

***APPROVED MINUTES*** of the Regular  
Meeting of the City Council of the City of Rye held in  
City Hall on December 4, 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 7:30 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 7:37 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. Recognition of the Rye High School boys soccer team for exceptional teamwork and humanitarianism.

Mayor Cohn recognized the High School Boys Soccer Team for their humanitarianism and their hard work which led them to the semifinals.

Councilwoman Tagger-Epstein thanked the team and coaches for being present at the meeting. She said that the story of the team caught her attention, not because of their great playing, but because of everything that contributed to the team that they are. She commended the team for having been exceptional role models to others. She said that the team's inclusion and spirit and willingness to be such great role models was exemplary to all.

The entire Council congratulated the team and Mayor Cohn presented the team with certificates of congratulations from the City.

4. General Announcements.

Councilwoman Hurd reported that on Saturday, December 7, 2019, the Annual Christmas Tree Lighting would be held at 5:00pm at Rye Town Park. She also announced that the annual Beach cleanup at Rye Town Park would be Saturday, December 14, 2019. She was sad to announce that due to the inclement weather, the Chamber of Commerce needed to cancel the 2019 Mistletoe Magic. The Chamber's annual Christmas Party would be held tonight. She recognized them for all they do for the community.

Councilman Souza announced that Rye Recreation Annual Bonfire and Singalong would be held Sunday, December 8, 2019 at 4:00pm. It would begin with a magic show and then the singalong and bonfire would begin. She invited all to attend.

Councilman Stacks reported the golf course greens are now closed, but those interested in playing winter golf could take advantage of the temporary greens. There would not be golf carts available, and he asked those golfing to please fix the divots.

City Manager Usry announced that annually, the City's professional firefighters hold an annual boot collection. This year, the collection will be held December 14, 2019 and the recipient of the donations will be the Marie Ferrari Children's Hospital.

5. Draft unapproved minutes of the Budget Workshops on November 13<sup>th</sup> and 18<sup>th</sup>, 2019 and the Regular Meeting of the City Council held November 20, 2019.

Councilman Mecca made a motion, seconded by Councilwoman Souza, and unanimously carried, to approve the Budget Workshops on November 13th and 18th, 2019 and the Regular Meeting of the City Council held November 20, 2019.

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

Suzanne Clary, Rye resident, addressed the Council. She said she was there to represent the Friends of Nursery Field with an important request for the City to hold a public workshop. She stated that the City had offered the Friends an opportunity to be heard at a meeting and that she was there to decline the invitation to provide feedback during that meeting. She asked for a public workshop in the alternative. She said she would like to know the history of the field and the funding.

Gerry Seitz, 141 Kirby Lane, said that he was delighted to see that the three minutes warning was there to move public comment along. He said he was in favor of that and recalled the egg timer that he used when he was on the Council. He said he was there to ask about new sources of revenue. He stated that when he was present at the last meeting, there was general agreement that the City should get the community involved in this important endeavor. Mr., Seitz suggested that the Council create a new organization headed by incoming Councilwoman Johnson to report new sources of revenue. He said that Ms. Johnson has had no prior involvement with this group, and that the City is in desperate need of new sources of revenue.

7. Presentation Mayor and Council amendments to the proposed 2020 City of Rye Budget.  
Roll Call

City Manager Usry reported that there were four changed items to the budget since the last meeting. He explained that as of the last meeting, the fees had not yet been voted on by the Recreation Commission yet. Due to the recent vote, those revenues will be up a projected \$144,000. He further stated that there was a \$10,000 increase in request for funding from the Rye Free Reading Room. The third change is that after the budget was submitted, the City's EMS contract came up, which had not been increased in about a decade. There would be a proposed increase of \$11,510, which is an important expenditure and invaluable to the community. Lastly, he reported that the City had been using the Building and Vehicle Maintenance Fund to replace equipment and the fleet on an as-needed basis. However, the City faces a need in the coming year for a new fire truck, and as such, an additional \$125,000 will be budgeted for that. A comprehensive evaluation of the City's fleet would be done in the coming year.

City Comptroller Fazzino reported that the proposed changes for items will increase the 2020 Property Tax Levy by \$2,510. The Tentative Property Tax Rate increase for 2020 increases from 1.70% to 1.71%

Councilman Stacks asked how much money the City had available in the Building and Vehicle and Maintenance Fund. City Manager Usry replied that there was approximately \$300,000 in that account.

Councilwoman Tagger-Epstein asked about the legal budget line. She referred to page 321 of the proposed budget. She said that with the 2019 budget, the City has gone over by \$20,000 for the projected forecast. She said there was a proposed increase of 15.9% for 2020. She stated that the process in the past was that the Council would see the legal bills to understand the expenditures.

City Comptroller Fazzino said that the legal line was kept flat, but that there had been an increase for corporation counsel authorized by the Council earlier in the year that was not contemplated for. The increase reflects the increase approved by the Council several months prior.

Councilwoman Tagger-Epstein said that the Council used to get the tallies of the legal expenditures. She said that process should continue in the future so that the Council understands the legal bills. Mayor Cohn agreed.

City Comptroller Fazzino said that he could prepare that information at the Council's request.

Councilman Mecca made a motion, seconded by Councilwoman Souza, to adopt the following changes to the proposed 2020 budget:

**RESOLVED**, the City of Rye proposed 2020 be amended to include the following:

- Per the Recreation Department's analysis, increase Camp Revenues by \$144,000.
- Increase funding to the Rye Free Reading Room by \$10,000.

- Increase funding for Emergency Medical Services by \$11,510 per the 2020 shared services agreement.
- Provide funding for annual Vehicle and Equipment replacement of \$125,000.

ROLL CALL

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

Councilman Mecca stated that he was amazed at the work that the staff put into this budget. He and Councilman Stacks specifically thanked City Comptroller Fazzino and the Finance Department.

Councilman Stacks also commended the Finance Committee for a job well done. He felt that there was an impeccable level of clarity in explaining the budget in the Rye Record and the full transparency that the Council had been trying to achieve in the finance process.

City Comptroller Fazzino thanked his staff for their countless hours of work in this process. He noted that had been a difficult year for them personally and nevertheless they put in the work for the citizens of Rye.

8. Open the public hearing on the 2020 Budget

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to open the public hearing.

Gerry Setiz, 141 Kirby Lane, stated that on page 380 there is reference to something that comes in new for a franchise tax. City Comptroller Fazzino confirmed that it was the Cable TV annual franchise tax received by the City. Mr. Setiz also referenced a \$1.75 million expenditure for allocated infrastructure needs. There was discussion among Mr. Setiz, the Council and City Manager that unfortunately, many of the City's needs had been deferred and neglected in the past, and that the infrastructure needs were now paramount.

City Manager Usry explained the capital reserve fund that had been established for these needs. He explained that the policy of the City was to always have a General Fund reserve at 10%. There was discussion over the reserve, as Mr. Usry and Mr. Fazzino explained the details of how that money was assigned.

City Comptroller Fazzino explained the use of fund balance for contingency, the planned use of fund balance, and revenue.

City Manager Usry clarified that from an operating basis, the City is not using general fund balance for operations. He explained that the City does not run a deficit. He further explained the \$6.4 capital reserve.

Councilman Stacks said that unfortunately, the can was kicked down the road here for many years. Roads are case in point. The City ignored resurfacing the roads and it cannot continue.

City Manager Usry again clarified that the City does not draw into the reserves, nor does it use past fund balances to pay for the operations of the City. The City is not using reserves to pay for operations.

Mr. Seitz asked where the City would go to get the money for capital.

City Manager Usry said that the other piece to be aware of was that a significant portion of the City's bonding matures in 2020. The annual cost to the property taxpayer will remain the same. We have the fortunate means to choose to bond. The City is using prudent financial measures to ensure good planning for both present and future budgets.

Councilwoman Goddard explained that this bonding was over time.

Mr. Seitz asked for clarification on what he read as ten new positions in the City staffing.

Mr. Usry explained that in fact, there is a net increase of only one position, an Assistant City Manager. He stated that the assistant position in the Department of Public Works had been previously authorized by the Council but not early enough to have been included in last year's budget. The difference is one net position.

Mr. Seitz asked about legal fees. He asked what the total legal fees were for next year. He asked how it compares to other municipalities. The Counsel responded that every municipality is different and faces different legal ramifications on a yearly basis. Mr. Seitz said that his statements sums up his concerns. He said he still felt that on a cash basis, the City is reaching into the reserves. Mr. Seitz asked the Council to be committed to alternative source of revenue.

Councilwoman Souza assured Mr. Seitz that the City was always looking for new sources of revenue. She said that it was so difficult. She thanked him for instituting the hotel occupancy tax when he was on the Council.

Stacks invited Mr. Seitz to provide a list of his specific suggestions for new sources of revenue and invited him to present to the Finance Committee.

With no one left to speak, Councilman Mecca made a motion, seconded by Councilwoman Hurd, to continue public hearing to December 18, 2019.

9. Resolution authorizing City Manager to enter into a Memorandum of Agreement with the Resurrection School to allow Rye Recreation to host Upper Camp in its facility for the summer of 2020.

City Manager Usry said the City had been looking for alternative sites for summer camp due to the school district's capital improvement projects. The Recreation Commission and

Recreation Superintendent Sally Rogol have done a great job to secure these locations quickly. The Memoranda of Agreement have been looked at by both Christ Church and Resurrection for this upcoming summer.

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

**RESOLVED**, that the City Council authorizes the City Manager to enter into a Memorandum of Agreement with the Resurrection School to allow Rye Recreation to host Upper Camp in its facility for the summer of 2020.

**ROLL CALL**

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

10. Resolution authorizing City Manager to enter into a Memorandum of Agreement with the Christ Church to allow Rye Recreation to host Kiddy Camp in its facility for the summer of 2020.

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

**RESOLVED**, that the City Council authorizes the City Manager to enter into a Memorandum of Agreement with the Christ Church to allow Rye Recreation to host Kiddy Camp in its facility for the summer of 2020.

**ROLL CALL**

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

11. Resolution to set a public hearing for December 18, 2019 to remove and renumber Chapter 176, “Energy Conservation” and replace with a New Chapter 83, “Energy Conservation Financing – PACE Program”.

Corporation Counsel Wilson explained that Items 11 and 12 would merely renumber the portions of the City Code dealing with Energy Conservation (the Energize NY funding programs) to keep the Code in alphabetical order.

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

**RESOLVED**, that the City Council set a public hearing for December 18, 2019 to remove and renumber Chapter 176, “Energy Conservation” and replace with a New Chapter 83, “Energy Conservation Financing – PACE Program”.

12. Resolution to set a Public Hearing to add a new Chapter 84, “Energy Conservation Financing – CPACE Program” for December 18, 2019. The draft law was already voted in on October 2, 2019, but this will renumber the PACE law and allow the City to file it alphabetically.

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

**RESOLVED**, that the City Council set a Public Hearing to add a new Chapter 84, “Energy Conservation Financing – CPACE Program” for December 18, 2019. The draft law was already voted in on October 2, 2019, but this will renumber the PACE law and allow the City to file it alphabetically.

13. Resolution to waive parking restrictions and parking fees in all downtown parking lots for the period between December 19, 2019 and December 24, 2019. Roll Call.

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

**RESOLVED**, that the City Council waive parking restrictions and parking fees in all downtown parking lots for the period between December 19, 2019 and December 24, 2019.

**ROLL CALL**

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

NAYS: None

ABSENT: None

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

Mayor Cohn said there were no appointments tonight, but he was happy to solicit for the future to for the opportunity to serve the community. He asked anyone interested to please submit resume.

15. Old Business/New Business.

Corporation Counsel Wilson stated that at the last meeting, the Boat Basin special committee was formed. She reported that this is an ad hoc advisory task force to advise the City Manager about findings with regard to dredging. The New York State Open Meetings Law does not subject ad hoc committees like this to public notices and participation.

16. Adjournment

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There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to adjourn the meeting at 8:34 pm

Respectfully submitted,

Carolyn D'Andrea  
City Clerk