

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on February 28, 2018, at 7:30 P.M.

PRESENT:

JOSH COHN, Mayor
SARA GODDARD
EMILY HURD
RICHARD MECCA
JULIE SOUZA
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

BENJAMIN STACKS

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 7:42 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 7:47 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 February 7, 2018.

Councilman Mecca a motion, seconded by Councilwoman Souza and unanimously carried, to adopt the minutes of the regular meeting of the City Council held February 7, 2018.

4. Public Hearing 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.

Mark Thielking and Sarah Smiley, Energize NY, made a brief presentation of review to the Council on the PACE 2.0 program (Property Assessed Clean Energy). He reminded the Council that Energize NY is a nonprofit organization that offers PACE financing under General Municipal Law Article 5-L. The program allows those wanting to upgrade to cleaner energy initiatives to finance capital improvements. He stated that with the amendment of Article 5-L and the introduction of PACE 2.0, the cap of financing available would be 35% of the property's appraised value.

Mayor Cohn asked for clarification on the property's appraised value, whether the appraisal would be prior to or after improvements. Mr. Thielking responded that both could be used. He stated that many improvements were renovations, and so the appraisals would not significantly change. To add to that point, Mr. Thielking confirmed for the Mayor and the Council that the loan-to-value limitation would be 90% of the property value (land and improvements).

Mr. Thielking continued to discuss changes between PACE 1.0 and PACE 2.0, such as construction financing, satisfying NYSERDA's cost effectiveness test (cumulative savings must exceed the total cost of the project), among other items.

Councilwoman Goddard asked certain questions about the draft local law. Specifically, she asked why the provision on being current with any existing mortgage was not included in the existing local law. Mr. Thielking responded that it could be added into the local law.

Councilwoman Goddard asked for clarification on the due date. There was general discussion that the current local law draft was unclear, and Mr. Thielking responded that the issue would be cleared up.

Mayor Cohn stated that the last time Energize NY was present before the Council, there was discussion about other PACE 2.0 programs, as it is relatively new in New York. He asked for documentation on other successes or defaults in other jurisdictions. Mr. Thielking responded that he would forward the annual report.

Councilwoman Souza asked about the delinquency rate in New York. Mr. Thielking responded that out of 20 projects, there had been one technical delinquency due to a bank issue.

Mayor Cohn stated that as the City considers this, his understanding is that the City is allowed to shape its own law, with rights of modification.

Councilwoman Goddard confirmed that with classifying or restricting the City's own law, it also can have control over including certain property types, such as adding commercial properties. Mr. Thielking confirmed that this was the case.

Councilwoman Tagger-Epstein asked if the City would be involved in the process or if it would always be left to Energize NY if PACE 2.0 was adopted. Mr. Thielking responded that the City would take the lead on promoting it. However, Energize NY would handle logistics, with a duty to send the City an annual report on the program.

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

Councilwoman Souza asked if anyone had heard about organizations that would be interested in taking advantage of the program in Rye. Councilwoman Hurd responded that she reached out to a local real estate broker of commercial properties with respect to the central business district. She said she would give the Council a future update on the broker's response. Mr. Thielking added that in the City of Rye, there have been five properties up for discussion, some with substantial interest. There was general discussion about certain projects being able to move forward with 2.0.

Bob Zahm, 7 Ridgewood Drive, stated that Christ Church would be hosting a seminar on solar energy on March 12, 2018. Councilwoman Souza asked Mr. Zahm and Mr. Thielking to exchange information.

There was discussion over houses of worship looking into solar and greener energy.

Councilwoman Hurd asked if houses of worship are categorized under nonprofits by definition. Both Energize NY and other Councilmembers responded that they would be.

Mayor Cohn stated that the public hearing would be continued to the next City Council meeting.

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

Jordan Glass, Esq., attorney for Heal the Harbor, spoke about Hen Island. He stated that the Hen Island community had been seeping pollution into the harbor and has failed to fix the mosquito problem. He recited several lines from a decision brought by Mr. Ray Tartaglione against the City, which stated that the City may regulate the systems at hand. Mr. Glass said that the County had not preempted the law in this field. He stated concern for potential health issues generated by Hen Island and asked the Council to act accordingly.

Ray Tartaglione, 10 Hen Island, stated concern for sewage entering the Long Island Sound from Hen Island. He said he had been speaking on the issue for ten years to no avail. He recounted those who spoke out against the sewage and mosquito issues over the years. He asked that a committee be formed to oversee the sewage issues.

Bob Zahm, 7 Ridgewood Drive, thanked the City for being responsive to the recent sewer breakage. He asked for the timeline for a solution.

Mayor Cohn responded that the City thinks it has found the leak, which is now closed. There is a temporary bypass in operation, which is believed to be successful. The City Engineer is working on permanent solutions.

Mr. Zahm also asked about the WWI Memorial and flag pole status. Councilwoman Goddard responded that the City is now going out to bid to fix the memorial. Mr. Zahm also reported that he observed parking blocking traffic in the downtown in spots where no parking is permitted. Lastly, he reported that the Con Ed work on Theodore Fremd had been disruptive. He also stated that the walkway on Playland Access/ Theodore Fremd had been in disrepair with no progress in sight. City Manager Serrano said that he would call the County on the issue.

Richard Smith, Rye Park neighborhood, stated that the neighborhood had an opportunity to review the recent traffic report from Maser Consulting, and has provided comments to the City Council. He asked that the City begin to take traffic mitigating steps within the neighborhood.

Items 6, 7, and 8 were taken together:

6. Consideration of a request by the Rye Free Reading Room for use of the Village Green and City Hall Parking lot to host the Annual Vehicle Fair on Sunday, May 20, 2018 from 8:00 a.m. to 5:00 p.m.
7. Consideration of a request by the Rye Free Reading Room to allow two food trucks as part of the Vehicle Fair on May 20, 2018 from 11:00 a.m. to 3:00 p.m.
8. Consideration of a request by the Rye Free Reading Room for use of the Village Green on select Thursday, July 19th from 3:00 p.m. to 9:30 p.m. for a free theater performance.

Chris Shoemaker, Rye Free Reading Room, asked the City Council for permission to hold the events for the community in items 6, 7, and 8.

Councilman Mecca made motion to approve Items 6, 7 and 8, (6,7,8), seconded by Tagger-Epstein, and unanimously carried. This approved a request by the Rye Free Reading Room for use of the Village Green and City Hall Parking lot to host the Annual Vehicle Fair on Sunday, May 20, 2018 from 8:00 a.m. to 5:00 p.m., a request by the Rye Free Reading Room to allow two food trucks as part of the Vehicle Fair on May 20, 2018 from 11:00 a.m. to 3:00 p.m., and a request by the Rye Free Reading Room for use of the Village Green on select Thursday, July 19th from 3:00 p.m. to 9:30 p.m. for a free theater performance.

Councilwoman Hurd said that at Council office hours, they had a visitor asking about plans and renovations for the library, particularly space allocated to teenagers instead of other users. She said the person also asked about reference books being de-shelved. Lastly, she said that she would love to see a formal presentation about the library's plans and progress for its capital improvements at a future meeting.

Francis Jenkins, Rye Free Reading Room, explained some of the renovations and restructuring of the library. He thanked the Council for their support.

Mayor Cohn asked the Rye Free Reading Room to organize a presentation to the Council.

9. Authorize payment of the balance of the 2017/2018 Rye Neck Union Free School District taxes collected by the City to the School District. Roll Call.

Councilwoman Tagger-Epstein made a motion, seconded by Councilwoman Souza, to authorize the payment of the balance of \$75,080.78, the 2017/2018 Rye Neck Union Free School District taxes collected by the City to the School District, on March 1, 2018.

ROLL CALL

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

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

Mayor Cohn thanked Mr. Franklin Chu, longstanding Board of Assessment Review who had resigned, for his many years of service. In his place, Mayor Cohn appointed Matt Fahey to fill Mr. Chu's unexpired term, and to a five year term ending September 1, 2023.

Mayor Cohn also appointed David Crozier to the Traffic and Pedestrian Safety Committee for a three-year term, expiring January 1, 2021.

Mayor Cohn made the following appointments to the Rye Cable and Communications Committee:

Steven Fairchild, Chairman, for a three-year term expiring January 1, 2021
Kate Conn, for a two-year term expiring January 1, 2020
Maryellen Doran, for a one-year term expiring January 1, 2019
Paula Fung, for a three-year term expiring January 1, 2021
Ken Knowles, for a two-year term expiring January 1, 2020
Susan Olson, for a one-year term expiring January 1, 2019
Lisa Tidball (non-voting member), for a three-year term expiring January 1, 2021
Kim Berns, for a two-year term expiring January 1, 2020

Councilwoman Souza made a motion, seconded by Councilman Mecca and unanimously carried, to approve the appointments made by Mayor Cohn.

11. Addition of two new resident positions to the Long Island Tunnel Advisory Committee, by the Mayor.

Mayor Cohn stated that there had been a lot of community interest in the new committee added for the purpose of monitoring the proposed "Long Island Tunnel." As a result, Mayor Cohn, with the approval of the Council, added two new resident positions to the Long Island Tunnel Advisory Committee.

12. Consideration of a request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, April 21, 2018 from 9:00 a.m. to 10:15 a.m.

Councilwoman Souza made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to approve a request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, April 21, 2018 from 9:00 a.m. to 10:15 A.M.

13. Miscellaneous communications and reports.

Councilwoman Tagger-Epstein encouraged all to attend the Rye YMCA fundraiser, to be held Friday, March 2, 2018 at Shenorock Shore Club at 7:00 P.M.

Councilwoman Hurd announced that the Rye Town Park Commission had hired a new park director, Lawrence Vargas. She said that Mr. Vargas was extremely energetic and that she was looking forward to what he has to offer. She also stated that the Commission was still working on a lease for the restaurant, but hopefully there will be news on that item soon. Councilwoman Hurd also announced that the Chamber of Commerce meeting will be held the first Wednesday of March at 8:30 A.M. at Morgan's Fish House. On behalf of the Boat Basin, Councilwoman Hurd announced that the sampling for the dredging had been completed.

Councilman Mecca stated that the Planning Commission had recently heard the proposal for 23-25 Purchase Street, which is the location where the building was torn down last year. Councilman Mecca also inquired to the possibility of opening the employee lot in City Hall to the public on Saturdays and Sundays.

Councilwoman Goddard announced that Rye Sustainability would be hosting a presentation by Sustainable Westchester on March 19, 2018 at 7:30 P.M. at the Rye Free Reading room on Community Choice Aggregation. The event is free, and registration can be done on Eventbrite or at the door. The Sustainability Committee will also be holding an event on March 24, 2018 between 10:00 A.M. and 1:00 P.M. to clean invasive garbage and vines along Playland Parkway. The rain date will be held March 31, 2018. On behalf of the Sustainability Committee, Councilwoman Goddard thanked the Rye PBA for a \$100 donation to help cover the cost of garbage bags, water and snacks.

Mayor Cohn recounted the tragic recent events in Parkland, Florida. He stated that in our own community, the City of Rye has reached out to school district to help in any way that it could. Mayor Cohn commended Public Safety Commissioner Corcoran for working with the school district on training and resources in this area.

14. Old Business.

There was nothing discussed under this agenda item.

15. New Business.

Councilman Mecca felt there was a level of unfairness in the local law regarding the notice requirements for placing tables outside in certain districts of Rye for commercial properties. He explained that the requirement is for certified mail of a 500 foot radius, more than any other requirement before any other board within the City code. There was discussion among the Council of reducing that requirement in the interest of fairness.

16. Adjournment.

There being no further business to discuss, councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn the meeting at 9:09 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk