

***APPROVED MINUTES*** of the Regular  
Meeting of the City Council of the City of Rye held in  
City Hall on April 24, 2019, at 7:30 P.M.

PRESENT:

JOSH COHN, Mayor  
SARA GODDARD  
EMILY HURD  
RICHARD MECCA  
JULIE SOUZA  
BENJAMIN STACKS  
Councilmembers

ABSENT: None

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 7:46 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 been awarded a grant of \$1.5 million to do pedestrian improvements on Forest Avenue. He said the hope was to have a combination of a walking path and running path along Forest Avenue. With that project, the Forest Avenue repaving would wait until the City was able to execute those improvements.

4. Draft unapproved minutes of the regular meeting of the City Council held March 27, 2019 and April 10, 2019 as well as the Joint Meeting of the School Board and City Council held April 6, 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 March 27, 2019

and April 10, 2019 as well as the Joint Meeting of the School Board and City Council held April 6, 2019.

8. Announcement of the Rye Sustainability Leadership Awards.

Councilwoman Goddard announced that in recognition of Earth Week and as part of its mission to implement the Rye Sustainability Plan, the Rye Sustainability Committee has created a Rye Sustainability Committee Leadership Award. This award honors individuals, organizations or members of the business community that have made significant environmental achievements and demonstrated excellence in leadership for the health of the community and planet.

Councilwoman Goddard announced and acknowledged each recipient of the 2019 Rye Sustainability Committee Leadership Award:

Business Category: Rosemary and Vine

Individual Category: Carolyn Cunningham

Municipal Category: 1) Ryan Coyne (City Engineer) 2) City of Rye Department of Public Works 3) Michelle Sterling, Scarsdale Conservation Advisory Council 4) Ronald Schulhof, Scarsdale Conservation Advisory Council

Non-Profit Category: Suzanne Clary, President, Board of Trustees, Jay Heritage Center

Youth Category: Rye Girl Scouts Troop 2196

5. Residents may be heard on items not appearing on the agenda.

Linda Lefkowitz, 38 Oakwood Avenue, asked about the senior citizens being able to use the swimming pool for the 2019 season. She also expressed concern regarding the cost of joining the senior citizens for the year, as the price had gone up 50% recently. She also asked that communications from the seniors be sent out electronically.

Mayor Cohn announced that the revitalized Senior Advocacy Committee has the issue of costs on its agenda tomorrow morning. At the moment there is no proposal.

Ms. Lefkowitz expressed fond memories of Ralph Damiano, former Recreation Superintendent.

Irwin Lefkowitz, 38 Oakwood Avenue, asked about the newly-improved Fireman's Circle. He was concerned about the changes made to the pattern of the circle.

6. Acknowledgement of the City of Rye as recipient of the Westchester County Eco Award for its outstanding contribution to the County's environment by having one of the top three highest municipal curbside recycling rates in 2018.

The Rye Sustainability Committee thanked Ryan Coyne and the entire DPW staff for their efforts with curbside recycling. The DPW was presented with the Westchester County Eco Award for its outstanding contribution to the County's environment by having one of the top three highest municipal curbside recycling rates in 2018.

7. No Idling Proclamation.

Mayor Cohn read the following proclamation:

*WHEREAS, the City of Rye is joining with area schools to declare Wednesday, April 24, 2019 a day of awareness about the harmful effects of engine idling and to encourage the community to take action to reduce unnecessary idling; and*

*WHEREAS, the City recognizes that excessive emissions from idling are harmful to the environment, and impact the health, safety and welfare of the community; and*

*WHEREAS, the City recognizes that unnecessary idling is against the law, punishable up to \$150 for a vehicle idling for longer than three minutes at a time; and*

*WHEREAS, idling is a waste of fuel and money and negatively impacts air quality; and*

*WHEREAS, the City Council encourages residents to turn off their vehicles without idling, to spread this helpful information on idling to friends and family, and to be aware of the multitude of negative impacts on our community that idling presents; and*

*NOW, THEREFORE, BE IT RESOLVED, that I, Josh Cohn, Mayor of the City Rye, on behalf of the City Council, do hereby declare Wednesday, April 24, 2019, to be “No Idling Awareness Day” in the City of Rye.*

9. Consideration of a Road Paving Plan for 2019.

Mayor Cohn announced that Forest Avenue would be paved in conjunction with the capital improvements that come as a result of the City receiving the aforementioned grant for pedestrian safety.

Mayor Cohn also commented that according to Westchester County, Theodore Fremd, a County-owned road, was due to be paved between North Street and Purchase Street.

Gordon Daring, VHP, addressed the Council. Mr. Daring summarized the thought process behind the paving priority recommendations. He said it would be prudent to focus on the key streets that are in the most need. He reiterated that the total annual program cost for 2019 is \$1.7 million. This includes approximately \$100,000 for crack sealing and small repairs. He said that he was hopeful that the unit costs received through the bids will be a little bit lower than the total budget, and have planned for that occurrence having identified a few extra roads in case.

Mr. Daring presented a map with recommendations, identifying specific neighborhoods. There was discussion about the Barlow Lane area with respect to priority and strategy, among other neighborhoods.

Mayor Cohn said that he was concerned that the recommendations did not seem to address the worst rated roads as a priority. Mr. Daring said that with regard to roads such as Barlow, the paving could skip over the better part, but there are strategic reasons to do an entire road. Strategy considers the mobilization aspect, and that the unit cost of piecemeal paving may be a bit more.

There was general discussion over priorities, need and strategy for paving. There was discussion over the data being five years old, and the projected map.

Mr. Daring discussed the process of paving, including milling. There was more general discussion over paving priorities and the strategy for using the \$1.7 million budgeted cost.

Councilman Mecca asked Mr. Daring to produce the plan for the following year. The Council agreed that this may be a good piece of information to have. There was discussion over the fact that paving is a multi-year endeavor to eventually be able to pave all of the streets in Rye. Mr. Daring agreed to return to the Council with the requested information.

10. Consideration of a Local Law amending our City Code to allow certain well-qualified debt of enterprise funds outside the charter debt limit.

Greg Usry, Finance Committee Chair, addressed the Council. He explained the currently, the debt for enterprise funds is subject to either the City's self-imposed debt limit or public referendum. The proposal is to make enterprise debt exempt from these two avenues, which would require a Charter change. Debt issued on behalf of the enterprise funds would be backed by the full faith of the City's credit rating. However, the proposed debt issued by the enterprise funds would be subject to financial tests determining ability to pay and ultimately, Council approval.

Mr. Usry stressed that debt on behalf of the enterprise funds is ultimately the responsibility of the taxpayer. He mentioned that historically, the Rye Golf Club has paid its debt with its own funds. As the Golf Club Commission has identified many capital needs, the Golf Club has looked at options to finance these projects. Another option would be through an equipment lease to finance capital needs. Mr. Usry said that the equipment lease was a more expensive option with higher interest rates.

Councilman Mecca asked for clarification on a scenario where the Commission felt that the needs are worth the additional expense to forego public referendum, it would not affect the Council-authorized debt limit. Mr. Usry responded that it would still need to be backed by the City of Rye as an obligation.

Councilwoman Goddard asked if the debt would count toward the City's debt limit if it went to referendum. Mr. Usry explained the two types of debt restrictions (self-imposed restriction and as is required by New York State).

There was discussion over the structure of an equipment lease. The Council was not favorable toward the equipment lease option.

Mr. Usry stated that the Finance Committee recently met to discuss the proposed Charter amendment. The amendment would allow the enterprise fund to incur debt without referendum and without affecting the authorized debt limit. Mr. Usry talked about the possibility of having this amendment sunset within five years.

Mr. Usry talked about the benefit of borrowing for capital improvements directly benefitting the membership. Because the City is financially responsible, regardless of whether the Golf Club performs or not, there would be an additional charge for that City guarantee.

There was general discussion regarding the proposed Charter amendment.

Councilwoman Souza asked how this Charter amendment itself could be made without public referendum. Corporation Counsel Wilson explained that some items are required and some are permissive referendums. This would not require to go to referendum to change the charter in this case.

Mayor Cohn recommended the item be considered further on an upcoming Council agenda.

11. Consideration of a petition from 1037 Boston Post Road, LLC 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.

Jonathan Kraut, attorney for the applicant 1037 Boston Post Road, LLC, addressed the Council. He stated that the Planning Commission had stated that there are parts of the zoning code that are antiquated. He said the petition of 1037 Boston Post Road is intended to improve the zoning, bringing a sensible idea with more modern uses to the area. The use applied for, group fitness, was not contemplated when the zoning code was drafted. With the Planning Commission's recommendations, Mr. Kraut asked that the Council consider them and set a public hearing on the matter.

Mayor Cohn invited City Planner Miller to address the Council. City Planner Miller provided a brief overview of the Planning Commission recommendation memorandum. The general consensus of the Commission was that there is a need for the proposed use in Rye. The Commission's memorandum reviewed by each business district in the City the potential planning implications of allowing physical fitness use. The Commission also provided comments on the applicant's proposed zoning request to include this use in the B-1 District and B-2 (Central Business) District.

Councilman Mecca added that one possible recommendation would be to limit the group physical fitness use to exclude the ground floor in the B-2 District. Other Council members discussed the planning implications and potential impact the proposed use may have on increasing parking demand in the Central Business District, which has periods of limited parking availability.

This item was adjourned for further discussion.

12. Discussion on Leaf Blower laws and restrictions.

As an overview, Councilwoman Goddard said that there are some residents who feel that the current law think is not strict enough, and others who think there could be changes made. She said it might be good to take a look and see what the current law is and contemplate the possibility of improvement.

Councilwoman Goddard also talked about other municipalities. She said she had received a letter from a resident attaching an article discussing how Washington, D.C. passed a leaf blower law that only allows electric leaf blowers. She said that one of the resident complaints is about the noise. She said that some municipalities, such as Mamaroneck, only allow leaf blowing use on weekends. Councilwoman Goddard also said that Bedford has town-wide restrictions, one being that they do not permit leaf blowing on Sundays. There are also complaints that the town and the schools can use the leaf blowers.

There was general discussion over issues of air pollution, noise, and possible weekend restrictions. There was also discussion about homeowners and landscaper differentiation, but that there may be enforcement challenges.

Gretchen Crowley, Vice Chair of the Rye Sustainability Committee, addressed the Council. She said that the conversation has not yet addressed the health issues. She said that leaf blowing blows the top soil off on the ground, and as a result, pesticides becomes airborne. She said that while she felt it might be helpful to change from the gas powered blowers to electric, it would be helpful to limit the time of the use in general.

Mayor Cohn responded that the Council agreed, but that the City is faced with an enforcement problem. It is difficult for the Police Department to keep track of all the leaf blower activity. The City currently has a law that the Council is looking at to deal with the situation at hand.

Ms. Crowley asked if residents should be educated on the leaf blower issues. Mayor Cohn responded that education is an important thing.

The Council discussed possible options to try and help all residents on this issue.

12. Consideration to waive parking restriction on the snow field lot for a private event on Saturday, May 11, 2019 for a fee of \$500 (with a \$1,000 security deposit) contingent upon insurance and indemnification being provided.

Councilwoman Souza made a motion, seconded by Councilman Mecca and unanimously carried, to waive parking restriction on the snow field lot for a private event on Saturday, May 11, 2019 for a fee of \$500 (with a \$1,000 security deposit) contingent upon insurance and indemnification being provided.

ROLL CALL

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

NAYS: None  
ABSENT: None

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

There was nothing discussed under this agenda item.

14. Miscellaneous communications and reports.

There was nothing discussed under this agenda item.

15. Old Business/New Business.

There was nothing discussed under this agenda item.

16. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza to adjourn the meeting at 10:42 pm.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk