

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on February 7, 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 7:32 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 7:36 P.M.

1. Pledge of Allegiance.

Mayor Cohn called the meeting to order and invited the Council to join in the Pledge of Allegiance.

3. Roll Call.

Mayor Cohn asked the City Clerk to call the roll; a quorum was present to conduct official City business.

2. Unveiling and dedication of photograph honoring former Mayor Douglas French.

Mayor Cohn announced that the Council welcomed former Mayor Douglas French and expressed his appreciation for his service to Rye. He recalled the years of challenge that former Mayor French led the City through. He thanked former Mayor French for stepping up to help the current Council succeed. He stated that Mayor French cared about Rye and the City was grateful for him and his service.

Former Mayor French unveiled his official portrait on the wall of Mayors in Council Chambers.

Catherine Parker, former Councilmember and current County Legislator, stated she had the honor of serving with former Mayor French from 2010 to 2013. She thanked him for his

exemplary volunteerism and service to the community, as well as his generosity and thoughtfulness.

Former Mayor French thanked the Mayor and Council for the opportunity to speak. He recalled 2009 when he decided to run for Mayor. He thanked his wife for her support throughout his election and tenure. He talked about the “wrath of Mother Nature” during his time as Mayor and the economic depression. He thanked his team of Councilmembers for all of their work to move through those times. He talked about the successes that occurred only due to teamwork. He thanked Corporation Counsel Wilson, Assistant City Manager Militana and City Manager Pickup for all of their hard work. He stated it was a privilege to serve the community.

4. Draft unapproved minutes of the regular meeting of the City Council held January 24, 2018.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to approve the minutes of the regular meeting of the City Council held January 24, 2018.

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. Appointment of Council Liaison to the Senior Advocacy Committee.

Mayor Cohn appointed Councilwoman Tagger-Epstein as Council liaison to the Senior Advocacy Committee.

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

Mayor Cohn thanked Evan Bernardi, Diane Ball Brendel, Dave Desmond, Mark Doran, Robert May, Tiffany O’Toole Flaherty and Tatiana Shestova for their past service on the Finance Committee.

Mayor Cohn made the following appointments to the Finance Committee: Fred Buffone for a one-year term expiring January 1, 2019, Sam Dimon for a three-year term expiring January 1, 2021, Callie Erickson for a three-year term expiring January 1, 2021, Christine Groves for a three-year term expiring January 1, 2021, Jono Peters for a two-year term expiring January 1, 2020, Jim Sandling for a two-year term expiring January 1, 2020, John Souza for a one-year term expiring January 1, 2019, and Greg Usry for a three-year term expiring January 1, 2021. The Mayor appointed Mr. Usry as the Finance Committee Chair.

Mayor Cohn made the following appointments to the Flood Advisory Committee: Bernie Althoff for a one-year term expiring January 1, 2019, Robert Gay for a two-year term expiring January 1, 2020, Carolina Johnson for a three-year term expiring January 1, 2021, Holly Kennedy for a two-year term expiring January 1, 2020, Eric Moy for a three-year term expiring

January 1, 2021, and Rob van der Wateren for a one-year term expiring January 1, 2019. He designated Mr. Althoff as Flood Advisory Committee Chair.

Mayor Cohn reappointed Thomas Maloney, Linda Ritacco, and Stephan Verille to the Recreation Commission for three-year terms, expiring on January 1, 2021, and newly-appointed Rick McCabe to the Recreation Commission to fill the unexpired term of Jay Wykoff, expiring on January 1, 2019.

Councilman Stacks made a motion, seconded by Councilwoman Hurd and unanimously carried, to approve the Mayor's appointments.

8. Status Report regarding United Hospital Site related to traffic study.

Mayor Cohn updated the community on this issue and stated that the Council has received a draft of the traffic study. The draft needs to be reviewed by the affected neighborhood, Rye Park, for input prior the Council consideration of the draft.

9. Continued discussion regarding proposed amendment to the City code related to the PACE financing program.

Mayor Cohn stated that the City Council had heard a presentation several weeks prior from Energize NY on the PACE program, allowing for capital improvement financing for entities wanting to update their energy systems. Currently in Rye, nonprofits are the only entity permitted to take advantage of the program, but the Council is considering expanding to commercial entities. Mayor Cohn stated that the Council wishes to continue the discussion on this item.

Councilwoman Souza asked Corporation Counsel Wilson her thoughts on the amendment. Corporation Counsel Wilson encouraged the Council to bring any draft changes to her attention while the issue was being considered.

Councilwoman Tagger-Epstein asked for clarification on the proposed affected parties to an amendment. Councilwoman Goddard responded that the legislation would be expanded to commercial entities.

Councilwoman Hurd asked if the EIC had a marketing plan in place for commercial entities in Rye. City Manager Serrano responded that it does have an outreach strategy to make the most of the program.

Councilwoman Souza said that it could be difficult because most members of the Chamber of Commerce are tenants and do not own their buildings in the central business district. City Manager Serrano responded that a search of tax records would be performed to have outreach to the building's owners.

Councilman Stacks asked if the proposed legislative expansion creates an administrative burden on the City. City Manager Serrano responded that it did not.

Councilwoman Hurd discussed possible improvements within the historic district.

Mayor Cohn said that the PACE 2.0 program did not have much experience or data on successes in New York, but did have findings from other states. He said it would be helpful for the Council to have documentation on the other states.

Councilwoman Goddard also added that it would be interesting to see documentation on issues of financing during construction. She said she would be interested to see if there were a higher incidents of defaults during that timeframe.

Councilwoman Tagger-Epstein inquired as to how aggressive the City could be if needed in this new program expansion.

Councilman Mecca stated that when we the City agreed to the PACE program several years prior, it specifically had Wainwright House in mind as a nonprofit looking to make energy improvements. Without a large number of nonprofits in the same situation, it could be one reason to expand to commercial entities.

Councilwoman Souza said that she was concerned about the possible subjective element of residential vs. commercially-owned property.

Councilman Stacks discussed whether the expansion would create risk for the City.

There was general discussion about capping the amount of this type of improvement per year.

Councilwoman Souza said that she would like to see the public's response to this initiative.

Councilwoman Hurd said that with respect to the downtown area, she would be interested to see if commercial realtors in the have specific thoughts on this issue.

10. Status Report regarding the Last Mile project.

Mayor Cohn stated that the Council wanted to continue the discussion on the Last Mile project, as many closures and repairs are being proposed for the future. He said that the City had just learned from the State that it was going out to bid for the construction work. However, only when the bid is awarded will there be construction plans, giving the City a better idea of the impact and timing. Mayor Cohn said that the City needed to be prepared for these capital improvements on all fronts.

Mayor Cohn then recommended that this topic be handed to the Traffic and Pedestrian Safety Committee for their thoughts and recommendations and asked the Committee to monitor the issues as they unfold.

Nancy Benson, Rye resident, spoke about the Last Mile project. She asked if residents would be made aware of any closures prior to construction taking place. Mayor Cohn responded that residents would be alerted as the City becomes aware of this important information. Ms. Benson also stated that the Byram River Bridge on Mill Street is expected to accommodate some of the diverted traffic, and she felt concerned about the strength and stability of that little bridge.

11. Discussion related to the Tunnel to Long Island.

Mayor Cohn stated that on the Tunnel to Long Island idea, the State finished a rough and rudimentary feasibility study and was soliciting expressions of interest from builders. The Mayor further stated that this is a long way away, but very concerning for Rye.

Councilwoman Goddard read the following press release from the Westchester County Board of Legislators into the record:

"As the Westchester County Legislators that represent the districts on the Sound Shore, we remain open-minded on the proposed tunnel from Long Island to Westchester under the Long Island Sound (see Newsday article: <https://www.newsday.com/business/sound-tunnel-cuomo-oyster-bay-westchester-1.16369235>), but we are opposed to a Request for Proposals (RFP) being done by New York State, based only on its own study, without any input at all from Westchester's elected officials, municipalities, community and environmental groups and residents. There needs to be much more review and due diligence conducted by all interested and affected parties before New York State starts reviewing any bids to build this tunnel. We will push for more transparency and an open and objective review process. The communities we represent need more information about this proposed tunnel, and therefore, we will reach out to our colleagues in the New York State government to offer our assistance in setting up the necessary review meetings here in Westchester County."

Mayor Cohn stated that Rye will work with its neighbors who share the concerns about this proposed tunnel, and also with County and State officials. Mayor Cohn also proposed that the Council organize a seven-member advisory committee on the proposed tunnel, comprised of two members from the Traffic and Pedestrian Safety Committee, and at least three members from neighborhoods directly affected by the proposed tunnel. Terms would be staggered by 1, 2, and 3 year terms, with the Chairperson to be appointed by the Mayor.

Councilwoman Hurd stated support for the Mayor's proposed committee, as in the last month alone, she has heard concern throughout the community.

Councilwoman Goddard also expressed support for the committee. She stated that Rye must be vocal in this proposed idea, and it is critical to have a group to keep the City Council apprised of developments.

Councilman Stacks asked if the State has contacted Rye about this. City Manager Serrano responded that the State has not contacted the City about the matter.

Councilwoman Tagger-Epstein stated that this has been put forth quickly in the State budget without much thought or consideration. She felt it important that the City be vocal and have a committee formed that is aware and of any progressions. She recalled Mayor Grainger's vocal movement when a similar idea was proposed many years ago, which helped stop the development at that time.

Councilman Stacks stated support for the committee to be formed. He also asked if there any way to be less passive in the process, and secure a seat at the table and more direct engagement in the conversation with the State on the matter.

Councilwoman Souza said it was important to lock arms on this issue with others to create a stronger response, such as other municipalities and Westchester County.

Councilwoman Goddard mentioned that working with other communities would be helpful, such as the Oyster Bay community, across the Sound.

Councilwoman Tagger-Epstein said that it was important for the City to maintain communication on this item with the Governor's office on a regular basis.

Councilwoman Hurd asked if the Mayor wanted the committee to reach out to other communities. Mayor Cohn responded that City Council would be responsible for that type of communication.

Corporation Counsel Wilson stated that the committee could be created by a simple resolution establishing the Long Island Tunnel Advisory Committee.

Councilwoman Tagger-Epstein made a motion, seconded by Councilwoman Souza and unanimously carried, to create the Long Island Tunnel Advisory Committee, comprised of two members from the Traffic and Pedestrian Safety Committee, and at least three members from neighborhoods directly affected by the proposed tunnel. Terms would be staggered by 1, 2, and 3 year terms, with the Chairperson to be appointed by the Mayor.

12. Consideration of request for permission to close a section of Purchase Street for the 66th Annual Celebration of the Halloween Window Painting Contest.

Mayor Cohn read the Recreation Department statement, requesting permission from the Council to close a section of Purchase Street for the 66th Annual Celebration of the Halloween Window Painting Contest.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd and unanimously carried, to close a section of Purchase Street for the 66th Annual Celebration of the Halloween Window Painting Contest.

13. Consideration of a request to hold the Annual Turkey Road Run on Saturday, November 24, 2018.

Councilwoman Souza Motion, seconded by Councilwoman Hurd and unanimously carried, to approve the request to hold the Annual Turkey Road Run on Saturday, November 24, 2018.

14. Consideration of a request to hold the Annual Food Truck Festival Saturday, June 23, 2018.

Councilwoman Souza made a motion, seconded by Councilman Mecca and unanimously carried to, approve the request to hold the Annual Food Truck Festival Saturday, June 23, 2018.

15. Consideration of a resolution to transfer \$3,100 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget to cover the change order for CBG Communications, Inc. to provide additional services. Roll Call.

Mayor Cohn explained that an item was left out of a bid for Rye TV and the item important to facilitate the previously-accepted bid.

Councilwoman Souza made a motion, seconded by Councilman Mecca, to transfer \$3,100 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget to cover the change order for CBG Communications, Inc. to provide additional services.

ROLL CALL

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

16. Consideration of a resolution authorizing a change order for CBG Communications, Inc., in the amount of \$3,100 for testing of Cable Plant and FCC Compliance review regarding digital transmitted channels. Roll Call.

Mayor Cohn explained that similarly to Item 15, this item was left out of a recent bid for Rye TV improvements, which is necessary to facilitating the work.

Councilwoman Souza made a motion, seconded by Councilman Mecca, to authorizing a change order for CBG Communications, Inc., in the amount of \$3,100 for testing of Cable Plant and FCC Compliance review regarding digital transmitted channels.

ROLL CALL

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

Councilman Mecca explained that with respect to Items 15, and 16, one authorizes the transfer of funds and the other approves the changes made to the contract for work.

17. Miscellaneous communications and reports.

Councilman Stacks announced that it was not too early to think about the Rye Golf Club and pool membership. He said that applications were available online, or those interested could call the Golf Club office. Applications for discounted rates for renewing golf members are due March 15, 2018, with renewing pool membership due May 15, 2018.

Councilwoman Souza stated that she attend the Chamber of Commerce meeting earlier in the day on February 7, 2018. She said that the Sustainability Committee presented to the Chamber on the issue of plastic straws. Councilwoman Souza also reminded the community that the Council had been holding its office hours in City Hall. She thanked to those who have attended and encouraged the community to attend. She announced that she would be in Albany at the NYCOM Conference on Monday, February 12, 2018, and could not be present for office hours. Later in the meeting, Councilman Mecca announced that he would be covering those office hours. Councilwoman Souza lastly announced that there would be no office hours on February 19, 2018, as City Hall was closed to observe President's Day.

Councilwoman Hurd said that the Flood Advisory Committee had met earlier in the day on February 7, 2018 with the New York Rising team. She announced that the sluice gate project would be moving forward this year around the summer. On Rye Town Park, she announced that the Commission was continuing its interview process for the Park Director position. Councilwoman Hurd also announced that on behalf of the Boat Basin, the dredging process was moving forward. The New York State-scheduled testing would be held on February 8, 2018 for the dredging projected. Once the material is tested, the City will know more about where the silt can be relocated during the dredging process. She also announced that there had been some ice damage at the Boat Basin with the cold temperatures, but there were also recent repairs. The renewal process for slips was February 15, 2018. She encouraged both renewing members and new boaters to contact the Marina for an application. She said there was still space available for boats of 21 feet or less, and that there was always room for kayaks.

Councilman Mecca announced that the Planning Commission met on February 6, 2018 and approved the proposed subdivision at 3 Club Road. The approval came after many meetings on the subdivision, with the due diligence of the Commission. He said that the solution addressed any issues of concern on water quality. Councilman Mecca recalled that back in the 1990s, the Planning Commission, created a process on how to name streets in Rye. The outcome was that a street would be named after a deceased Mayor, councilmember, or purpose of interest. Applying this process, Councilman Mecca was happy to announce that the Planning Commission named a street in Rye at their most recent meeting, and that Club Road would be called "Grainger" moving forward.

Councilwoman Goddard announced that the app for the interactive sanitation calendar was available for download on the City website.

Mayor Cohn asked City Manager Serrano for an update on the pipes under I-95, if a leak was found, and any other information on the issue that could be provided.

City Manager Serrano responded that after an inspection of the first section of I-95, the pipe looked fine, but near the train tracks, the pipe was crushed. He said that the City would be scoping the other portion of I-95 and present long or short term solutions to the Council.

Councilwoman Tagger-Epstein clarified the placement of the pipes. She asked if there had been any discussion of building a roadways on top of sewer pipes. Corporation Counsel Wilson responded that there was a question of the placement of the sound barriers.

Councilman Mecca thanked City Engineer Coyne for his diligent efforts in the issues with the pipes. Specifically, he mentioned that Mr. Coyne had worked with the County to abandon the bad line and divert it to avoid passing under the Thruway. Mayor Cohn commented that another benefit of the new line created was that it diverts the line to Mamaroneck.

18. Old Business.

There was nothing discussed under this agenda item.

19. New Business.

Mayor Cohn said that the Council needed a resolution to retain Sive, Paget and Riesel for the Crown Castle matter. Councilwoman Hurd made a motion, seconded by Councilman Stacks, to enter into negotiations with the law firm of Sive, Paget & Riesel to on possible representation the City on the Crown Castle matter. Councilman Mecca clarified that the resolution was merely to enter into negotiations on working together, but not yet expending funds to do so.

ROLL CALL

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

NAYS: None

ABSENT: None

Ms. Benson addressed the Council again and stated concern on the United Hospital project. Mayor Cohn explained that a draft traffic study would be presented to the Rye Park neighborhood. Ms. Benson asked if all citizens of Rye could be made aware of this. Mayor Cohn explained that the study does not speak in terms of change of the proposed project, but rather is relevant to that particular neighborhood for traffic mitigation purposes.

20. 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 8:53 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk