

***APPROVED MINUTES*** of the Regular  
Meeting of the City Council of the City of Rye held in  
City Hall on March 13, 2019, at 7:30 P.M.

PRESENT:

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

ABSENT:

JULIE SOUZA, Councilmember

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Hurd, enter into executive session to discuss litigation and personnel matters. At 7:38 P.M., Councilman Mecca made a motion, seconded by Councilwoman Hurd, to exit executive session and commence the regular meeting of the City Council. The meeting began at 7:43 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 called attention to the passing of Lucille Ross, wife of former Mayor Warren Ross, at the age of 92.

Mayor Cohn also mentioned several issues in the state budget that pertain to municipalities. Westchester Municipal Officials Association (WMOA) and the New York State Conference of Mayors (NYCOM) have also recently focused on these issues. Firstly, the governor wants to make the tax cap permanent. Mayor Cohn said that the tax cap may at times be useful, but it can also be a challenge with the issue of capital needs. School boards are subject to a tax cap, but school boards have the ability to remove capital expenses from the tax cap. Municipalities would like this same concept to apply. Another issue that Mayor Cohn mentioned was the governor's desire to legalize marijuana. His proposal would allow cities with

populations of 100,000 people or more to opt out, or counties. For smaller municipalities such as Rye, there would not be relief without the County's involvement.

Kent Iarocci, 5 Charlotte Street, asked the City Council's position of recreational use of marijuana.

Mayor Cohn responded that there was no position as a Council. He commented that an interesting point of debate is that much of the focus on legalization focuses on racial inequities. However, a part of the debate that has not been a focus is the effect on life within municipalities.

Mr. Iarocci said that he was against the legalization.

4. Draft unapproved minutes of the Regular Meeting of the City Council held February 27, 2019.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the minutes of the Regular Meeting of the City Council held February 27, 2019.

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

Kent Iarocci, 5 Charlotte Street, discussed the recent school bond vote that did not pass in the Rye City School District.

Mayor Cohn commented that the school board that has the jurisdiction over the bond issue. The City Council does not have any say in those matters.

6. Discussion of Sidewalk Snow-clearing Responsibilities

Mayor Cohn reminded the community that it was the responsibility of the homeowners to clear the sidewalk within 24 hours of a snow event. It has been observed that those responsibilities have not been followed across the City. Mayor Cohn stated that the City will need to enforce this provision, as it is hazardous for people to traverse these walkways. He asked that people please comply and take care of their walks. The City will also be taking note of those places where people are disabled and might need assistance with their responsibilities.

Councilman Mecca asked that the enforcement mechanisms be clarified.

Corporation Counsel Wilson stated that after 24 hours after the snow event has stopped, if a property owner abutting the public way does not clear the walkway, a violation will be issued. The city could potentially take matters into its own hands and put the cost of remediation as a lien on property.

Councilwoman Tagger-Epstein said that moving forward, it would be beneficial to explore a way to compile a list with the seniors to gauge the need within the community for assistance. Mayor Cohn said that was a great idea.

Councilwoman Tagger-Epstein added that a gentleman visited her in office hours and was concerned about this item on the agenda. He works with the boy scouts who help in this situation.

Councilman Stacks asked how does enforcement actually happened. Corporation Counsel Wilson responded that it was generally complaint driven. She explained that either the police department or the City Engineer has the right under City Code deliver these violations.

Councilwoman Hurd commented that she was hearing that there is an issue near Osborn school. All the school children in that area need to travel on Boston post road. She reminded everyone that the adjacent sidewalks to the homeowners' properties must be cleared, even if they are behind one's home.

Councilwoman Goddard agreed with Councilwoman Tagger-Epstein's point and suggested that there be a seasonal alert on the website, links to organizations that would be available to help clear the sidewalk.

7. Adoption of the 2019 County property tax rates.

By way of 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).

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

**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, 2019, shall be as follows:

<u>Westchester County</u>	
Levy	\$29,112,415
Taxable Assessed Value	140,042,818
Taxable Rate per \$1,000 Assessed Value	207.882242
<u>Blind Brook Sewer District</u>	
Levy	\$5,314,891
Taxable Assessed Value	141,409,481
Taxable Rate per \$1,000 Assessed Value	37.585111
<u>Mamaroneck Valley Sewer District</u>	
Levy	\$726,812
Taxable Assessed Value	19,697,359

Taxable Rate per \$1,000 Assessed Value	36.898957
<u>Refuse Disposal District No. 1</u>	
Levy	\$2,494,855
Taxable Assessed Value	141,996,190
Taxable Rate per \$1,000 Assessed Value	17.569873

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 2019 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.

**ROLL CALL**

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

8. Authorization for the City Manager to engage attorney Joe R. Dichter, Esq. of Dichter Law LLC to represent the City in the proceedings before the New York Public Service Commission on the petitions of United Water Westchester to raise rates and possibly merge rates within the United Water New Rochelle district at a cost not to exceed \$25,000.  
Roll Call.

The City Manager explained that in 2014, the City retained Joe Dichter when SUEZ asked for a water rate increase. The City of Rye, Village of Port Chester and the Village of Rye Brook are in a separate rate district from the rest of SUEZ Westchester clients. SUEZ had also requested to merge the rates of these municipalities at that time. Our attorney was able to represent all three Municipalities and was able to reduce the proposed increase and, more importantly, keep the three Municipalities in our own districts. We have been approached by the two Villages to join them again in retaining Mr. Dichter's services. His proposal includes a price not to exceed \$25,000. The Two Villages and the City would split the cost evenly.

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

**RESOLVED**, that the City Manager is authorized to engage attorney Joel R. Dichter, Esq. of Dichter Law LLC to represent the City in the proceedings before the New York Public

Service Commission on the petitions of United Water Westchester to raise rates and possibly merge rates within the United Water New Rochelle district at a cost not to exceed \$25,000.

ROLL CALL

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

9. Consideration of setting a public hearing on a local law to amend Chapter 100, Floodplain Management, of the Rye City Code adopting a Letter of Map Revision (LOMR) to the National Flood Insurance Rate Maps for the City.

Mayor Cohn explained the proposed action involves the adoption of a local law to amend Chapter 100, Floodplain Management, of the Rye City Code to reflect a Letter of Map Revision (LOMR) amending Flood Insurance Rate Map (FIRM) Panel 36119C0354F. This local law would adopt a new map panel, which corrects a typographical error on the current FIRM map. The map error and map change was identified and initiated by FEMA and involves correcting a flood zone designation shown on the current FIRM map along Milton Harbor south of Barron Place from zone "VE" to zone "AE".

Corporation Counsel Wilson commented that this was a substantive change, and as such required a public hearing and amendment to the local law.

City Manager Serrano stated that this amendment makes the requirements less restrictive. This error has been there since 2007.

Councilman Mecca explained that Zone V is velocity flooding, while Zone A is rising flooding.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to set a public hearing for March 27, 2019, considering a local law to amend Chapter 100, *Floodplain Management*, of the Rye City Code adopting a Letter of Map Revision (LOMR) to the National Flood Insurance Rate Maps for the City.

10. Accept donation from the Chamber of Commerce to partially reimburse the City for the complimentary free parking for the 2018 holiday parking.  
Roll Call.

Mayor Cohn explained that this reimbursements was a part of the Chamber's request to waive parking fees during the holiday time for shopping in the downtown.

Councilwoman Hurd made a motion, seconded by Councilwoman Goddard and unanimously carried, to accept donation from the Chamber of Commerce to partially reimburse the City for the complimentary free parking for the 2018 holiday parking.

ROLL CALL

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

11. Consideration of a request from the Milton School to have a maximum of 5 food trucks, all of which will be parked in the parking lot of Milton school, for the occasion of the Milton Fair to be held on June 8, 2019 from 10:00am – 3:00pm. The City Council will have to waive § 144-8D and G of the City Code.  
Roll Call.

Councilwoman Hurd explained that this annual event was changing its date from March to June, as the weather has not been good in the last few years. The focus of the event will be on the outdoors and being active. The theme for 2019 is “block party.”

Councilwoman Hurd made a motion, seconded by Councilman Stacks and unanimously carried, to waive § 144-8D and G of the City Code and approve a request from the Milton School to have a maximum of five food trucks, all of which will be parked in the parking lot of Milton school, for the occasion of the Milton Fair to be held on June 8, 2019 from 10:00am – 3:00pm.

ROLL CALL

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

12. Consideration of a request from the Rye Free Reading room to use the Village Green on Friday, June 28th from 1:00 pm to 5:00 pm for a summer reading kick-off celebration in conjunction with Mad Science of Westchester.

Chris Shoemaker, Rye Free Reading Room, addressed the Council. He explained that the event scheduled for June 28, 2019 is a request to have science experiment event with Mad Science of Westchester. The reading theme is outer space this year. He said it would be a wonderful way to kick off the summer and engage families in the community.

Councilwoman Hurd commended Mr. Shoemaker and the library board for a great annual meeting recently. She congratulated the Rye Free Reading Room on all of the work.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to approve a request from the Rye Free Reading room to use the Village Green on Friday, June 28th from 1:00 pm to 5:00 pm for a summer reading kick-off celebration in conjunction with Mad Science of Westchester.

13. Consideration of a request from the Rye Free Reading room to use the Village Green on Thursday, July 18th from 3:00 pm – 9:00 pm for a free theater performance in partnership with Lawnchair Theater.

Chris Shoemaker, Rye Free Reading Room, explained that this was the third year in partnership with the Lawnchair Theater, bringing a Shakespeare play to the green.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to approve a request from the Rye Free Reading room to use the Village Green on Thursday, July 18, 2019 from 3:00 pm – 9:00 pm for a free theater performance in partnership with Lawnchair Theater.

14. Consideration of a request by the Lustgarten Foundation Cancer Research Institute for use of City streets on Sunday, April 28, 2019 from 9:00 a.m. to 12:00 p.m. for their annual Westchester Pancreatic Cancer Research Walk.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to approve a request by the Lustgarten Foundation Cancer Research Institute for use of City streets on Sunday, April 28, 2019 from 9:00 a.m. to 12:00 p.m. for their annual Westchester Pancreatic Cancer Research Walk.

15. Consideration of a request from Dr. Eric Byrne to waive parking restrictions at the snow field lot to accommodate the annual budget vote on May 21, 2019.

Councilman Stacks made a motion, seconded by Councilwoman Hurd and unanimously carried, to approve a request to waive parking restrictions at the snow field lot to accommodate the annual budget vote on May 21, 2019.

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

Mayor Cohn announced that Steven Cadenhead has moved out of Rye. He thanked Mr. Cadenhead for his years of service to the City on the Traffic and Pedestrian Safety Committee.

Mayor Cohn made the following appointments to the Traffic and Pedestrian Safety Committee for three-year terms expiring January 1, 2022:

- Jodi McGill
- Dan Chorost
- Lisa Urban
- Brian Dempsey

Mayor Cohn designated Brian Dempsey and Kelsey Johnson to be co-chairs of the Traffic and Pedestrian Safety Committee.

Mayor Cohn announced that Councilwoman Tagger-Epstein would be taking over as liaison to the Zoning Board of Appeals.

Mayor Cohn further announced that he and Councilman Stacks would be taking over as liaisons to the Traffic and Pedestrian Safety Committee.

Councilwoman Tagger-Epstein thanked Ryan Coyne, Brian Dempsey, and the entire Traffic and Pedestrian Safety Committee for all of their hard work, especially during her time as liaison.

17. Miscellaneous communications and reports.

Councilwoman Goddard announced that the Food Scrap Recycling program was going well. She encouraged anyone with questions to email [foodscrap@ryeny.gov](mailto:foodscrap@ryeny.gov).

Councilman Mecca announced that the Planning Commission had still been considering the zoning change regarding group physical fitness centers. He said that there should be a recommendation maybe after the next meeting. Following those comments and recommendations, the Planning Commission would next consider the Osborn zoning request.

Councilwoman Hurd announced that the Chamber of Commerce would be holding the annual sidewalk sale again, from July 25-27, 2019. She asked that staff reach out to the chair of the Chamber to discuss any next steps.

Councilwoman Tagger-Epstein stated that the survey that the Human Rights Commission and RAISE put forth regarding children with special needs and inclusion received a variety of results and issues, ranging preschool to high school. She said that the Human Rights Commission would be meeting with RAISE to discuss next steps.

Councilman Stacks reminded everyone that March 15, 2019 is the due date for the Rye Golf Club renewal memberships. He encouraged those interested to get the renewals in as soon as possible.

18. Old Business/New Business.

Councilwoman Hurd said that she had asked the Chamber of Commerce for feedback on the proposed vestibule law. She reported that the Chamber had an issue with the fees. Corporation Counsel Wilson reminded the Council that a public hearing was never officially set and can be done before the next winter season. She also stated that in terms of the fees, the Council sets the annual fees and charges.

Mayor Cohn responded that there would need to be a discussion with the building department before moving forward.

19. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilman Stacks, to adjourn the meeting into executive session to discuss personnel and litigation matters of the City Council at 8:22 p.m.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk