

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

**REGULAR MEETING OF THE CITY COUNCIL
Wednesday, May 22, 2019
7:30 p.m.**

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

1. Pledge of Allegiance.
2. Roll Call
3. General Announcements.
4. Working Session regarding amending the City of Rye Zoning Code to permit physical fitness facilities in the B-1 (Neighborhood Business) and B-2 (Central Business) Zoning Districts within the "A" and "B" Parking Districts.
5. Draft unapproved minutes of the Regular Meeting of the City Council held May 8, 2019.
6. Residents may be heard on matters for Council consideration that do not appear on the Agenda.
7. Consider authorizing the City Manager to sign an agreement between the City of Rye and Westchester Coalition for Drug and Alcohol Free Youth to participate in special STOP-DWI enforcement details that involve DRE (Drug Recognition Experts) Call-Outs.
Roll Call
8. Consider authorizing the City Manager to transfer \$36,000 from the Rye Golf Club Operating Contingency fund to the Whitby Castle repair & Maintenance fund.
Roll Call
9. Resolution authorizing the City Manager to sign the contract with the New York State Environmental Facilities Corporation ("EFC") for the WIAA Clean Water Grant Program to enable repairs to the City's sewer system.
10. Consideration of a request from Dr. Eric Byrne to waive parking restrictions at the snow field lot to accommodate the bond vote on June 11, 2019.
11. Appointments to Boards and Commissions, by the Mayor with Council approval.
12. Miscellaneous communications and reports.

- 13. Old Business/New Business.
- 14. Adjournment

The next regular meeting of the City Council will be held on Wednesday, June 5, 2019 at 7:30 p.m.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under “RyeTV Live”.

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

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

UNAPPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in the Square House and City Hall on May 8, 2019 at 7:30 P.M.

PRESENT:

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

ABSENT: None

The special annual Square House meeting convened at 7:30 P.M. Mayor Cohn welcomed the community and thanked everyone for their service to Rye. He mentioned how important the Square House was to history, hosting the like of John Adams, George Washington, and others. He commended all in the room who helped the City of Rye succeed through the years. He thanked those who have helped the City in the past and those who continue to help the current Council. He thanked the City staff, present at the meeting, who helps the City run on a daily basis.

Sheri Jordan, Director of Rye Historical Society, welcomed everyone to the Square House. She talked about the Square House being home to City Hall in its early years, and that now the “new” City Hall is located across the green. Sherri discussed the strong history of Rye and the importance of the Square House, which was once a tavern in the Revolutionary War, and eventually became the City Hall.

Councilwoman Hurd said it was a privilege to be on the City Council and work with the City staff. She thanked the hard work of the volunteers and staff.

Councilman Stacks said it had been a true pleasure to serve as a Councilman for the City. He thanked everyone who worked to make the City great.

Councilwoman Tagger-Epstein said it was her final meeting as Councilwoman. She thanked the City staff. She acknowledged the City Charter and the historical aspect of how it was created. She said that throughout the years, the Charter has been so relevant to the growth of the City.

Councilwoman Souza thanked all of the staff and volunteers for their hard work. She said she had learned the nuances of the issues that face the City. She said that the work was difficult, but rewarding.

Councilwoman Goddard said that she enjoyed looking out at the packed room, knowing that it was just a small percentage of the wonderful volunteers in the City of Rye. She thanked everyone there for representing the City. She felt the City greatly benefitted from the volunteerism and hard work.

Councilman Mecca said that it was his sixth year on the Council. He recognized that many of the volunteers were the same faces that had been with the City for many years. He thanked all of the volunteers for their years of hard work.

Mayor Cohn introduced Marcus Serrano, City Manager.

City Manager Serrano said that it had been an honor and a privilege to serve as the City Manager. He thanked the entire City staff for what they do for the City on a daily basis. He introduced the following City staff and said a few words about their accomplishments:

James Buonaiuto	Golf Club General Manager
Maryann Cianci	Personnel Manager
Robert Falk	Public Safety Commissioner
Ryan Coyne	City Engineer
Carolyn D'Andrea	City Clerk
Kerry Donahue	IT Coordinator
Joseph Fazzino	Deputy Comptroller
George Hogben	Boat Basin Supervisor
Kerry Lenihan	Building Inspector
Nicole Levitsky	Cable Access Coordinator
Christian Miller	City Planner
Euka Pietrosanti	Deputy Clerk
Sally Rogol	Superintendent of Recreation
Noga Ruttenberg	Secretary to the City Manager
Chris Shoemaker	Library Director
Kurt Tietjen	Fire Lieutenant
Noreen Whitty	City Assessor
Kristen Wilson	Corporation Counsel

Mayor Cohn recognized past mayors that were present at the meeting: Mayors Dunn, Otis, French and Sack.

Former Mayor Ted Dunn thanked the Council for being non-partisan in their role.

Former Mayor and current State Assemblyman Steve Otis acknowledged the officials who have helped the City over the past decades. He said that every person has the responsibility to keep Rye the special place that it is and is proud to be a part of it. He enjoys this special meeting because it is a way to say thank you to each other.

Mayor French thanked the staff and the Council for their service. He spoke about the hard work and tough decisions that need to be made on behalf of the City, giving the creation of the Long Island Tunnel Advisory Committee and ban of plastic bags as prime examples. He added that everyone working together is making by talking to each other to preserve the future of Rye.

Former Mayor Sack thanked Mayor Cohn, the Council and staff. He said it was great to be at the meeting and acknowledged those he served with. He added that today is a celebration of those who volunteer. He thanked City staff and recognized Maurio Sax for his long service and encouraged more volunteerism.

Judge Latwin, City Court Judge, said this day is always a bittersweet experience because of those who were not in attendance, both living but could not attend and those who have passed. He added that the Court is held to a certain standards and goals to move cases along and Rye Court has one of the best statistics in the State.

Judge Cypher, City Court Judge, thanked the court staff. He commended them for being so attentive to the public and so proactive.

Rich Fillipi, former Councilmember, said he volunteered for the City Council and various committees because he wanted to integrate himself in the community and work with so many wonderful people.

Catherine Parker, County Legislator and former City Councilmember, said she always loves to come to this event and say thank you to all of the volunteers and staff. She wanted to thank the current Mayor and Council for their volunteerism, as many people forget although they are elected, they are high-level volunteers.

Peter Jovanovich, former Councilmember, spoke about what a wonderful place Rye is. He said that he and his family moved to Connecticut but realizing what a special place Rye is, had to return shortly after. He said his grandson starts kindergarten in the fall and looks forward to the future where he hopes his grandson will also volunteer for the Council.

Jerome Coleman, Landmarks Advisory Council, thanked former chair, Jack Zahringer. He also thanked Maurio Sax and Peter Rolland. He also thanked Councilman Mecca, liaison to the committee. He added that the mission statement of the historic landmarks committee is to maintain historic Rye, as that is what sets Rye apart from its neighboring communities.

Melissa Grieco, Sustainability Committee Chair, reported that the group was working on a number of programs and projects, including the food scrap recycling pilot program, green screen documentary series, the movement to lessen the use of unnecessary plastic straws, and other endeavors to keep Rye green. She thanked liaison, Councilwoman Goddard, for her commitment and support.

Tracy Stora, CCAC, commented on the status and progress of the group. She looks forward to the future endeavors and the committees' commitment to the wetlands.

Steve Fairchild, Communications and Cable Committee, thanked Nicole Levitsky, Cable Director, and liaison Councilwoman Souza. He felt that the programming was important to the residents of Rye and beyond. He said it was a pleasure to serve and work in this community.

Greg Howells, Rye YMCA, was recognized. He thanked the City for its support over the years.

Mayor Cohn thanked the Rye Record and present staff members, Robyn Jovanovich and Tom McDermott, for attending the meeting and for what they do for the community.

With no further items to discuss at the annual meeting of the Square House, the group adjourned the meeting to City Hall in Council Chambers at 8:27 P.M. The regular meeting of the City Council began at 8:45 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.

Councilwoman Hurd stated that the Farmers Market opens Sunday, May 12, 2019, in the parking lot located near the corner of Theodore Fremd and Purchase Street.

Councilwoman Souza reported that June 22, 2019 is the Rye Recreation Food Truck Festival.

Councilwoman Goddard stated that Rye Sustainability will have a table at the Farmers Market for food scraps from 10:00 am-12:00 pm, for those who cannot make it during the week and the drop off location. Residents would also have an opportunity to register and purchase kits at the table.

Councilman Stacks said the opening day scramble at Rye Golf Club has been moved to May 19, 2019. He invited those interested to sign up for this event.

4. Draft unapproved minutes of the regular meeting of the City Council held April 24, 2019.

Councilman Mecca made a motion, seconded by Councilwoman Hurd and unanimously carried, to adopt the minutes of the regular meeting of the City Council held April 24, 2019.

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

Kent Iarocci, Rye resident, addressed the Mayor and Council. He proposed ideas that he felt could save money on sidewalks and roads. He suggested the City obtain a firm commitment from contractors to last a certain period of time to ensure they are completing the job with longevity in mind. He also wanted to address flooding as it relates to the flood gate on Bowman Avenue. He suggested rather than conducting studies on how to improve flooding, the manufacturer of the flood gate should be contacted and fix it to make it operational.

Darren Fogel, 4 Beary Court, addressed the Mayor and the Council as it relates to the paving plan of Rye streets. He said the worst streets should be addressed first. He also wanted to report that although a longer street may be used often, the smaller streets should not be overlooked. He said his particular street only has six houses but has not been repaired in 17 years. He also wanted to add there is a safety aspect to unpaved roads and suggested the plan be accelerated for the betterment of the community.

6. Consider setting a Public Hearing on May 22, 2019 to amend the text of the City of Rye Zoning Code to permit physical fitness facilities in the B-1 (Neighborhood Business) and B-2 (Central Business) Zoning Districts within the "A" and "B" Parking Districts.

Mayor Cohn invited Rex Gedney, Crozier Gedney Architecture, representing the applicant, 1037 Boston Post Road LLC, and the potential tenants, the Rye YMCA, to speak on their behalf. Mr. Gedney explained his clients have submitted a petition to amend the text of the City of Rye Zoning Code to permit physical fitness facilities in the B-1 (Neighborhood Business) and B-2 (Central Business) Zoning Districts within the "A" and "B" Parking Districts. He added that the Planning Commission reviewed the petition and was in support of it. Mayor Cohn asked about the potential parking issue that may arise. Mr. Gedney explained that the property has 41 spaces, which may not support the potential proposed use of the property. Mr. Gedney explained that under the current City Code, if the building was fully utilized at around 19,000 square feet (two floors), parking would need to be 100 spaces because it is a calculation based on total square footage. However, the YMCA intends on utilizing the space as a gymnastics facility and feels they can manage the parking appropriately.

Councilwoman Souza asked if there was the possibility of limiting the class size to account for the parking availability. Councilman Mecca clarified that the current petition is requesting a zoning change, rather than a use restriction. However, he added that the Council can limit the tenant to only use the maximum square footage allowable to support the 41 spaces, blocking off a portion of the building from the public.

Councilwoman Tagger-Epstein asked if there are different terminologies within the definition of a physical fitness facility. Corporation Counsel Wilson explained that the Council can start with the definition of a physical fitness facility and define it as they see fit. She further explained that this evening, the Council is currently deciding if they would like to set a public hearing, but the conversation appears to be heading towards a use issue.

Councilwoman Hurd explained she thinks other parking districts would be better fit than the current suggestion of “A” and “B.” She was afraid that the prime real estate will be underutilized and not thrive the downtown for more of the public to use if the “A” and “B” parking districts are approved for physical fitness facilities.

Councilman Mecca agreed that the points are valid and those concerns would be addressed during the public hearing.

Councilwoman Goddard explained that opening the public hearing will then bring the public comment, regardless if you are for or against it.

Corporation Counsel Wilson explained that opening the public hearing as requested by the petitioner does not limit the verbiage that the applicant is proposing and that it may go through numerous drafts as the hearing unfolds. She clarified that the Council can make amendments to the petitioner’s local law before the public hearing is set or while the public hearing is open.

Mr. Gedney added that the applicant was not asking for a zoning change, but rather for a physical fitness facility to be allowed within the current code. He said that uses permitted in a zone is different than a zoning change.

Councilwoman Hurd asked why it was the request for a physical fitness facility to be added instead of a family community center, as the YMCA mission statement may encompass both. After further discussion among the Council, Corporation Counsel Wilson confirmed that a work session might be best recommended to further discuss the details and language of the applicant’s draft of the proposed local law. City Planner, Christian Miller, added that the Council has the discretion to decide if this law should be changed and does not need to move forward with a public hearing if they do not feel it should move forward.

Mayor Cohn confirmed a work session should be held on May 22, 2019, prior to the regular meeting of the City Council, to further discuss the details.

7. Consideration of a Road Paving Plan for 2019

Mayor Cohn invited Gordon Daring from PVC to further discuss paving. Mr. Daring provided new plans to the Council that outlined the streets and treatments suggested for each road. Mr. Daring explained that one handout lists all of the streets in the City and their condition. He took photos of the worst roads and provided a timeframe of when the streets would be treated. Councilwoman Tagger-Epstein asked why the pavement condition index (PCI) in 2016 was relatively good on certain roads but that the projected PCI had in some cases

dropped significantly. Mr. Daring explained that condition can deteriorate as a slow rate but by a certain point, it drops dramatically. The streets are older in Rye and although the base is solid, the top layer is deteriorating.

Councilwoman Souza commented that the ask in the past two weeks of providing a two-year plan has assisting tremendously in understanding the project and feasibility in preparing the roads with concrete information. Mr. Daring said 2019 is focused on south of Playland Parkway and east of Boston Post Road while 2020 is focused on north of Playland Parkway and the Bradford Avenue neighborhood. Since the total timeframe for paving is approximately 5-6 weeks, the less mobilization of the company throughout Rye allows for more work to be covered. The two year plan allows for more roads to be covered because of the increased geographical focus.

DPW Superintendent, Ryan Coyne, added that City staff can also assist in light paving and pothole filling. He clarified that the Forest Ave sidewalk grant does not include roadway paving so the allocated funds will still need to cover that portion of Forest Avenue. Additionally, he intends for the PCI road analysis to be re-done in the fall of 2019 and therefore the 2020 plan may be changed, dependent on the updated road analysis. Mr. Coyne explained the next step is to go to bid and the Council would authorize the work after the results. The Council said it looked forward to the bid package to go out so the City can move forward.

8. Presentation of 2018 General Fund financial results.

Mayor Cohn invited Deputy Comptroller, Joseph Fazzino, to provide an overview on the 2018 General Fund financial results. Mr. Fazzino explained that while the auditors are still preparing the report, which they will be presenting to the Council in July, he wanted to provide the 2018 results of the general fund. In 2018, the City had a profit of roughly \$89,000. However, the 2018 Budget anticipated using a fund balance of over \$2,500,000. Therefore, the actual results show the City to be about \$2,600,000 better than planned. This profit is a direct result of revenues and expenditures that were better than budget. He added that interest income added \$234,000 more than budget and salaries were down \$650,000 due to 14 vacant positions and other factors. Mr. Fazzino reminded the Council that there were a few one-time situations, such as a single building permit issuance, resulting in a revenue of \$1,000,000 from 120 Old Post Road, and the City should not expect future results to be over budget to this degree in the future. Mr. Fazzino stated that the only significant increase to expenditures was the transfers to the capital projects fund, up \$900,000, as the City Council appropriated excess fund balance to transfer additional capital projects. Based on the results above, the general fund comes in around \$4,205,000, or 10.98% of 2018 expenditures.

The City Council thanked Mr. Fazzino for his thoughtful presentation.

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

Mayor Cohn made the following appointments, with Council approval, to the Landmarks Advisory Committee for three-year terms expiring January 1, 2022:

- Bill Ernest; representing the Rye Historical Society
- George (Jack) Zahringer
- Rex Gedney
- Peter Rolland

Mayor Cohn announced Nancy Everett, representing as the Realtor, will be filling the unexpired seat of Michael Holmes on the Landmarks Advisory Committee, with her term expiring 1/1/20. He also reported that Jack Zahringer has stepped down as Chair, and Jerome Coleman will be the new Chairman. Mayor Cohn recognized Jack Zahringer for his many years as Chair and announced he will remain on the committee as a member.

10. Miscellaneous communications and reports.

Councilwoman Hurd reported attending the reunion of the Halstead family at the Knapp house with Councilwoman Goddard. The family retrieved recently discovered documents and gifted them to the Rye Historical Society. She added that Milton Cemetery has a section in the back dedicated to the Halstead Family dating back to the 1700's and appreciated the local history of the family.

Councilman Mecca reported that the Rye Free Reading Room is hosting the Vehicle Fair on Sunday, May 19, 2019 from 11:00 am-3:00 pm.

11. Old Business/New Business.

There was nothing to report under this agenda item.

12. Adjournment.

At 10:19 P.M. there being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn the regular meeting of the City Council.

Respectfully submitted,

Euka Pietrosanti
Deputy City Clerk



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager

DATE: May 22, 2019

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM:

Consider authorizing the City Manager to sign an agreement between the City of Rye and Westchester Coalition for Drug and Alcohol Free Youth to participate in special STOP-DWI enforcement details that involve DRE (Drug Recognition Experts Call-Outs.

FOR THE MEETING OF:

May 22, 2019

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council authorize the City Manager to sign the agreement.

IMPACT: Environmental Fiscal Neighborhood Other

BACKGROUND:

This is a Reimbursement Agreement to implement special enforcement details that will conduct high visibility road checks, saturation patrols, and drug recognition expert call outs, for the period from October 1, 2018 through September 30, 2019. The amount payable will be determined based upon actual participation up to a maximum of \$10,000.00 per contract year.

See attached.

October 30, 2018

Lt. Robert Falk
Interim Public Safety Commissioner
Rye City Police Department
21 McCullough Place
Rye, New York 10580

RE: 2018-2019 AGREEMENT TO PARTICIPATE IN STOP-DWI SPECIAL ENFORCEMENT
DETAILS INVOLVING DRE (Drug Recognition Expert) CALL OUTS

Dear Interim Public Safety Commissioner Falk,

Enclosed is an Agreement with the CITY OF RYE to participate in special STOP-DWI enforcement details that involve DRE (Drug Recognition Experts) Call-Outs. This is a Reimbursement Agreement to implement special enforcement details that will conduct high visibility road checks, saturation patrols, and drug recognition expert call outs, for the period from October 1, 2018 through September 30, 2019. The amount payable will be determined based upon actual participation up to a maximum of \$10,000.00 per contract year.

The New York State Foundation, the funding agency for this Program, requires participating municipalities sign an agreement with the agency that is sponsoring the DRE Program within their county.

Please sign an original hard copy and return same via the US Post Office to this office for full execution of the contract. A fully executed copy will be returned to you. Additionally, we also need a copy of your municipality's certificates of Liability Insurance and Workers' Compensation Insurance.

Should you have any questions, please contact me.

Sincerely yours,

Patricia McCarthy Tomassi
Acting Director Office of Drug Abuse Prevention & STOP DWI

Patricia McCarthy Tomassi
Office of Drug Abuse Prevention & STOP-DWI
Westchester Coalition for Drug and Alcohol Free Youth
112 E. Post Road
3rd Floor
White Plains, NY 10601
T:(914) 995-4117; F:(914) 995-3894
pat5@westchestergov.com
www.powertotheparent.org



Robert J. Falk
Commissioner of Public Safety

City Of Rye, New York
21 McCullough Place
Rye, N. Y. 10580
Phone: (914) 967-1234
FAX: (914) 967-8341



To: Mr. Marcus Serrano, City Manager

From: Robert J. Falk, Commissioner of Public Safety

Re: Special Enforcement Detail
DRE – STOP DWI Program Westchester County

Date: May 20, 2019

This is an agreement with the City of Rye to participate in the STOP DWI special enforcement details administered by Westchester County. The Rye Police have two certified Drug Recognition Experts (DRE) who are on call, county wide if another agency needs them. This program is a reimbursement program to pay the City for cost in utilizing these officers. I highly recommend your approval to enter into this agreement.



Robert J. Falk
Public Safety Commissioner



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager

DATE: May 22, 2019

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consider authorizing the City Manager to transfer \$36,000 from the Operating Contingency fund to the Whitby Castle Repair & Maintenance fund.

FOR THE MEETING OF:

May 22, 2019

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council authorize the City Manager to transfer the funds to the Whitby Castle Repair and Maintenance Fund.

IMPACT: Environmental Fiscal Neighborhood Other

BACKGROUND:

Issues that require repair:

- Emergency repairs related to a failed flat roof over the stair well in the new section of the castle (in excess of \$4,500)
- Paint repairs related to the damage caused by the roof leak (\$1,500)
- Emergency repairs related to locating a broken pipe below a walking path on the castle patio which caused flooding inside the castle basement (in excess of \$12,000).
- Emergency HVAC related repairs (in excess of \$5,000)

This transfer would cover the additional over expenditure and provide a budget for any potential issues that need to be addressed during the remainder of the year.



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: May 22, 2019

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM:

Resolution authorizing the City Manager to sign the contract with the New York State Environmental Facilities Corporation ("EFC") for the WIAA Clean Water Grant Program to enable repairs to the City's sewer system.

FOR THE MEETING OF:

May 22, 2019

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council authorize the City Manager to sign the contract to move the grant forward.

IMPACT: Environmental Fiscal Neighborhood Other

BACKGROUND:

Governor Cuomo announced in November of 2018 that Rye was awarded \$489,750 in aid to help support our "sanitary sewer rehabilitation" projects with an estimated cost of \$1,959,000. This funding will ultimately translate into taxpayer savings as a portion of Rye's critical sewer projects will be supported by the state. This was the first time that Rye applied for this type of aid so the City was thrilled to be selected. This grant is funded through the state's highly successful Water Infrastructure Improvement Act and Intermunicipal Grant programs.



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager's Office

DATE: May 22, 2019

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a request from Dr. Eric Byrne to waive parking restrictions at the snow field lot to accommodate the bond vote on June 11, 2019.

FOR THE MEETING OF:

May 22, 2019

RECOMMENDATION: That the City Council approve the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The school bond vote is set to take place on June 11, 2019 at the Rye Middle School. Dr. Eric Byrne requests to waive parking restrictions at the snow field lot to accommodate residents.