

APPROVED MINUTES of the
Regular Meeting of the City Council of the
City of Rye held in City Hall on January 10,
2018, 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 Souza, to adjourn immediately into executive session at 6:30 P.M. to discuss personnel and litigation matters.

At 7:30 P.M., Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn the executive session and commence the open meeting of the City Council.

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.

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

This item was taken out of order. Kent Iarocci, Rye resident, thanked the new Mayor and City Councilmembers. He spoke about central business district parking and the need for tiered parking within the downtown areas of Rye. He also discussed development in general within the downtown area and was hopeful for the future. Mr. Iarocci also discussed traffic development ideas in the central business district.

4. Draft unapproved minutes of the Regular Meeting of the City Council held December 20, 2017.

Councilwoman Tagger Epstein made a motion, seconded by Councilwoman Hurd, to adopt the unapproved minutes of the Regular Meeting of the City Council held December 20, 2017. Councilmembers Tagger-Epstein, Hurd and Mecca, who were present for that meeting, all voted in the affirmative to adopt the minutes.

6. Designation of the days and time of regular meetings of the City Council.

Mayor Cohn announced that the 2018 City Council meeting would be held on the following dates:

- January 10, 24
- February 7, 28
- March 14, 28
- April 11, 25
- May 9, 23
- June 6
- July 11
- August 8
- September 12
- October 3, 17
- November 7, 28
- December 5, 19

The budget workshops will be held on November 13 and 26, 2018.

7. Appointment of the 2018 Deputy Mayor by the Mayor.

Mayor Cohn appointed Councilwoman Hurd as the 2018 Deputy Mayor.

8. Designation of the City Council's Audit Committee by the Mayor.

Mayor Cohn, with Council approval adopted the following resolution:

RESOLVED, that Councilmembers Souza and Stacks be appointed to the City Council's Audit Committee for a one-year term commencing January 1, 2018.

9. Designation of the City Council Liaisons by the Mayor.

Mayor Cohn designated the following Councilmembers as liaisons:

Board of appeals – Mayor Cohn

Board of Architectural Review – Councilwoman Goddard

Boat Basin – Councilwoman Hurd

Human Rights Commission – Councilwoman Tagger-Epstein

Conservation Commission Advisory Council - Councilwoman Goddard

Emergency Medical Services – Councilwoman Tagger-Epstein
Finance Committee – Councilman Stacks
Flood Advisory Committee – Councilwoman Hurd
Landmarks Advisory Committee – Councilman Mecca
Planning Commission - Councilman Mecca
Recreation Committee – Councilwoman Souza
Cable and Communications Committee – Councilwoman Souza
Chamber of Commerce – Councilmembers Hurd and Souza
Rye City School District – Councilwoman Souza and Mayor Cohn
Rye Free Reading Room – Councilman Mecca
Rye Golf Club – Councilman Stacks
Rye Playland Advisory Committee – Councilman Stacks
Rye Town Park Commission – Mayor Cohn, Councilwoman Hurd
Sustainability Committee – Councilwoman Goddard
Traffic and Pedestrian Safety – Councilwoman Tagger-Epstein
Master Plan – Councilmembers Souza, Goddard, Mayor Cohn

3. The Annual Message by the Mayor.

Mayor Cohn made the following statement:

“Those that are in the room, I am honored by your presence. Those watching at home, given likely distractions, I am equally honored by your attention. Some may have remarked on the title of my talk. This is my first annual message. I have reverted to a title used years ago. This title better suits my purpose. This is not a “state of” speech. It is simply my opportunity to tell you what I have observed, what I and at least some of my colleagues are thinking about and what we hope to do. And anything we hope to do can only get done with your help. We know that. I and my newly-elected colleagues are with you tonight only because many of you, many especially for an “off-year” election, helped by taking the time and trouble to go vote. If you did only that, Democrats, Independents, Republicans, WEPers, WFPers, Conservatives and the mighty unaffiliated, you helped enormously – no matter who you voted for.

We are here as a result of a good election, hard fought and a sturdy starting point for us. Thank you. Please don’t think, though, that having voted gets you off the hook. My early days as Mayor have already taught me how very important are the City’s own boards, commissions and committees. Many of you have invested enormous time and effort in these. Not to mention the myriad other community, social, religious, charitable, you name-it groups that weave all our efforts into the fabric that is our City. We need your continued participation in the work of the government and the work of the community. We on the Council also need your thoughts, your advice, and your continuing support. I have been able to spend some time in City Hall in recent weeks. I already knew, but have learned better, how enormously talented and hard-working is our City staff. I thank them for their work and tutelage in these early days.

Now, to business.... One, Finances. A first and very deep concern is the effect of recent federal tax law changes on the City’s financial position. Some have said that there

will be a consequent fall-off in home sales, home values and in new construction, with knock-on deterioration of the City's fee income and tax base. Others believe that Rye's reputation as an excellent place to live will insulate it from or mitigate these consequences. One thing is certain, though. Local taxes have immediately become more unattractive than they already were. I think the dominant view on your new City Council is that we must act with great financial caution. We have inherited a budget that leaves us little room. The prior Council was prepared to rest on optimistic assumptions, for example regarding increased building permit revenues and declining legal costs. Our available fund balance is only about \$400,000 above the amount that is our self-imposed bright-line to protect our triple-A rating. We will watch our financial condition with care over the year. We may make changes in our budget, to the extent the law allows. We will need to think creatively and engage our community's great intellectual capital. One means of doing this, in process, is reenergizing our Finance Committee to help us navigate the new municipal financial environment. As many know, an amount in excess of the total amount of the City's property tax revenues is absorbed by employee salaries and benefits, and retiree health care cost.

Your new City Council inherits all four of our union contracts "open" – that is, to be negotiated. Our city workers contribute immeasurably to the quality of life in Rye. We honor and respect them. At the same time, we must work within the budget we have inherited and within the uncertain financial environment we face. We must and will be prudent on behalf of the City present and the City future. Before we leave finance behind, it is worth noting that of your aggregate local tax spend, the City receives only about 15%. The lion's share goes to the school district and the County. And so our other sources of funds, be they additional revenue sources or grants and aid, are indeed important to us.

Second, the Fire Department Rye has a combined volunteer and professional fire department. Continued effort is needed to make sure that this combination is successful and is rewarding to both volunteers and professionals. We will do our part to support this effort.

Third, infrastructure. We must deal with longstanding and, in some instances, neglected issues. Our roads overall need improvement. The effects of our recent weather have underscored this need – deeply – pothole deep. Although we have had access to New York Rising flood grant money, for too long we have been slow to pursue deployment of those funds. Separately, our wastewater and storm water infrastructure needs are only now being surveyed. We can anticipate substantial wastewater and storm water infrastructure renewal and improvement costs, which we hope may be offset in some part by grants and aid. Pedestrian safety and ease of travel should be improved by sidewalk construction or other means. Again, we hope grants and aid, and yes, neighborhood contributions, may in part fund this work. The central business district parking issue remains after so very many years. We will again confront the issue, with fresh eyes and open minds. I have just described several leading areas of potential capital investment. There are of course many others that are important and that can be found in our many-paged Capital Improvement Plan, from sports field improvements to replacing City Hall's dinosaurian HVAC system. (In reality, I understand our HVAC unit to be

akin to the old cars plying the streets of Havana – miracles of mismatched parts and mechanical inspiration.) We will be reviewing and prioritizing capital projects with City staff, and with a sharp eye on the City's finances. Yes, bonding will be considered. Disbrow Park improvements were a substantial subject of public discourse in 2017.

We respect the Recreation Commission and will hear its selection of one of the consultant's plans, though we think the Commission has been inappropriately burdened in this instance. Our consideration will be framed by our regard for the City's financial situation and its many other needs, as well as by environmental concerns and the thoughts of park neighbors. Our hearing the Recreation Commission's thoughts will certainly enrich our outlook on what might be done at Disbrow, but it will not dictate any particular outcome. The Thruway property, of course, comes to mind, as well. Steve Otis's bill was signed and we therefore have the welcome opportunity to negotiate a shared use agreement with Rye Country Day School. I am hopeful that we can achieve a satisfactory outcome for both our City and the school.

Fourth, "Other Important Matters," - There is an impressive quantity of matters, some involving neighboring jurisdictions that will require our proactive involvement. Here are highlights in no particular order: -The Starwood-designed project on the United Hospital site is now for sale. This huge project remains a concern for Rye Park and for travel on the Post Road. Agreements were put in place by the prior Council that may provide some help. This Council, however, will be engaged. -We have litigation pending with the County over its approval of the Playland - Standard amusements deal. We intend to renew dialog with the County, and with Standard, to the extent appropriate. -Our City boat basin is an important community asset in enterprise fund form. It is struggling with the costly burden of dredging. We will stay involved in its progress. -Crown Castle has indicated that it intends to appeal its loss in federal district court and that it may bring an additional state court action. We want carriers to provide good cell service to Rye. At the same time, we must continue to fight to use and protect our City's approval rights. It is striking that Verizon, Crown's sponsor, has failed to see an opportunity to do something customer-pleasing in Rye. -The State's Last Mile project, a rebuilding of I-95, and certain overpasses and ramps, from Rye to Connecticut, will provide years of disruption. We will work with the State to ameliorate this disruption, to the extent possible. -The Master Plan effort underway is important and will be continued, though we will review project scope and goals. -Community concern over the nature of residential development remains high. Although potentially within the ambit of the Master Plan, we will consider how best to expedite a community conversation regarding this sensitive matter. -The City and the School District can and should do great things together. We intend to reach out to the School District to see how we can work more closely together.

Fifth- Council Communications, Transparency and Efficiency. We wish to have this City Council work better for you. I recently heard a resident say that the City had, in a given instance, not treated him well as a customer. But you/we are not just customers. We are owners. And ownership, of course, brings its own bundle of rights and responsibilities. In this room and in all our dealings with you, the people of Rye, we will endeavor to treat you as owners. And we hope that you will treat us as temporary caretakers (and co- owners), trying our best to work on our collective behalf. We will

work at a collegiality and transparency that we hope will help both atmosphere and performance. We are considering a variety of means, including some used in neighboring towns, to streamline our meetings, communicate with greater constancy and to be available to our constituents. More on this shortly. I hope I have given you a sense of both how I see Rye and what the initial preoccupations of this Council may be. I say “may be” because your City is as subject to chance and circumstance as any enterprise, and your Council is constituted of seven individuals. When considering our plans, I made a list of things I would like the City to do and another list of things coming to get us, whether we like it or not. And so we will work off both lists – and with your help—we’ll get things done. Thank you.”

George Latimer, Westchester County Executive, made a statement. He announced that he had recently authored an executive order that establishes a good neighbor policy from the County level. He said that the order will change the way that County government will operate. The order states that in the case of County-owned property, such as Playland in Rye, any significant action to be taken would require notice and a presentation to the local municipality. From that point, the municipality would be afforded 60 days to respond to the proposed action. County Executive Latimer asked that the Mayor appoint a point person for any future Playland issues. He also said that the County had recently authorized a contract for the sweeping of Playland, with an 8:00 A.M. starting time as a reasonable time.

Councilman Mecca asked if the County could gather a list of interested people within the community for special events happening at Playland. County Executive Latimer said that it was a reasonable request.

Mayor Cohn recognized County Legislator Catherine Parker, who was present at the meeting.

10. Designation of the official City newspaper.

Mayor Cohn made a motion, unanimously carried, to designate the Journal News as the official City newspaper for the purpose of publishing legal notices.

11. Designation of the amounts of faithful performance bonds.

By way of background, Section § C23-3, “Surety bonds” of the City Charter stipulates that “The City Comptroller, City Clerk, City Judge, Acting City Judge, City Marshal and such other officers and employees as may be specified by the Council shall give bond for the faithful performance of their duties. The bond shall be in such sum and with such corporate sureties as may be approved by the Council. The premium of all such surety bonds shall be paid by the city.” Mayor Cohn made a motion, unanimously carried by the Council, to designate the following Faithful performance bonds:

A. City Comptroller	\$ 1,000,000
B. City Clerk	\$ 500,000
C. City Marshall	\$ 100,000

11a. Resolution to amend the City of Rye's FOIL procedures

Mayor Cohn explained that the proposed change to the FOIL procedures would avoid a potential conflict of interest. Corporation Counsel Wilson stated that under the Public Officers Law, a FOIL officer and FOIL appeal officer may be designated. This item would allow the City Council to be the appellate officer in the case of a conflict of interest with the current appeals officer, the City Manager.

Councilwoman Tagger-Epstein made a motion, seconded by Councilwoman Hurd, to add the following language to the City of Rye's FOIL procedures:

(e) If the City Manager's position is the subject matter involved in the original FOIL request that is being appealed or if the City Manager otherwise has a conflict of interest, any such appeal shall be heard by the City Council.

12. Acceptance of donation to the Rye Police Department from the Beyer family in the amount of Two Hundred and Fifty (\$250.00) Dollars.
Roll Call.

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

WHEREAS, the Beyer family desires to donate Two Hundred and Fifty (\$250) Dollars to the Rye Police Department; and

WHEREAS, the fiscal 2018 General Fund budget did not anticipate these donations; now, therefore be it

RESOLVED, that the City Council of the City of Rye accepts the aforementioned donations; and be it further

RESOLVED, that the City Comptroller is authorized to amend the fiscal 2018 General Fund budget as follows: Increase Deferred Revenues - Police Donations \$250.00.

ROLL CALL

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

13. Miscellaneous communications and reports.

Councilwoman Hurd said that she had recently attended the Chamber of Commerce meeting. She said that the Chamber was thankful for the free parking during the holiday week. Councilwoman Hurd thanked the Chamber for their donation to offset lost revenues for that week. Councilwoman Hurd then announced that on Saturday, January 13, 2018, the Rye Arts Center would be hosting a free arts day from 12:00 to 3:00 P.M. She also announced that the Healing Arts Collective would be holding free workshops on Thursday, February 1, from 7:00 to 9:00 P.M. at Rye Recreation. Councilwoman Hurd then stated that the Rye YMCA is pleased to invite the community to the “Heads Up” reception on Thursday, January 24, 2018 from 5:00 to 7:00 P.M. Councilwoman Tagger-Epstein explained that the reception will honor the winners of the annual poster contest on safe driving. Councilwoman Hurd then reported that the Flood Advisory Commission continues to await the updated documents that will move the sluice gate project forward. She lastly announced that the Boat Basin Commissions’ next meeting will be held January 22, 2018 at 7:00 P.M. at Rye Recreation.

Councilwoman Goddard stated that from the time the newly elected officials were preparing to step into the roles of City Councilmembers, the City staff had been very helpful. She thanked the staff for taking the time to provide the Council with an informative two-day orientation. She also thanked City staff for putting on a great inauguration ceremony. She then thanked the DPW staff for combating the recent “bomb cyclone” snow storm. Councilwoman Goddard was happy to announce that the Sustainability Committee had two new co-chairs, Melissa Grieco and Annalise Stack. She thanked the new co-chairs for all of their hard work so far.

Councilman Mecca reported that last fall, the Planning Commission heard an application before from Con Ed with regard to compressed natural gas. He explained that Con Ed was worried about having an extended and severe cold spell. To alleviate that possible issue, Con Ed had 12 trailers of compressed natural gas on site. He thanked the staff who made sure that this endeavor had a safe installation to benefit the residents of the City. Councilman Mecca reported that for three days, the City had the benefit of using this emergency resource during the extreme cold.

14. Old Business.

There was nothing discussed under this agenda item.

15. 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 regular meeting of the City Council at 8:30 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk