

**APPROVED MINUTES** of the Regular Meeting of the City Council of the City of Rye held in City Hall on March 14, 2018, at 7:30 P.M.

PRESENT:

JOSH COHN, Mayor  
SARA GODDARD  
EMILY HURD  
RICHARD MECCA  
JULIE SOUZA  
DANIELLE TAGGER-EPSTEIN  
BENJAMIN STACKS  
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 7:42 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 28, 2018.

City Clerk D'Andrea made a correction in the February 28, 2018 minutes, amending the term expiration of Matthew Fahey to September 30, 2023. Councilwoman Hurd noted the correct spelling of David Crozier's name.

Councilwoman Hurd made a motion, seconded by Councilman Mecca, to adopt the minutes of the regular meeting of the City Council held February 28, 2018 as amended above.

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

This item was taken out of order. Joe Murphy, Franklin Avenue, stated that on March 8, 2018, two City of Rye Police Officers came to his home and helped his family with their generator during the power outages. Mr. Murphy said that the two officers, Detective Kenny, and Officer Staffiero, were originally U.S. Marines. He thanked the officers for their help and service during the storm to Rye residents. Mr. Murphy said that the officers do a wonderful job.

4. Continuation of the 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.

Mayor Cohn explained that this initiative would further a current program helping certain types of entities finance capital improvements looking to implement cleaner and more sustainable energy. The current amendment explores expanding to commercial entities. Mayor Cohn noted that the City has not yet heard from commercial entities expressing interest. He said that the Council would appreciate hearing from them.

With no members of the public present to speak during the public hearing, Mayor Cohn opened the floor for Council discussion and questions on the issue.

Councilwoman Souza asked if the presentation by Energize NY could be put in an accessible place on the City website. That way, the Council and staff could send information to interested groups.

Mayor Cohn recounted that he had asked at the last public hearing to get specific data about the default information on the CT program, as it is close to New York State, and also because New York had not yet seen had a great deal of data.

Sarah Smiley, Energize NY, stated that Mr. Thielking had sent the annual report on CT data. City Manager Serrano stated that he would re-circulate that report.

Councilwoman Goddard said that she had been waiting for the new language on proposed local law Section 8(a), regarding the timing of the payments. Corporation Counsel Wilson clarified that the language would not be changing, but the intent would be changing. Councilwoman Goddard also said that there was some conversation at the last public hearing about Section 5(e), which specified the quantity of current payments to have a substantive record on financial health. She said it would be helpful to include a specific time period. Ms. Smiley responded that it was unlikely that an applicant would obtain lender consent if behind in payments. Councilwoman Goddard said she would prefer to have that specified within the law. Ms. Smiley explained that it would not change in the law, but would be a modification to the local program.

Mayor Cohn thanked Ms. Smiley for attending. The public hearing was continued.

6. Consideration to set a Public Hearing for March 28, 2018 to amend local law Chapter 64, “Boats and Harbors” of the Rye City Code by amending provisions related to moorings.

Mayor Cohn said that with regard to local law Chapter 64, the Police and Corporation Counsel have provided comments on proposed amendments to address the issue of moorings.

Joe Pecora, Boat Basin Commission, explained that amending the City Code would allow for the enforcement of the mooring charges.

Corporation Counsel Wilson explained that the Council could set a date for the public hearing. She further stated that this would be a significant revamp of the mooring law.

Councilwoman Hurd made a motion, seconded by Councilman Mecca, to set public hearing to amend local law Chapter 64, “Boats and Harbors,” for March 28, 2018.

Jim Murphy, American Yacht Club, asked if the public hearing would give him an opportunity to comment on the local law. The Council responded that he and the rest of the public would have that opportunity.

7. Consideration of a resolution to amend the 2018 Adopted Fees and Charges for the Rye Boat Basin Enterprise Fund by adding a winter trailer only storage fee of \$350 plus NYS tax. This is for trailers that are either empty or box style trailers.

George Hogben, Boat Basin Supervisor, explained that this was introduced because a fee needed to be established for box trailer storage throughout the winter months.

Councilwoman Hurd, made a motion, seconded by Councilman Mecca, and unanimously carried, to amend the 2018 Adopted Fees and Charges for the Rye Boat Basin Enterprise Fund by adding a winter trailer only storage fee of \$350 plus NYS tax.

8. Consideration of proposed revisions to the Regulations of the City of Rye Municipal Boat Basin as recommended by the Boat Basin Commission regarding extending the deadline for the renewals of slip permits to March 31 and if not renewed the slips will be sold as of April 1.

Supervisor Hogben explained that if slips are not renewed by March 31, this would allow the Marina to sell the unused slips for the upcoming season. He also explained that to remind those with current slips to renew, he sends out emails, regular mailings, and then makes phone calls.

Councilwoman Souza recommended highlighting the renewal issue so that everyone would be aware of the change in policy.

Councilman Stacks inquired as to whether the policy would be effective immediately. Supervisor Hogben responded that it would be effective for this upcoming season.

Councilwoman Hurd made a motion, seconded by Councilman Mecca, to approve the revisions to the Regulations of the City of Rye Municipal Boat Basin Commission, authorizing unused slips to be sold by April 1, 2018.

9. Consider a resolution to authorize the Mayor to engage Sive, Paget & Riesel, P.C. to represent the City of Rye in litigation with Crown Castle.

Mayor Cohn explained that the law firm of Sive Paget & Riesel was an experienced law firm, up for the task of representing the City in litigation with Crown Castle.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein to authorize the Mayor to engage Sive, Paget & Riesel, P.C. to represent the City of Rye in litigation with Crown Castle.

ROLL CALL

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

10. Consideration of proposed revisions and addition to the Rules and Regulations of the City of Rye Police Department:

- New General Order #102.9 regarding Harassment and Sexual Harassment policy.
- General Order #103.1 regarding performance and conduct policy.
- General Order #103.3 regarding Use of Force / Deadly Physical Force policy.
- General Order #103.4 regarding guidelines for firearms policy.
- General Order #104.1 regarding Uniform Specifications and Equipment policy.
- General Order #111.1 regarding Evidence and Non – Agency Property Management policy

City Manager Serrano explained that Public Safety Commissioner Corcoran has been periodically updating and codifying policies for the Police and Fire Departments, making the departments as strong as possible.

Councilman Mecca made a motion, seconded by Councilman Stacks and unanimously carried, to approve the revisions and additions to the Rules and Regulations of the City of Rye Police Department:

- New General Order #102.9 regarding Harassment and Sexual Harassment policy.
- General Order #103.1 regarding performance and conduct policy.
- General Order #103.3 regarding Use of Force / Deadly Physical Force policy.
- General Order #103.4 regarding guidelines for firearms policy.

- General Order #104.1 regarding Uniform Specifications and Equipment policy.
- General Order #111.1 regarding Evidence and Non – Agency Property Management Policy

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

Mayor Cohn made the following staggered appointments to the Rye Town Park Advisory Committee:

Russell Gold, Chairperson, three-year term, expiring January 1, 2021

Ted Stein, two-year term, expiring January 1, 2020

Jason Mehler, continuing his current term expiring January 1, 2019

Elinore White, one-year term, expiring January 1, 2019

Robert Dwyer, three-year term expiring January 1, 2021

Diana Page, two-year term expiring January 1, 2020

Katie Kubursi, two-year term expiring January 1, 2020

Councilwoman Souza made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to approve Mayor Cohn's appointments.

12. Miscellaneous communications and reports.

Councilman Stacks announced that early enrollment for Rye Golf Club members would end March 15, 2018. He also reminded the community that the annual Easter brunch at Whitby Castle would be held on Easter, Sunday, April 1, 2018. This event is open to the public, but Councilman Stacks asked that those interested please register. Councilman Stacks also reported that the Finance Committee had met twice this year so far and has been very investigative and energetic. He thanked the Committee for doing a great job so far.

Councilwoman Souza announced that the Rye Chamber of Commerce announced its Sidewalk Sale for July 26-28, 2018. She also said that the Rye Recreation Spring Program registration is now open. Further, camp registration opens Thursday, March 22, 2018 and can be done on the Recreation website. She encouraged the community to attend the Egg Hunt at the Osborn at 11:15a.m. on March 31, 2018.

Councilwoman Tagger-Epstein announced that students from almost 3000 schools marked March 14, 2018 as National Walkout Day to show solidarity for the recent gun violence tragedy at Parkland High School. The walkout lasted 17 minutes, to remember the 17 lives lost. Councilwoman Tagger-Epstein thanked the school superintendent to allowing the students to peacefully exercise their First Amendment rights. She also acknowledged the Police and Fire Departments in Rye to have the opportunity to do so in the safe environment. Councilwoman Tagger-Epstein said that she was proud of the students, and thanked Rye HS. She also acknowledged those students who walked out even in the face of adversity from schools who were against the peaceful protest. She then stated that there will be a Moms March on March 18, 2018 at the Wainwright House at 4:30 P.M., which will also include an event hosted by Moms Demand Action in Westchester on gun legislation and related topics. Further, on March 24,

2018, there will be a “March for Our Lives” event at Rye Neck at 2:30 P.M. She invited those interested to find more information at the Rye Human Rights website or Facebook page.

Councilwoman Hurd said that with regard to the Boat Basin, those who do not renew by March 31, 2018 will lose their current slips. Concerning Rye Town Park, the restaurant contract was still a work in progress, but she was hopeful to have an update soon. Councilwoman Hurd then congratulated the Rye High School Girls Basketball team, who won the Section 1 Gold Ball Championship to the Harrison Huskies. She then announced that the Rye Historical Society would be having its annual spring fundraiser at Apawamis Club on Wednesday, March 28, 2018 from 12:00 to 2:30 P.M.

Councilman Mecca reminded the community that the Annual Carol Kirby Memorial Egg Hunt will be held Saturday, March 31, 2018, with gates opening at 10:30 A.M. The event will be hosted by the Ladies Auxiliary of the Rye Fire Department. Councilman Mecca then thanked the City staff for their great work in the latest two storms. He said that staff had worked hard to keep the residents safe.

Councilwoman Goddard thanked City staff for their recent efforts. She announced that the Sustainability Committee was hosting a Community Choice Aggregation information session on Monday, March 19, 2018 at the Rye Free Reading Room at 7:30 P.M. She encouraged those interested to register on Eventbrite. On March 24, 2018 at 10:00 A.M., there will be a cleanup event for invasive vines and garbage, meeting at the Playland parking lot. Rye Middle and High School students will receive community service hours. For the event, the Rye Police Benevolent Association will provide garbage bags and snacks. Lastly, Councilwoman Goddard announced the second Rye Sustainability Leadership Award nominees:

*Rosemary and Vine*, who has been a model of sustainable restauranting;

*Denise Woodin*, Directory of Community Impact and Social Responsibility at Rye YMCA;

*Scott Nelson*, Rye Country Day School Headmaster, who has supported and hosted the Green Screen series for the community;

*Carolyn Cunningham*, Conservation Commission Advisory Council, a longtime environmental advocate for the City of Rye and past Councilmember; and

*Bill Lawyer*, Assistant Director, Rye Town Park Development, and freelance writer for the Rye Record, with his many years of sustainable practices and advocacy.

Councilwoman Goddard announced that the winner will receive an award at the City Council meeting held on April 25, 2018.

Mayor Cohn thanked the City Staff for their dedication, hard work and diligent responses in the recent storms that affected Rye. He discussed the storm, power outages, and the response from the City, Con Ed and the County.

While there were many positive aspects, Mayor Cohn announced that there will be an elected officials meeting to discuss change for future storm emergencies and preparedness. Mayor Cohn said that he learned about the City in the recent storms, and looks forward to meeting with staff on perceived opportunities for improvements. Most importantly, Mayor Cohn said that he learned how Rye residents come together in times of adversity. He also said that in their first few months as a new City Council, they have learned that there is much to do, with costs and priorities involved. For example, Mayor Cohn said that with respect to roads, he has heard frequent justified complaints about them. With respect to sewers, the City has seen the recent painful learning experience of the possible Locust Avenue storm drain infiltration. This was the case of a sewer line that was built at least 60 years ago, with aging infrastructure. He discussed the DPW needs, such as building improvements, need for garbage trucks, among others. He also discussed the need to improve the court facilities to be up to State standards.

Mayor Cohn said that the City's total budget is less than \$40 million; with 16% of total taxes coming to the City. Of that, 60% goes to City salaries, benefits, and retirement. Mayor Cohn was hopeful that the Finance Committee will be instrumental in the City's financial future.

13. Old Business.

Mayor Cohn made a statement in response to Mr. Tartaglione's complaints to the City about Hen Island. Mr. Tartaglione has asked the City to help with his long running battle with his neighbors at Hen Island, specifically regarding sewage and mosquito issues.

By way of background, Mayor Cohn explained that Hen Island is located off the Greenhaven shore. Hen Island has no water supply or sewage hookup to the mainland. Mayor Cohn explained that after hearing Mr. Tartaglione's comments, members of the Council met with other members of the Hen Island community to discuss issues and have reviewed various records. Mayor Cohn said that while the City Council is not a court, it has done appropriate due diligence in this situation among neighbors. Mr. Tartaglione has complained about issues related to sewage and mosquitoes. In the past decade, he has been before the City Council more than 20 times, and there have been three instances of litigation. The County, having resources to do so, has performed a mosquito inspection one year ago of the area. Mayor Cohn reported that Hen Islanders have undertaken a number of improvements, such as composting, covering water, and other measures.

Mayor Cohn said that Mr. Tartaglione again approached the City two months ago. He alleged that composting toilets did not exist universally on the island, and that mosquito issues still existed. With respect to the sewer-related issue, he requested that this Council create a Sanitation Committee. In the court decision referenced at the last City Council meeting, the court ruled that it could not compel the City to create a Sanitation Committee. To do so was a matter of municipal discretion. In the City's history, there has never been a Sanitation Committee. Rather, the City has relied on the resources of the County Health Department.

Mayor Cohn continued and stated that this Council has no insight into past inspections. However, there has been a change in County administration, and the City will be requesting the

County Health Department and senior level members of the administration to utilize its resources to investigate the issues brought forward. Further, Mr. Tartaglione's report that there are lost propane tanks in the sound will be relayed to the coast guard. Lastly, the City building department will perform a property maintenance inspection and all reports will be kept as a matter of public record. The City will follow up to ensure that any violations found are properly resolved. Mayor Cohn said that the Council earnestly hopes that this is an appropriate outcome for all involved.

14. New Business.

Mayor Cohn announced that the City Council had received a resignation letter from Greg Gavlick of the Boat Basin Commission. Mayor Cohn thanked Mr. Gavlick for his many years of service.

15. Adjournment.

Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn into executive session to discussion litigation and personnel matters and 8:47 P.M. The Council anticipated that they would not reconvene into the public forum following executive session.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk