

APPROVED MINUTES of the Regular
Meeting of the City Council of the City of Rye held in
City Hall on August 7, 2019, at 8:00 P.M.

PRESENT:

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

ABSENT:

EMILY HURD
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 8:00 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 8:09 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.

Councilman Mecca thanked the Rye City Police Department for their great job during the July 4th weekend. He said the officers were very helpful with traffic and other safety measures. Councilman Mecca also announced that the Resurrection Church and School parking lot will begin Phase 2 of the renovation approved by the Planning Commission last year. He said it was the hope of the City that the improvements would help the coordination of the traffic flow.

Councilwoman Tagger-Epstein asked that everyone consider driving slower in bad weather. With the risk of flooding on the roadways, there is the risk of an accident. She asked everyone to be mindful in that way.

Councilwoman Souza congratulated the Chamber of Commerce on another successful sidewalk sale in July. She announced that the Taste of Rye annual event will take place on September 21, 2019 from 3:00 to 5:30 pm.

Mayor Cohn announced on behalf of County Legislator Catherine Parker that Theodore Fremd would finally be paved in 2020, as well as a large section of Midland Avenue. Mayor Cohn further stated that the long awaited path to Playland program was starting and should be completed this fall. Mayor Cohn lastly announced that unfortunately, two weeks prior, Rye Resident Keven Nolan died of 9/11 related causes. He said that Mr. Nolan was everything that a first responder should be. There was a moment of silence to honor the memory and sacrifice of Mr. Nolan.

4. Draft unapproved minutes of the Regular Meeting of the City Council held July 17, 2019.

Councilwoman Mecca made a motion, seconded by Councilwoman Souza, to approve the minutes of the regular meeting of the City Council held July 17, 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. Open a public hearing to adopt a local law, Article 21 “Financial Procedures” of the Charter of the City of Rye section § C21-9 “Bond Resolutions” to add a new subsection G to allow certain well-qualified debt of enterprise funds outside the charter debt limit.

Councilman Stacks, seconded by Councilwoman Souza, made a motion to open the public hearing.

Mack Cunningham, Rye Golf Commission Finance Committee and Rye resident, addressed the Council. He stated that the subject agenda item was an important issue in funding capital improvements. The Golf Club and Golf Manager go through a similar process to the City in terms of assessing the needs of capital improvements and projects. Mr. Cunningham spoke about the importance of the pool. He explained that when the committee started looking at the priorities of the Golf Club, the pool and Whitby were separate items/ buckets. The committee identified where the needs were, discussed with staff, and experts to assess the needs and costs. Mr. Cunningham mentioned the irrigation report, which helped provide an assessment of the irrigation that provided water to the course. It was found that the irrigation system was at the end of its life, most importantly the backend equipment. He said that the Commission and Finance Committee believes in the importance of the functioning water utility. He said that all other recreational golf courses are self-sustainable in this way. We believe that’s an exposure over time as rates goes higher. He felt it important to be able to capture the water before it goes into the Sound, and that the irrigation system is one of the important needs. Mr. Cunningham also stated that the pool is at a point where the Club would need to spend \$1.7 million. He said that the Golf Club Commission met with the City’s Finance Committee to gauge how to look at these projects at the same time. Mr. Cunningham said that the Golf Club had a background of running properly and responsibly. He reminded that the Golf Club made debt service payments of about \$400,000 annually from 1999 to 2018 for capital improvements. He then referenced the draft of the proposed

Charter amendment and stated he had questions specifically about Item 1, and the requirement for two public hearings within 14 days. He asked why the meetings needed to be so close to one another, suggesting it could be an undue burden on the City to need to meet so many times in a short period.

Mayor Cohn said that was his reading of it as well. With a three meeting burden, the Council would need to hold a special meeting to comply with that timeframe.

There was general discussion about the possible intent and method of the 14-day public hearing rule. There was discussion about potential undue burden.

Mr. Cunningham said that everyone agrees that Rye Golf Club is an asset to the City. He said that the Commission in operating the Club recognizes the responsibilities to ensure this is maintained. Mr. Cunningham lastly recognized Mr. Nolan and his family, who were active members of the pool and an addition to the community.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to keep the public hearing open to September 18, 2019.

7. Update on Nursery Field renovation project.

This item was adjourned.

8. Presentation by City Comptroller of Quarterly Report.

Mayor Cohn invited Deputy City Comptroller, Joseph Fazzino, to provide a quarterly financial report.

Mr. Fazzino gave a brief quarterly report, with comparative totals for the period ending June 30, 2019 from 2016, 2017 and 2018. He explained that the General Fund is the primary operating fund of the City. He reported that revenues were up \$993,850, or 3.3% compared to last year. Much of this increase was due to property tax revenues, with an increase in penalties and interest. Non-property taxes remained relatively flat. Sales tax went up on August 1, 2019, but the City will not see the effects of that until 2020. Intergovernmental revenues are down due to the City not yet seeing its portion of the payment for prisoner transportation. Interest income is up 96% as a result of the Federal Reserve increasing interest rates. The largest drop was in license and permit fees, mostly attributed to a decrease in building activity. This drop was offset, however, by street opening permits. Mr. Fazzino also reported that there was a spike in parking permit revenues, with fines and forfeitures down by \$91,000. There was discussion about parking violation revenue. Mr. Fazzino discussed more highlights, such as the City recovering about \$200,000 for an ongoing workers compensation claim from when the City was self-insured. There was a decrease in the police overtime reimbursement, and an increase in State aid. Lastly, Mr. Fazzino reported that the City received a one-time payment of \$500,000 in mortgage tax due to the development at 120 Old Post Road.

On the matter of expenditures, Mr. Fazzino stated they were up 5.2% compared to 2018. He explained that the changes from 2018 were that salaries and wages decreased \$316,382 (5.2%), as a result of the retirements and resignations in 2018. These were offset by administrative salary increases, contracted step increases, and retroactive payments for the Police union contract settlement made in 2019. Mr. Fazzino said that equipment purchased decreased \$116,000, with materials and supplies purchases also down. He added that a major component of this was the City not paying for hydrants. The City also saw a benefit cost savings from switching to LED lights in 2018. Mr. Fazzino also stated that contractual costs were up \$162,000 and employee benefits overall were down \$264,000. He finished his presentation of the overview of this year's budget.

Councilman Stacks asked why the 2019 numbers were so high. Mr. Fazzino responded that the numbers were projected for the entire fiscal year, as the 2018 numbers just portrayed the first half of the year.

Councilwoman Tagger-Epstein asked where the contractual costs were in the spreadsheet, and Mr. Fazzino responded that they were reflected under contractual costs. There were no further questions from the Council or the public.

9. Presentation regarding the Capital Improvement Program (CIP) for 2020

Mayor Cohn invited City Planner, Christian Miller, to provide a presentation regarding the Capital Improvement Program for 2020. The City Charter requires that the plan be presented and considered on an annual basis, which is a good planning practice. He said that the Capital Improvement Program was a considering of capital needs and priorities, as well as identifying the fiscal considerations to fund those improvements. These needs are collected from department heads and other staff; costs are estimates and funding sources presented are preliminary.

Mr. Miller presented a Capital Improvement Plan summary. The non-enterprise fund projects totaled \$50.4 million for 46 projects. Enterprise fund projects totaled \$8.7 million for 15 projects:

- \$17.4 million - Sewer projects
- \$14.2 million - Building
- \$11.3 million - Transportation
- \$5.6 million - Recreation
- \$2.1 million - Drainage/ Flooding
- \$4.0 million - Vehicles and Equipment
- \$5.8 million – Rye Golf Club projects
- \$2.9 million - Boat Basin projects

Mr. Miller talked about reasons for project deferrals, such as old or inadequate cost estimates, unknown project scope, the questioning of project need, that a project is unlikely to have a funding source, or strict unattainable requirements. He gave an overview of the CIP, with the highest burden being the sewer maintenance/ SSESS issues (estimated at \$17 million). He also discussed the pump station assessment and Police/ Court improvements. The latest idea would be

considering Building 5 on the DPW property to hold temporary court while the major construction is happening in the Court facility.

Mayor Cohn contemplated whether the city would be looking at an annual increase of 6% in construction costs.

There was general discussion on the court project and the Office of Court Administration (OCA) requirements, making it difficult for the possibility of the Court moving permanently.

Mr. Miller discussed transportation capital needs, in which many projects have been deferred. There was discussion regarding the Forest Avenue proposed improvements, as well as the Fremd/ Purdy/ Purchase intersection needs. Other capital considerations were Rye Golf Club,

Mr. Miller's snapshot of priority improvement projects included the SSES implementation projects with sewer maintenance, DPW buildings, court facilities, sanitation vehicles, Forest Avenue sidewalks, the salt shed, and Rye Town Park projects. He also discussed CIP funding, such as general revenue (\$8.2 million - 16%), debt (\$26.2 million - 52%), and grants and aid (\$16 million - 32%).

There was general discussion of debt sources.

There was discussion regarding grants and aid, which may have a great cost of compliance/ strings attached.

10. Consideration of 2020 parking rate increase contingent on an agreement with the MTA on concession parking spaces.

City Manager Serrano stated that MTA was in agreement with raising the parking permit fees by 15%, but was requiring ten parking spots be given for the sole use of the proposed forthcoming dining space in the MTA ticket building.

City Clerk D'Andrea explained that the rate increase, as supported by MTA, would yield an additional \$75,859.92 in revenue for the 2020 fiscal year. The proposed raise would result in the permit fee being more in line with that of other comparable municipalities.

Councilman Stacks made a motion, seconded by Councilman Mecca, to approve the parking rate increase for the annual City of Rye Commuter Parking Permit to \$1,005.00 for the 2020 fiscal year, contingent on the execution of a letter agreement between the City Manager and the MTA conceding ten parking spaces located in the MTA parking lot for the use of the proposed dining establishment in the MTA building.

ROLL CALL

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

11. Consideration of setting a public hearing for September 18, 2019 for a Verizon Wireless application for a special permit to install a public utility wireless communication facility on the roof of the Verizon building located at 182 Purchase Street and referral of application to the BAR for review and comment.

Leslie Snyder, Snyder & Snyder, attorney for the applicant, addressed the Council. She stated that Verizon Wireless is looking to locate facility at 182 Purchase Street. This facility is applicable under the newly-revised Chapter 196. Ms. Snyder asked the Council to set the public hearing for the September meeting and refer the matter to the BAR.

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

RESOLVED, that the City of Rye hereby sets a public hearing for September 18, 2019 for a Verizon Wireless application for a special permit to install a public utility wireless communication facility on the roof of the Verizon building located at 182 Purchase Street and referral of application to the BAR for review and comment.

12. Consideration to authorize the City Manager to renew an agreement with the Westchester County Department of Correction to provide transportation from Rye to the Westchester County Jail in Valhalla, New York. This agreement would terminate on December 31, 2020.

City Manager Serrano explained that this agreement is standard for across Westchester County. The item before the Council this evening was to approve the updated agreement.

Councilwoman Tagger-Epstein made a motion, seconded by Councilman Mecca, to adopt the following resolution:

RESOLVED, that the City Council authorizes the City Manager to renew an agreement with the Westchester County Department of Correction to provide transportation from Rye to the Westchester County Jail in Valhalla, New York. This agreement would terminate on December 31, 2020.

ROLL CALL

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

NAYS: None

ABSENT: Councilwoman Hurd

13. Authorize the City Manager to retain the services of Minol to establish mock billing for Suez.

City Manager Serrano explained that the City of Rye could choose to piggyback off of a contract with Minol-USA and the Village of Port Chester, who recently retained services for the purpose establishing a method for billing for water usage to establish the fee for the sewer rents, at \$1 per unit. He stated that the City of Rye had worked with Port Chester to create an RFP for these services and agreed that Minol-USA was the best vendor.

Councilwoman Tagger-Epstein made a motion, seconded by Mayor Cohn, to adopt the following resolution:

RESOLVED, that the City Council authorizes the City Manager to retain the services of Minol-USA to establish mock billing for Suez, at a cost of \$1 per unit for setup and \$1 per unit for mock billing process.

ROLL CALL

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

14. Bid award to All City Management Services for crossing guard services as recommended by the Commissioner of Public Safety.
Roll Call

City Manager, Marcus Serrano explained that the bid specs were put out and All City Management was the sole bidder, who currently holds the contract.

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

RESOLVED, that Contract #2019-02, is hereby awarded to the lowest bidder, All City Management Services, in the amount of Two Hundred Five Thousand Six Hundred Eighty Six Dollars (\$205,686) as recommended by the Commissioner of Public Safety.

ROLL CALL

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

15. Consideration of a request by the Rye Free Reading Room for use of the Village Green on Thursday, November 5, 2020 through Monday, November 9, 2020 for Novel Night. That includes set up and clean up. The actual event will take place on Saturday, November 7, 2020 from 6:00 pm – 11:30 pm.

Chris Shoemaker, Director of the Rye Free Reading Room, addressed the Council. He asked for permission to use the Village Green on Thursday, November 5, 2020 through Monday, November 9, 2020 for Novel Night. That includes set up and clean up. The actual event will take place on Saturday, November 7, 2020 from 6:00 pm – 11:30 pm.

Mayor Cohn asked how the Library would be able to assure the Council that this event would be successful since the unfortunate events of 2012.

Mr. Shoemaker said that the Library had worked with the hosts to minimize the risk to the City. There will be no bars on the Village Green. The event will be tented.

Councilman Stacks asked if the Library would agree to restore any damage done. Mr. Shoemaker responded in the affirmative.

Councilwoman Goddard and Councilwoman Tagger-Epstein echoed concerns about preserving the Village Green, and about a possible rain or snow plan.

Mr. Shoemaker added that he did not foresee the need to use Haviland Lane.

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

RESOLVED, that the City Council hereby approves a request by the Rye Free Reading Room for use of the Village Green on Thursday, November 20, 2020 through Monday, November 9, 2020 for Novel Night. That includes set up and clean up. The actual event will take place on Saturday, November 7, 2020 from 6:00 pm – 11:30 pm.

16. Consider of a request by the Jarden Corporation for use of City streets on Sunday, September 22, 2018 from 7:00 a.m. to 6:00 p.m. for their annual Westchester Triathlon.

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

RESOLVED, that the City Council hereby approves a request by the Jarden Corporation for use of City streets on Sunday, September 22, 2018 from 7:00 a.m. to 6:00 p.m. for their annual Westchester Triathlon.

17. Adoption of the 2019/2020 tax levy and tax rate for the Rye Neck Union Free School District.
Roll Call.

Councilwoman Tagger-Epstein made a motion, seconded by Councilman Mecca, to adopt the following resolution:

WHEREAS, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of \$12,252,983 to be raised on property within the District located in the City of Rye, with established tax rates of \$997.31148 per \$1,000 of taxable assessed value on homestead property and \$1,285.507965 per \$1,000 taxable assessed value on non-homestead property, for the fiscal year beginning July 1, 2019 and ending June 30, 2020, now, therefore be it

RESOLVED, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect said taxes, subject to any further amendments or approvals required by the Rye Neck Union Free School District.

ROLL CALL

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

18. One appointment to the Rye Golf Club Commission, by the Council, to fill the term expiring on January 1, 2021 of Benoit Ugeux who resigned.

Mayor Cohn announced that Benoit Ugeux resigned from the Golf Club Commission. Pursuant to the Rye Golf Commission's request, Mayor Cohn appointed Mack Cunningham to fill the unexpired term, ending December 31, 2020.

Councilman Stacks made a motion, seconded by Councilwoman Souza and unanimously carried, to approve the appointment.

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

There was nothing discussed under this agenda item.

20. Old Business/New Business.

There was nothing discussed under this agenda item.

21. 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 10:02 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk