hospital site who would go forward with the mixed use development plan previously approved by Port Chester. Yesterday, Port Chester learned that a second potential buyer has walked away. This continues 12 years of uncertainty. We know that the approved plan will bring multi-family residential, hotel and commercial traffic to the site and that much of the parking lot traffic is expected to use High Street, which borders our relatively tranquil Rye Park neighborhood. Rye Park in turn stands between the site and the railroad station, among other things. We understand the neighborhood concerns about existing street dangers and their increase as a result of the planned development. We have worked with the neighborhood on a test of street closures to defeat cut-through traffic. The results of that test will be reviewed and we may expect that we will be asked to carry out a public approval process of permanent street closures to protect the neighborhood.

Boat Basin – the municipal boat basin is an important City asset for hundreds of City resident slipholders and for the adjoining residential areas. The boat basin sits at the top of Milton Harbor in a location where the silt from Blind Brook’s discharge collects. This silt accumulation necessitates regular dredging to maintain adequate water depth. The boat basin is structured as a City enterprise fund, meaning that it is City-owned, but it is supposed to be self-supporting. That goal, however, has become increasingly difficult to achieve as federal support for dredging has diminished and environmental regulation of dredging has dramatically raised dredging costs. Over the course of 2018, the City had silt sediment samples tested. Shortly

before year-end, we learned that a substantial part of our dredge spoil may require upland disposal, substantially raising the City's costs. Finding a way forward for the boat basin has been an ongoing issue for many years and now is one of our most difficult challenges.

Thruway Authority Site – we have been working cordially with Rye Country Day School on the possibility of a shared use agreement governing athletic facilities that RCDS might build on the site. A shared use agreement is required before the site can be sold to Rye Country Day. We hope to be able to make the most significant features of our discussion with Rye Country day public soon.

Playland/Standard Amusements – We are aware of, but not privy to, ongoing discussions between Standard and the County about the fulfillment of the arrangement existing between them. We have heard both positive and negative views of the arrangement and have not taken a position. We have felt obliged to continue the City's appeal of the trial court decision that denied the City mere standing to question the Standard deal and we now await the appellate court result. Whatever the outcome in court, we hope it becomes possible to work cooperatively with Playland and the county.

Last Mile – The reconstruction of I-95 from Playland Parkway to the Connecticut line has begun – nearly six months later than expected. We will continue to interface with the Thruway Authority in order to understand the project's unfolding and to mitigate the effects on our City.

Major Real Estate Matters – The Osborn is contemplating new developments on its campus, the owner of the building that housed Mrs. Green's is entertaining a lease to the Rye Y and the sale of the Avon facility is pending. It is likely that the City will need to be involved in one or more of these matters, through its zoning authority or otherwise.

City Master Plan – a City master plan process was put on hold by us, pending our gaining experience and momentum. We intend to pursue a master plan, but our first attention will continue to go to matters requiring timely resolution.

Towards A Greener Rye – in 2018 we passed a law to expand aspects of the PACE financing program for energy efficient projects by not for profits. After several public Council sessions and community outreach, we accepted Sustainable Westchester's Westchester Power program that gives resident access to potentially cheaper and potentially greener electricity. We will have a food scrap recycling test project. And greenest of all, Rye is once again recognized by, and a participant member in, the Tree City USA program.

Parking in the Central Business District and by City Hall – For several hours in the middle of every weekday it is painfully difficult to find a parking space in our main parking lots. The hours may be different at the City Hall lot, but the frustration is the same. (Yes, there are no parking spaces reserved for Mayor and Council.) We know that past administrations have looked at the parking problem, but we can't rest on past investigations. We are bringing in a consultant to help us understand if there are better ways to lay out and manage our lots, and to see what greater efficiencies we might derive from the lots we have now, before we consider the great expense that we believe would attach to creating additional parking space. We will also

look at ride-sharing and any other programs that might diminish, even if slightly, some of the demand for parking spaces both in town and at the railroad station.

Forest Avenue Sidewalk – We met to determine which of multiple design choices might be best for this major sidewalk project. The City has applied for a grant to execute the project and we hope for a response to our application soon.

Con Ed Gas Service Temporary Moratorium – We have recently learned that Con Ed is planning a temporary moratorium beginning March 15th on new gas service in Westchester. The County Executive’s office is taking the leading role in dealing with Con Ed on this, focusing first on information gathering. I heard from Con Ed this afternoon that the reason for the moratorium is Con Ed’s inability to get new sources of supply to reach Westchester County. We will share more as we learn more.

In conclusion, I have spoken about more than the tip of our iceberg, but (to enthusiastically mix metaphors) time doesn’t allow me to plate the whole enchilada for you. There is a lot to do, and we are trying to get it done. I think 2018 has been an interesting and challenging year for all of us on the Council, the old-timers and the neophytes alike. I suspect that 2019 will be at least equally challenging, and I know that we as a Council will continue to do our best to both manage challenges and seek opportunities for you and the City of Rye. Thank you.”

5. Draft unapproved minutes of the Regular Meeting of the City Council held January 9, 2019.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd, to adopt the minutes of the regular meeting of the City Council held January 9, 2019.

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

Gerry Seitz, 141 Kirby Lane, addressed the Council. He thanked the Mayor and Council for their hard work. He commended them for identifying cash needs moving forward, and for looking into alternate financial resources. He also thanked the work of the Flood Advisory Committee. He addressed new sources of possible revenue: 1) flip tax; and 2) increase in sales tax. He asked the Council if the City had identified new sources of revenue.

Mayor Cohn responded that the Finance Committee would be vetting these items for recommendation to the Council.

Mr. Seitz asked the Council support his recommendations.

7. Resolution authorizing the City Manager to enter into a 5-year extension for Emergency Medical Transport with the Village of Port Chester, the Village of Rye Brook and Port Chester-Rye-Rye Brook Volunteer Ambulance Corps. Inc.  
Roll Call.

Mayor Cohn said that this was a topic previously discussed. There was a desire to see additional information, but there were no further questions tonight.

Councilwoman Tagger-Epstein made a motion, seconded by Councilwoman Hurd, to authorize the City Manager to enter into a 5-year extension for Emergency Medical Transport with the Village of Port Chester, the Village of Rye Brook and Port Chester-Rye-Rye Brook Volunteer Ambulance Corps. Inc.

ROLL CALL

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

8. Resolution authorizing the City Manager to establish a 5-year extension to the existing County Repository for Integrated Criminalistic Information System Inter-municipality Agreement (RICI IMA) which will expire on February 28, 2019. This will grant the City access to the electronic transmission and storage of criminal record and police blotter information.

Roll Call.

Mayor Cohn explained that the agreement is for a five-year period commencing March 1, 2019 through February 28, 2024. RICI is utilized in the transmission of information from the Department's Live-Scan fingerprinting system to document and transmit booking and other arrest-related information.

Councilman Mecca made a motion, seconded by Councilwoman Hurd, to authorize the City Manager to establish a 5-year extension to the existing County Repository for Integrated Criminalistic Information System Inter-municipality Agreement (RICI IMA) which will expire on February 28, 2019. This will grant the City access to the electronic transmission and storage of criminal record and police blotter information.

ROLL CALL

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

9. Resolution authorizing the City Manager to enter into an easement agreement/dedication for the sewer main installation on Club Road and Sunset Lane to allow for the acceptance of dedication, maintenance, alteration, repair and replacement of the Sewer Main.

Roll Call.

Mayor Cohn stated that on September 13, 2017, The City Council approved a resolution to accept dedication of a new sanitary sewer system intended to serve the properties along Club Road, and the beginning of Sunset Lane. The application has since received Planning Board approval and County Department of Health approval. Corporation Counsel Wilson added that this would be the final step in the process.

Councilwoman Hurd made a motion, seconded by Councilman Mecca, to authorize the City Manager to enter into an easement agreement/dedication for the sewer main installation on Club Road and Sunset Lane to allow for the acceptance of dedication, maintenance, alteration, repair and replacement of the Sewer Main.

ROLL CALL

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

10. Consider setting a Public Hearing on February 6, 2019 to add Article VI “Vestibules” to Chapter 167 (Streets and Sidewalks) of the City Code of the City of Rye to facilitate the use and implementation of vestibules on the City’s sidewalks, allowing commercial properties to insulate interiors in a safe and proper manner.

Councilwoman Goddard asked whether there would be a maximum number of vestibules allowed in one year. Corporation Counsel Wilson stated that the current draft does not have a limit.

Councilman Mecca discussed the processes of the Planning Commission with respect to outdoor seating, which might be a similar process.

Councilwoman Goddard also asked about the additional insured amount of two million dollars. Corporation Counsel Wilson stated that she could amend the language to allow the City to change that dollar amount by its discretion.

Mayor Cohn expressed concern over the width of the sidewalk changing the character and experience of the walking sidewalk in the downtown. He asked for further thought on that matter. He also asked that if an applicant fails to comply with the law, that the vestibule permit be removed in the penalty provision.

Councilwoman Tagger-Epstein inquired as to the process of each applicant with regard to the Planning Commission.

Corporation Counsel Wilson stated that the building department also considered ADA regulations with regard to width. Councilman Stacks added that it is important also for the five feet of walking space to comply with the ADA regulations. Councilman Mecca confirmed that this proposed width does comply with ADA regulations.



There was discussion about the central business district, the need among merchants, the character of the downtown, and the language of the draft law.

Councilwoman Hurd stated that she would like to get feedback from the Chamber on the issue.

The item was put over to February 27, 2019.

11. Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to approve a parade to commemorate Memorial Day to be held on Monday, May 27, 2019 from 9:30 a.m. to 10:30 a.m.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd, to approve the a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to approve a parade to commemorate Memorial Day to be held on Monday, May 27, 2019 from 9:30 a.m. to 10:30 a.m.

12. Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to hold a Memorial Day Ceremony on the village green event to be held on Monday, May 27, 2019 from 10:30 a.m. to 11:15 a.m.

Councilwoman Souza made a motion, seconded by Councilman Stacks, to approve the request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to hold a Memorial Day Ceremony on the village green event to be held on Monday, May 27, 2019 from 10:30 a.m. to 11:15 a.m.

13. Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to have a food truck at the Memorial Day event to be held on Monday, May 27, 2019 from 9:30 a.m. to 12:00 p.m.

Councilman Stacks made a motion, seconded by Councilwoman Tagger-Epstein, to waive City Code Chapter 144 (8)(d) and (g) regarding food trucks and approve the request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to have a food truck at the Memorial Day event to be held on Monday, May 27, 2019 from 9:30 a.m. to 12:00 p.m.

**ROLL CALL**

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

NAYS: None

ABSENT: None

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

A) *One appointment to the Finance Committee, for a term ending January 1, 2022.*

Mayor Cohn announced that Frederic Dunn was stepping down from the Finance Committee. He thanked Mr. Dunn for his work.

Mayor Cohn, with Council approval, appointed William Gates for a three-year term, to expire on January 1, 2022. He also reappointed Fred Buffone and John Souza are reenlisting for three-year terms, expiring January 1, 2022.

Mayor Cohn announced that Own Nee would be resigning from the Board of Ethics. He thanked Mr. Nee for his service.

Mayor Cohn designated Greg Usry as Chair of the Finance Committee for the 2019 year.

15. Miscellaneous communications and reports.

Councilman Stacks announced that the Finance Committee will meet next Tuesday, January 29, 2019. There was some discussion about considering revenue sources.

Councilwoman Souza, on behalf of the Rye Recreation Commission, reminded the community to start planning for summer camp.

Councilwoman Hurd announced that with regard to New York Rising, the City the received scope of design phase services for the projects that will be reviewed. This is a step forward in the process. With respect to the boat basin, a coastline consultant presented to the commission. She discussed the dredging needs within the federal channel and within the Marina area. All of the tests in the channel came back relatively clean. All of the testing sites in the marina came back dirty, demonstrating levels of plastics and petroleum that would not be permitted to be dumped in open water. She said that two options presented would be to take the sediment in the channel and dump it in the Long Island Sound, and the sediment in the Marina to be dumped on land. The cost of that is around 4.5 million dollars to dredge and dispose of the 15,000 cubic yards. The Boat basin is considering the need to dredge with cost constraints. Councilwoman Hurd said that this was a big issue for the City. The City has enlisted the help of its federal representatives for any help. Councilwoman Hurd also said that with regard to Rye Town Park, Chip Lafferty recently inspected the turf, which is not as in as bad shape as originally thought. Lastly, Rye Town Park had been moving forward with parking improvements.

Councilwoman Goddard announced that Rye Sustainability members are hard at work with the Rye City staff to implement the test program for food scrap recycling. She encouraged everyone to listen to the recent interview of Linda Mackay, Rye Sustainability Committee, with the Rye Record. There is a signup form in the works for those interested in the food scrap program.

Councilwoman Hurd added that the Tiki Bar has not renewed its lease at Playland. She also congratulated Lee Sandford for ten years of providing the Bootcamp by the Beach program. Lastly, Councilwoman Hurd congratulated Rye resident, Liz Woods, who is celebrating one year of the Ryemarkable Moms program, which interviews remarkable women in Rye.

16. Old Business/New Business.

There was nothing discussed under this agenda item.

17. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilman Stacks, to adjourn the meeting at 8:49.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk