

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on January 24, 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. The regular meeting of the City Council began at 7:35 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. Draft unapproved minutes of the regular meeting of the City Council held January 10, 2018.

Councilwoman Hurd made a motion, seconded by Councilwoman Souza, to adopt the minutes of the regular meeting of the City Council held January 10, 2018.

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

Howard Deixler, Rye resident, expressed concern over downtown parking in the central business district. He asked that parking be benefitted by advanced mobile technology

for payment. He also asked the Council to do something about the noise and pollution generated by leaf blowers.

John Linder, Rye resident, stated he was upset with the Rye Town Park Commission's lack of response to his comments of reported disrepair throughout the park. He asked the Council to help with the park issues, such as the off-leash dog regulations, maintenance and lighting.

Councilwoman Hurd thanked Mr. Linder for his comments. She reminded the public that with regard to off-leash dog permits, all wanting to participate in that program must obtain an off-leash permit from the City Clerk.

5. Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.
The City Council intends to close the public hearing and table the proposed laws at this time and does not intend to take any public comment.

Mayor Cohn explained that the issue needed more thoughtful consideration and would be continued at a different time.

Councilman Stacks made a motion, seconded by Councilwoman Hurd, to continue the public hearing at a later time and date to be determined.

6. Presentation by Energize NY and consideration to set a Public Hearing for February 28, 2018 to amend local law Chapter 176, "Energy Conservation", of the Rye City Code by amending provisions related to the Sustainable Energy Loan Program in the City of Rye in accordance with Article 5-L of the General Municipal Law.

Councilwoman Goddard explained that the Energize NY and the Energy Improvement Corporation (EIC) administers a financing initiative called the Property Assessed Clean Energy program (PACE) to finance energy improvements. The City of Rye passed Local Law Chapter 176 in 2014 adopting the PACE program, but limited the program to cover nonprofit entities. Councilwoman Goddard gave further legislative history on the local law that was passed, stating that any potential issues were outweighed by the benefits of clean energy. She explained that the New York State PACE law was amended in September 2017 ("PACE 2.0"), and the EIC was present at the meeting to provide background to the Council.

City Manager Serrano disclosed on the record that he was a board member and Chair of the Audit Committee of the EIC.

Sarah Smiley, Energize NY, presented a slide show to the Council on the relevant points regarding PACE 2.0. She explained that the EIC was a nonprofit entity comprised of municipalities, which the City joined in 2015. She generally explained PACE, which helps property owners who plan on clean energy improvements with financing up to 100%. She explained that the State views this program favorably, as updating energy systems to be more responsible is considered a public benefit. She said that 48 municipalities had passed the local law required to enable PACE financing. Ms. Smiley explained that General Municipal Law Article 5-L was amended in 2017 to make the financing program more accessible for energy savings. Ms. Smiley explained that the amendments to the law do affect current members of the EIC, such as the City, as they will now be required to adopt the new amendments. She explained the new amendments in detail for the Council, as well as finance criteria, which includes a renewable energy feasibility study.

Councilwoman Souza asked for clarification on the residential properties not being privately-owned. Ms. Smiley responded that in the case of a residential property, the property would need to be held by a corporation or similar entity, and usually occurs in the case of a multifamily dwelling.

Mark Thielking, Energize NY, responded further that financing in a residential case would be for long-term owners maintaining a corporate structure. He explained that Energize NY would oversee the transfer of property and use its judgment to ensure that a private entity would be prevented from using program. Councilwoman Souza asked if that would run the risk of discrimination issues. Mr. Thielking explained the prepayment mechanism allowed under PACE 2.0.

Councilman Mecca said that it the program seems to match the building code with respect to different types of property uses. Mr. Thielking said that the program did not allow for private benefit.

Councilman Hurd asked for general clarification on the amendments. She reiterated that the City had adopted the program in 2014, extended only to nonprofits.

Ms. Smiley explained that generally, the State recognized that the law as originally written was too restrictive, which is why the amendments were put in place.

Councilwoman Hurd asked about the opt-in portion of the amendments, and asked if the City would have the opportunity to modify the way the program ran within the municipality. Mr. Thielking responded that the City could modify the program the way it wanted.

Councilwoman Goddard confirmed that the City would still need to adopt a local law with regard to PACE 2.0.

There was general discussion over the Wainwright House energy project which was successful.

Councilwoman Goddard asked about the average size of these loans. Mr. Thielking responded that the average loan was about \$180,000, but it is anticipated that the average will go up.

Mayor Cohn asked if there was any data on foreclosures or bankruptcy situations with the roll-out of PACE 2.0.

Mr. Thielking said that in Connecticut, there had been very few delinquencies out of hundreds of projects completed, which speaks to the way that PACE is being managed. There was also discussion over the fact that California runs a successful program which includes single family homes.

Councilwoman Hurd said that in Rye asked about experiences with moving from nonprofits to a broader audience. Ms. Smiley responded that municipalities with older buildings are a good candidate for that broader expansion. Mr. Thielking added that they had financed commercial residential, nonprofits, airports and other types of varieties of projects that have been benefited by clean energy.

Councilwoman Tagger-Epstein inquired as to whether several buildings coming forward at the same time for financing would result in a better loan structure offered by the program.

Mr. Thielking said that Energize NY was considering reducing fees under PACE 2.0 of a certain size project. He said that the program was self-supporting, and the members are not charged anything.

Councilwoman Hurd asked if the municipality-owned infrastructure would be a candidate for PACE 2.0, such as the outdated HVAC system in City Hall. Mr. Thielking responded that unfortunately, municipalities are not candidates for this type of funding.

Councilwoman Goddard made a motion, seconded by Councilman Mecca, to set a public hearing for February 28, 2018 to amend local law Chapter 176, "Energy Conservation", of the Rye City Code by amending provisions related to the Sustainable Energy Loan Program in the City of Rye in accordance with Article 5-L of the General Municipal Law.

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

A) *One appointment to the Board of Ethics for a three-year term.*

Mayor Cohn reappointed Edward B. Dunn to the Board of Ethics for a three year term, expiring January 1, 2021.

B) *Three appointments to the Conservation Commission/Advisory Council for a three-year term.*

Mayor Cohn reappointed C. Nicholas Hodnett and Tracy Stora, and appointed Andrea Alban Davies to the Conservation Commission/ Advisory Council for three year terms, expiring January 1, 2021.

C) Three appointments to the Traffic & Pedestrian Safety Committee for a three-year term.

Mayor Cohn appointed Elizabeth Parks and Kelsey Johnson to the Traffic & Pedestrian Safety Committee for three year terms, expiring January 1, 2021.

Mayor Cohn also reappointed Nicholas Loddo, Jr. to fill the unexpired term of Ben Stacks to the Traffic & Pedestrian Safety Committee for three year terms, expiring January 1, 2020.

D) Three appointments to the Planning Commission for a three-year term.

Mayor Cohn reappointed Nicholas Everett and Martha Monserrate to the Planning Commission for three year term, expiring January 1, 2021.

Mayor Cohn also appointed Steven Secon to fill the unexpired term of Hugh Greechan to the Planning Commission for a term expiring January 1, 2020. Mayor Cohn thanked Mr. Greechan for his service on the Planning Commission.

Councilwoman Souza made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried by the Council, to accept the appointments made by the Mayor.

8. Designation of the Chair of the Planning Commission by the Mayor.

Mayor Cohn appointed Nicholas Everett as the Chair of the Planning Commission.

9. Consideration of a request by the Westchester County chapter of the National Alliance on Mental Illness (NAMI) to have a ribbon initiative in the Central Business District during the month of May 2018.

Mayor Cohn explained that the NAMI event in May is something that the City has approved previously.

Clare Walsh, Westchester Chapter of NAMI, asked for the Council's permission to display ribbons in the month of May 2018 throughout the City for awareness of mental illness.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd and unanimously carried, to approve the request by the Westchester County chapter of the National Alliance on Mental Illness (NAMI) to have a ribbon initiative in the Central Business District during the month of May 2018.

10. Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to approve a parade to commemorate Memorial Day to be held on Monday, May 28, 2018 from 9:45 a.m. to 10:15 a.m.
11. Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to have a food truck at the Memorial Day event to be held on Monday, May 28, 2018 from 9:45 a.m. to 10:15 a.m.

Items 10 and 11 were taken together.

Robin Latimer, on behalf of the American Legion and Ladies Auxiliary of Post 128, asked for Council approval to hold the annual Memorial Day parade. She also asked for Council approval to have a food truck at the event.

Councilwoman Hurd asked if a school could march in the parade. Mrs. Latimer responded that they would who welcome any organization that would like to march.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to approve the requests by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to approve a parade to commemorate Memorial Day to be held on Monday, May 28, 2018 from 9:45 a.m. to 10:15 a.m. and to allow for a food truck during that time.

12. Miscellaneous communications and reports.

Councilwoman Souza stated that Rye Recreation had announced its registration dates for summer camp. She encouraged residents to find information on the Rye Recreation website. She also announced that there are summer employment opportunities listed as well. Councilwoman Souza also announced that there will be upcoming recreation program events for President's Day and other school closure days, such as a Family Skate and Open Gym at Rye Country Day School. She also mentioned other programs, such as a Mad Science Camp. Specific information can be found on Rye Recreation's website.

Councilwoman Tagger-Epstein announced that the Human Rights Commission now has a live website and Facebook page (@humanrightsrye). She said that the Commission would be posting information on initiatives and upcoming events. The website is www.humanrightsrye.org the email address is humanrights@ryeny.gov.

Councilwoman Hurd announced that the Rye Town Park Commission approved an IT consultant who will provide a systematic overview of IT needs. She said the Commission was also interviewing for the Rye Town Park Director position and also directors and also finalizing an agreement with the restaurant to occupy the old Seaside Johnny's space. Councilwoman Hurd also announced that the renewal process has begun for the 2018 Boat Basin season. She said it was imperative that permit holders renew before the February 15, 2018 deadline to avoid late fees. She also updated the Council and community on the

dredging project, which was moving along in the process. Sample locations have been chosen for dredging, with testing taking about two weeks, with results thereafter, taking an additional four to five weeks. Lastly, she stated that the permitting phase takes about six months, so dredging will take place as planned in winter 2018 to spring 2019.

Councilman Mecca updated the Council on the Planning Commission. He said that of note, the Commission heard an application for the proposed subdivision located at 3 Club Road. He said that that Commission also heard the application of 280 Purchase Street, which the Council recently approved the zoning amendments on to ensure uniform zoning for that lot.

Councilwoman Goddard was happy to announce that there was a new interactive sanitation calendar on the City of Rye website. She explained that the calendar can be customized to a resident's particular property. She thanked DPW for their hard work in this helpful endeavor.

13. Old Business.

There was nothing discussed under this agenda item.

14. New Business.

Mayor Cohn made an announcement that there will be regular office hours of the City Council in City Hall starting Monday, January 29, 2018. The schedule will be as follows:

- Mondays: Councilwomen Souza and Tagger-Epstein - 9:00 to 10:30 A.M.
- Wednesdays: Mayor Cohn, Councilwomen Hurd and Goddard - 9:30 to 11:00 A.M.
- Saturdays: Councilmen Mecca and Stacks – TBD

15. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilman Stacks to adjourn the regular meeting of the City Council at 8:34 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk