

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on June 5, 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 Hurd, enter into executive session to discuss litigation and personnel matters. At 7:34 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 7:39 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. General Announcements.

Councilwoman Goddard announced that there will be a new drop-off opportunity for Food Scrap Recycling program participants on Saturdays from 6:00 to 10:00 a.m. at the DPW. The Monday through Friday 6:00 a.m. to 3:00 p.m. time was still in effect for the program, as well as at the Farmer's Market on Sundays.

Councilman Mecca was happy to announce that the Rye Free Reading Room had a celebration marking the completion of its capital campaign project. He said that the library improvements were lovely and praised the renovations. He invited the community to come to the library and see the improvements.

Councilwoman Hurd said that the Boat Basin was off to a great season. She said that there was the same number of boats this year that they had in previous years. Slips were still available

for boats 23 feet and under. She also announced that the Carefree Boat Club has also been a success. Also, with regard to Rye Town Park, Councilwoman Hurd said that the new parking system was functioning and has been a bit of a transition. The park had a successful Memorial Day Weekend. She also announced that the Barley House was redecorated, reorganized, and ready to go for the season. She reminded the community that patrons of the restaurant may have their parking validated.

Councilwoman Tagger-Epstein said that Friday, June 7, 2019, marks the beginning of Wear Orange Weekend to bring awareness to national gun violence, sponsored by Everytown for Gun Safety. She said that there were various events happening for this occasion, one being held at the Westchester County Center. Councilwoman Tagger-Epstein warned of the seriousness of gun violence, taking lives every day. She encouraged the community to look into the Moms Demand Action and Everytown for Gun Safety websites. Councilwoman Tagger-Epstein also announced that the Rye Historical Society Gala would be held Saturday, June 8, 2019. Regarding the Human Rights Commission, she stated that after a 15 year hiatus, the Human Rights Award is coming back to the interfaith service. There will be an individual award as well as a youth award. Eligibility requirements will be posted online and available in the City Clerk's office. The award will go to someone who works to create an inclusive community around them. The deadline for nominations will be October 15, 2019.

Councilwoman Souza announced that camp registration was still open for Rye Recreation. She also announced that the Chamber of Commerce will have its annual meeting June 6, 2019 at 5:30 P.M. at American Yacht Club.

Councilman Stacks stated that the Rye Golf Club has been very active. He said the course was in great shape and the pool was open. He also said that Movie Night would be coming back to the club soon. Councilman Stacks also reminded the community that senior citizens who register with Rye Recreation for the 2019 year would be permitted to visit the pool twice per week at a discounted rate of \$5 per visit. On behalf of the Finance Committee, Councilman Stacks reported that they have been meeting regularly and working hard.

Mayor Cohn announced that the County has created City/ Village days in the summer at Rye Playland, allowing for residents of a specific town to take advantage of discounted deals on a given date. He stated that Rye Day would be Thursday, August 15, 2019.

4. Draft unapproved minutes of the Regular Meeting of the City Council held May 22, 2019.

Councilman Mecca made a motion, seconded by Councilwoman Hurd, to approve the minutes of the regular meeting of the City Council held May 22, 2019.

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

There was nothing discussed under this agenda item.

6. Consideration of a request from Universal Content Productions to film an episode of “Mr. Robot” on Purchase Street on Monday, July 15, 2019 with the following accommodations in exchange for a fee to be negotiated:

- Waive parking restrictions on the Snow Lot July 12, 15 and 16, 2019
- Occupy spots #22-#71 of Car Park 1 on July 15th, 7 am – 8:30 pm
- Permission to close Haviland St. on July 15th from 8am – 12 pm
- Occupy up to 10 parking spots on Purchase Street from Boston Post Road to Locust Street on July 15th, from 12:30 pm – 3:30 pm
- Occupy up to 15 parking spots on Purchase Street from W. Purdy to Smith Street on July 15th, from 3:30 – 8:30 pm
- Occupy 10-15 municipal spots on July 12 and 16, 2019 from 7 am – 8:30 pm

City Manager Serrano introduced City Clerk D’Andrea. City Clerk D’Andrea explained that City Code Chapter 93 allows for filming in the City of Rye, pursuant to a permit process for applicants. The subject of this particular application was Mr. Robot, a television series that applied to film in downtown Rye. While the permitting process for a film permit typically involves the office of the City Clerk, it was appropriate for the Council to hear this matter. The applicant was asking to use public space and parking, and also for the City to waive certain parking restrictions on Purchase Street, in Car Park 1, and on the Snow Field.

Michele Baker, Location Scout Manager for Mr. Robot, addressed the Council. She explained the proposed details of the project, with one day of filming and one day of set up and breakdown. She said that the project was drawn to Rye due to its beauty and charm.

Councilman Mecca asked about the need for food trucks for catering purposes, as this would require a waiver of the food truck law.

Councilwoman Tagger-Epstein asked if there was plan in case they did not get all of their intended shots. Ms. Baker responded that they felt their timeline was adequate enough to get all of the required shots on the one day of filming.

Councilwoman Goddard asked about the logistics of a rain date. Ms. Baker responded that the team would know ahead of the setup day whether a rain date would be necessary.

Councilwoman Hurd thanked the team for speaking with the Chamber of Commerce and answering any questions they may have had.

Pursuant to a film permit issued by the City Clerk, Councilwoman Souza made a motion, seconded to Councilwoman Tagger-Epstein, top adopt the following resolutions:

RESOLVED, that specific parking restrictions of City Code Chapter 191 are hereby waived for the film shoot scheduled for July 15, 2019, rain date to be decided, on Purchase Street in the City of Rye between Purdy Avenue and Boston Post Road, in Car Park 1, Haviland Lane, and on the Snow Field parking lot.

RESOLVED, that City Code Chapter 144-8 (D) and (G) are hereby waived for the film shoot scheduled for July 15, 2019, rain date to be decided, to permit food trucks on public streets in the City of Rye, specifically for Universal Content Productions.

7. Authorize the preparation and execution of two quitclaim deeds to transfer parcels No. 45 and 53 from the City of Rye to the County of Westchester to properly record the conveyance of these two parcels in 1927 from the Village of Rye to the County of Westchester. The parcels are currently occupied by the Westchester Children’s Museum.

Mayor Cohn explained that this resolution would formalize an effort attempted in 1927 concerning a property conveyance from the formerly known Village of Rye to the County of Westchester.

Corporation Counsel Wilson further stated that this resolution would authorize her to work with the County to execute two quit claim deeds. The parcels were currently occupied by the Westchester Children’s Museum.

Daniela Infield, Assistant County Attorney, addressed the Council. She said that when the County acquired the subject land, the deeds were never filed. She also appreciated the speed at which the City put this matter on the agenda.

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

That the City’s Corporation Counsel is hereby authorized to complete the preparation and execution of two quitclaim deeds to transfer parcels No. 45 and 53 from the City of Rye to the County of Westchester to properly record the conveyance of these two parcels in 1927 from the Village of Rye to the County of Westchester.

ROLL CALL

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

8. Consideration of setting a public hearing on July 17, 2019 on a local law to allow physical fitness facility in the B-1 (Neighborhood Business) and B-4 (Office Building) Zoning Districts.

Jonathan Kraut, Harfenist Kraut and Perlstein LLP, attorney for the applicant, addressed the Council. He said that the goal of this meeting was to set the public hearing date. For the record, he said that the Council had referred the matter of the possible zoning amendment to the Planning Commission, who then sent a memo back with recommendations to the Council. This Council further discussed this proposal, and reached consensus to have a work session. The subject of the

public hearing is the draft local law with zoning amendments. Mr. Kraut stated that the applicant was formally requesting that the Council set the hearing.

Councilman Mecca made a motion, seconded by Councilman Stacks and unanimously carried, to adopt the following resolution:

RESOLVED, that the City Council shall hold a public hearing on July 17, 2019 at 7:30 P.M. on a local law to allow physical fitness facility in the B-1 (Neighborhood Business) and B-4 (Office Building) Zoning Districts.

9. Consideration of setting a public hearing on July 17, 2019 to amend the City Code Chapter 191 “Vehicles and Traffic”, Article II “Traffic Regulations”, Section 191-9 “Left turns” to prohibit left-hand turns from Hillside Ave. onto Boston Post Road with a posted “Right-turn only” sign.

Corporation Counsel Wilson stated that this local law amendment was intended to codify the term “right urn only” from Hillside Avenue onto Boston Post Road.

Councilwoman Souza made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to adopt the following resolution:

RESOLVED, that the City Council shall hold a public hearing on July 17, 2019 at 7:30 P.M. to amend the City Code Chapter 191 “Vehicles and Traffic”, Article II “Traffic Regulations”, Section 191-9 “Left turns” to prohibit left-hand turns from Hillside Ave. onto Boston Post Road with a posted “Right-turn only” sign.

10. Discussion of potential changes to the seasonal outdoor seating permitting process.

Councilwoman Souza explained that this request came from members of the Chamber of Commerce. She said that the complaint was that the process for outdoor seating permits was time-consuming and costly. She asked if the City could consider something to make it less costly and less time-intensive. The question is to have a multiyear license, which may pose less of an administrative burden for both the merchant and the City to administer.

Councilman Mecca further explained that the City of Rye allows for outdoor dining in the B-2 business district, recently also expanded to the B-1 district. Generally, the Planning Commission looks at the proposed outdoor dining layout, including the number of chairs and the amount of leftover space between the dining area and the curb. The process is that the applicant comes before the Planning Commission. The Commission considers several factors annually, including whether there were any complaints made about the applicant in the previous year. If a complaint has been made regarding the outdoor seating, the Commission will consider that.

Councilwoman Hurd commented that the fee had been raised from \$500 to \$600 per year. There was a per table fee.

There was general discussion about the pros and cons of one versus two years for the length of a permit.

City Planner Miller said that the Planning Department would consider the process and cost, and consult with the Planning Commission.

Councilwoman Goddard stated that she has come to understand that fees are not profit-making entities. In fact, they are meant to cover the administrative costs. If lowering the fee of the permit does not cover the administrative costs associated, that would be an important factor to consider.

Councilman Mecca discussed the radius of notice and the process for obtaining and outdoor dining permit.

11. Award bid for the Annual Street Resurfacing contract (Contract #2019-01).
Roll Call.

Corporation Counsel Wilson stated that the bid specs that were put out included the streets that the Council agreed to this year. In the specifications, Labor Day was set as the paving deadline. That was the reason that the City received fewer bid responses than in previous years. Fortunately though, the proposed bid cost was lower than originally thought by the consultant.

City Manager Serrano said that the contractor, ELQ, was highly recommended.

Councilwoman Souza asked about the consequences for failure to adhere to the specifications in the contract. Corporation Wilson responded that the executed contract would include penalty provisions.

Councilman Mecca made a motion, seconded by Councilwoman Souza, to adopt the following resolution:

RESOLVED, that Contract #2019-01, is hereby awarded to the lowest bidder, ELQ Industries, Inc., in the amount of One Million Two Hundred Eighty Eight Thousand Six Hundred Eighty Four Dollars (\$1,288,684) as recommended by the City Engineer.

ROLL CALL

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

Mayor Cohn thanked City Engineer Coyne and City Manager Serrano for taking the Council through the pavement plan.

Councilwoman Souza asked that the pavement plan be included on the website.

12. Consideration of a request by Christ's Church for use of City streets on Sunday, June 16, 2019 from 9:00 a.m. to 1:30 p.m. for their semi-annual picnic.

Councilwoman Souza made a motion, seconded by Councilman Stacks and unanimously carried, to approve the request from Christ’s Church to use City streets on Sunday, June 16, 2019 from 9:00 a.m. to 1:30 p.m. for their semi-annual picnic, conditioned upon furnishing a certificate of insurance with the City of Rye listed as an additional insured.

13. Consideration of a request from the Friends of Rye City School District to have 3 to 4 food trucks stationed on 1 Parsons Street on June 11th from 3:00 – 9:00 pm during the Bond Vote. The City Council will have to waive §144-8D and G of the City Code.

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

WHEREAS, City Code Chapter 144-8(D) and (G) is hereby waived to accommodate a request from the Friends of Rye City School District to have 3 to 4 food trucks stationed on 1 Parsons Street on June 11th from 3:00 – 9:00 pm during the Bond Vote.

ROLL CALL

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

- 13a. Boat Basin Delay of Penalties

Councilwoman Hurd introduced this item. She said that it had been a cold winter and spring, causing a delay in people putting their boats in the water. Typically, when boats are not put into the water by June 15, penalties are assessed against the slip holder. However, this year, the recommendation is to extend that period to June 30.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to extend the penalty deadline from June 15, 2019 to June 30, 2019 to allow slip holders to put their boats into the water at the Rye Boat Basin.

- 13b. Reappointment of Registrar and Deputy Registrar

Mayor Cohn announced that the current registrars for vital statistics, Clerk Carolyn D’Andrea and Deputy Clerk Euka Pietrosanti, needed to be reappointed.

The Council unanimously voted in the affirmative to reappoint City Clerk Carolyn D’Andrea and Deputy Clerk Euka Pietrosanti as Registrar and Deputy Registrar for the City of Rye, for the years 2019 and 2020.

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

There was nothing discussed under this agenda item.

15. Old Business/New Business.

Councilman Mecca asked that the Council consider the issue of residential parking on the street in the beach district. By way of background, Rye City Code prohibits parking on the street in the areas closer to the beach during the summer months. In order to change this and allow residents to park on the streets, the City would need to petition New York State for a special exception under the Vehicle and Traffic law.

The Council agreed overall that it was worth pursuing a discussion on the subject in the coming meetings.

16. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to adjourn the meeting at 9:10 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk