

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on July 11, 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 Stacks made a motion, seconded by Councilwoman Souza, to adjourn the executive session. The regular meeting of the City Council began at 7:39 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 meetings of the City Council held June 6 & 20, 2018.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the minutes of the regular meeting of the City Council held June 6, 2018 and June 20, 2018.

4. Presentation of an award to honor the Department of Public Works, City of Rye, New York with the Club Civic Improvement Commendation.

Julia Burke, 72 Glendale Road and president of Rye Garden Club, presented an award to the City's Department of Public Works for their efforts in maintaining the plants throughout Rye.

Mr. Ryan Coyne, Superintendent of Public Works, thanked the Garden Club and the Council for their award.

5. Presentation on City Financials by Brendan K. Kennedy of the auditing firm of BST & Co, LLP.

Brendan Kennedy, BST & Co. LLP, presented the results of the audit of the 2017 financials. Mr. Kennedy gave a brief summary of the work done by the firm in the audit process with the City of Rye. A few City-wide observations were that personnel were well organized and knowledgeable, and the overall financial health of the City appears strong. He also reported that processes were appropriate and reasonable, and that the audit encountered no significant inquiries. Mr. Kennedy commended the Finance Department, which was very cooperative, as well as other departments in the City.

Councilman Mecca asked if there were any changes in how accounting practices were established in the past.

Mr. Kennedy responded that there was a relatively significant accounting standard for year ending 2018 involving post-employment retirement health benefits. The reporting on that item will change substantially.

Councilman Mecca asked if this increase would be reported as a non-cash future debit. Mr. Kennedy confirmed that this would be the case, with no impact on the general fund. There was discussion about this long-term tool being used from year to year.

Councilman Stacks and Mr. Kennedy discussed that bond raters were already aware of the new reporting obligation.

Councilman Mecca asked if money could be set aside for this future debt. Mr. Kennedy responded that the City could set up a reserve fund, but a future administration could decide to do something different with the money. Councilman Mecca hoped that if the public read this document in a year, they would hopefully be prepared.

Councilwoman Hurd referenced page 6 of Mr. Kennedy's report, specifically Exhibit B. There was discussion over the pension liability noted in this section of the report.

Mr. Kennedy explained that the adjustment on pension liability is the City's share of the state's shortfall, as the state is running on a deficit. There was discussion about the annual payment of the City's share of the New York State pension share.

Mayor Cohn thanked Mr. Kennedy for characterizing the City's financials. Mr. Kennedy commented that it was a positive audit. Mayor Cohn also thanked Deputy Comptroller Fazzino for his hard work.

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

Chris Shoemaker, Rye Free Reading room, announced that the annual Lawn Chair Theater will perform Shakespeare's "The Tempest" on Thursday, July 12, 2018 at 6:30 P.M., sponsored in part by the Rye Arts Center. He also announced that there will be a weekly story time program in Rye Town Park every Tuesday in the summer. Lastly, he announced that this fall, the library will be launching a spelling bee, to be held November 12, 2018.

Ray Tartaglione, 10 Hen Island, addressed the Council on the issue of sewage from Hen Island. He said that he had recently heard from residents who did not know about the community. He explained that Hen Island is a privately-owned island off the Milton Harbor, only accessible by boats. It is responsible for \$140,000 in property taxes. Mr. Tartaglione felt displeased with the City's response to his claims of sewage and mosquito issues on the island. He stated that the island had tested positive for West Nile virus. He asked the City to issue violations. Mayor Cohn responded that the Council was eager to see the results from the County inspection.

7. Consideration of a resolution to establish a test pilot program to assess the effect of removing the "except Sunday" condition from certain locations subject to a 15-minute parking rule. The test pilot program would be limited to Forest Avenue in front of Playland Market and Griffin Wines. Such a pilot program would end on November 1, 2018 and be subject to renewal if the Council deems appropriate.

Mayor Cohn said that the "except Sunday" rule is set to be tested with this program, until a time when Traffic and Pedestrian Safety Committee can comment and study further.

Councilman Mecca said residents in the beach district were not permitted to park in front of their homes from May 1 to September 30. The "except Sunday" notice removes that requirement in effect just for that particular parking area. He commented that it was a very busy area and he agreed with a more intensive review. Councilman Mecca supported the test program and looked forward to the Traffic and Pedestrian Safety Committee study.

Councilwoman Tagger-Epstein also supported the test program. She mentioned that the area was very busy and home to various safety issues and traffic implications. She thought it would be prudent to have more time to study the issue.

Councilman Stacks asked if there was enough time for the Traffic and Pedestrian Safety Committee to render an opinion. Councilman Mecca responded that Playland will be closed for the season before the deadline, and the need to park in front of those businesses during the day is diminished.

Councilwoman Hurd said that without removing the "except Sundays" provision the City was effectively allowing county Playland and Rye Town Park users to have free parking at the expense of city business owners/ residents.

Councilwoman Hurd made a motion, seconded by Councilman Mecca, to adopt the following resolution:

RESOLVED, to establish a test pilot program to assess the effect of removing the "except Sunday" condition from certain locations subject to a 15-minute parking rule. The test pilot program would be limited to Forest Avenue in front of Playland Market and Griffin Wines. Such a pilot program would end on November 1, 2018 and be subject to renewal if the Council deems appropriate.

ROLL CALL

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

NAYS: None

ABSENT: None

8. Staff update on proposed capital projects and Council discussion.

Ryan Coyne, DPW Superintendent, addressed the Council. He discussed the DPW trash and recyclable pickup methods and schedule. He said he was asked for any potential deficiencies by reducing garbage pickup. He said explained a possible alternative, resulting in three less workers. While there would be a reduction in staffing, there would not be a reduction in number of trucks. There was general discussion about snow plowing, garbage placement, and operations and service.

Councilman Mecca and Councilwoman Tagger-Epstein felt that reducing services for residents could be problematic.

Councilwoman Souza and Councilwoman Goddard said that they felt more discussion in review was necessary.

Councilwoman Hurd thanked the DPW for their hard work.

Mayor Cohn held the matter of garbage pickup over to a future meeting.

Superintendent Coyne discussed the Village Hall HVAC system being antiquated and unreliable. He said it was not up to current efficiency standards. He said that the New York Power Authority had done a prior audit of the building, with some improvements having a cost benefit, and others not having a cost benefit.

Mr. Coyne also discussed a new pump station at the corner of Central and Clinton Avenues. This pump station is in the design phase and would avoid pumping into the Mamaroneck Valley

Sewer District. He said that the City would be seeking grant assistance for this project, currently with the project estimated at \$1 million.

Mayor Cohn asked when the design portion of the project would be completed, with the construction portion following. Mr. Coyne responded that the design and permitting would extend into September 2018 with bidding to follow. He confirmed that the construction phase would likely be completed in the spring of 2019.

Mr. Coyne then discussed the City's salt shed, located at Disbrow Park. He explained that the salt dome is currently located in the right part of the little league field. Its outdated dome shape is no longer used by DOT and requires extensive maintenance. It is also a bit small for the City's needs. The replacement of one with an adequate size is needed. Mr. Coyne discussed the benefits to replacement, one of which avoids the spilling of salt. The City is currently working with the consultants to analyze its location if replaced. There was an estimated cost of \$650,000 for replacing the salt shed.

Mayor Cohn commented that in looking at a possible new location, the City was hopeful that its proposed site would not need remediation. A proposed site would not be available for use until testing is performed.

Councilwoman Souza asked if \$650,000 would be all-inclusive of a replacement. Mr. Coyne responded that it is possible but there could be the added cost of possible soil remediation.

Mayor Cohn asked City Manager Serrano to gather final costs, as the Council would be deciding whether to enter the bond market with changing interest rates.

Mr. Coyne also outlined the possible Building 5 replacement at Disbrow Park, which is original to the facility. The building is structurally-deficient, the roof is in need of replacement, and the structure on the outside of the building is compromised. There was discussion of possible replacement of the second floor as well.

Mr. Coyne continued and stated that the City had two buried underground fuel tanks, one gasoline, and one diesel. They are tested every day, and while they are not currently leaking, there is always the potential. The hope is to get those tanks above ground. However, the estimated cost of this is \$250,000. Councilwoman Tagger-Epstein asked if it was common to have all of these above ground. Mr. Coyne responded that it was, with safety measures used to do so.

Councilwoman Goddard asked about Buildings 7 and 5, regarding any new renovations to these buildings possibly encroaching upon residential areas. Mr. Coyne responded that for Building 5, there currently is a second story which neighbors a residential area. He explained that the expansion of the second story would be away from that side. He also said that Building 7 runs on the property line behind the residents of Preston Street. The roof of Building 7 actually helps block the view to DPW. He said that the ultimate goal of this project is to prevent it from collapsing.

Mayor Cohn said that there were currently open bays with no doors, and asked if the vehicles would be winterized with the improvements. Mr. Coyne responded that they would be.

Mr. Coyne then continued and discussed the court facility, which currently may not conform with the requirements of the Office of Court Administration. Councilman Mecca recounted a possible old idea of moving the facility.

Councilwoman Goddard said that the \$1.5 million seemed like a stale number. There was general discussion over the change of estimates and scope since 2009 resulting in a proposed increase in cost.

With regarding to road improvements, Mayor Cohn announced that the City will start in the coming week on this year's road improvements. For bonding purposes, the Council might think more in the long term about road needs.

Mayor Cohn also said that with the help of the Finance Committee, the Council was looking hard at revenues, cost cutting, and where the City can find cash available to spend, rather than going out and borrowing and incurring debt service. The Council has focused on what it feels it prudent to spend on all are items that the City has put off too many years. Mayor Cohn emphasized that the Council was looking at how the City will pay for possible bonding.

9. Consideration to set a Public Hearing for July 26, 2018 to establish the 2019 budgeted fees and charges.

City Manager Serrano stated that the staff would like to begin the process calling for a public hearing on fees and charges for 2019. Deputy Comptroller Fazzino has worked with departments on providing the fees to the Council. The City Council would have an opportunity to weigh in on the proposed fees and charges, and the staff was hopeful to have this adopted by September 2018, prior to the budget in November.

City Manager Serrano that fees are proposed as a result of a comparison to other municipalities. Councilwoman Tagger-Epstein discussed that comparison, as well as other factors, such as how long it had been since the fee was raised. City Clerk D'Andrea added that all department heads this year were required to justify each fee, regardless of whether the fee remained the same or was raised. An additional factor was administrative cost.

Bob Zahm, 7 Ridgewood Drive, commented on the analysis of fees. He said that rather than focus solely on revenue, change in behavior or incentive should also be considered. For example, he said that there should not be a fee to fix a sidewalk, as it may deter residents from doing so. There was also general discussion on whether certain fees had been used.

Councilwoman Souza made a motion, seconded by Councilman Mecca and unanimously carried, to set a public hearing for July 26, 2018 to establish the 2019 budgeted fees and charges.

10. Consideration to set a Public Hearing for August 8, 2018 regarding a resolution in support of Chapter 433 of the laws of New York, 2013 regarding hydrant fees for Suez.

City Manager Serrano said that about a year ago, City staff and Council addressed this item and decided to move forward on the local law to allow for this charge. He explained that this was the first step to move forward on that. The City must hold a public hearing, and then order Suez to do the reallocation of the hydrant fees.

Mayor Cohn explained that in the past, the City was collecting these fee through city taxes.

Mr. Zahm, commented it would be important to know how much money is really involved in this. He said that when the City moves it from the tax base from a fee to a utility, no one would be able to deduct it. Nonprofit organizations would be required to pay this as well.

Councilwoman Tagger-Epstein said that with recent federal legislation, residents can no longer write off property taxes anyway. Imposing this would spread the usage fairly. She said that the Council does understand the conflict there; entities such as country clubs with a lot of usage would be responsible for much of the share. However, Councilwoman Tagger-Epstein said that collecting these fees has the potential to offset the impacts by the Save the Sound lawsuit and focus on needed infrastructure.

Councilman Mecca said that if the fee was removed from resident taxes, the share would be fairly allocated.

Councilwoman Hurd made a motion, seconded by Councilwoman Souza, to set a public hearing for August 8, 2018 regarding a resolution in support of Chapter 433 of the laws of New York, 2013 regarding hydrant fees for Suez.

11. Consideration of a resolution for Westchester Joint Water Works to transfer the hydrant fees.

City Manager Serrano reported that Westchester Joint Water Works did not report to the Public Service Commission, and they have agreed to move forward with the hydrant fees as well. This item was moved to the August 8, 2018 agenda.

12. Consider a resolution to authorize the City Manager to submit a WQIP grant application for funding for work related to studying the City's sewer system and repairing necessary infrastructure.

City Manager Serrano explained that the City was working to satisfy certain required projects as a result of the Save the Sound litigation. He explained that the City would like to move forward with an application to the Water Quality Improvement Program, which is a grant with a 25% match from the City. He felt that the City had a very strong grant application, and there could be possibly \$4.3 million dollars on projects.

Councilwoman Souza commented that upon looking at the largest line item in the project list, there is a proposed \$2 million in sewer line repairs. Corporation Counsel Wilson explained that the SSES Phase 1 and 2 projects would be accessible shortly online.

Councilwoman Souza made a motion, seconded by Councilman Stacks and unanimously carried, to authorize the City Manager to submit a WQIP grant application for funding for work related to studying the City's sewer system and repairing necessary infrastructure.

13. Consideration to set a public hearing to amend Rye City Code Chapter 167 "Streets and Sidewalks" regarding repaving requirements after road openings and required deposits.

Mayor Cohn said that the Council does not yet have information on street opening. Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to set a public hearing July 26, 2018 to amend Rye City Code Chapter 167 "Streets and Sidewalks" regarding repaving requirements after road openings and required deposits.

14. Consideration to authorize the City Manager to execute an amended access easement for City owned infrastructure between the City of Rye and Rye Country Day School.

City Manager Serrano explained that the City has a sewer line that runs under Rye Country Day School. Rye Country Day would like to improve the area with hardscaping. The proposal here is to remove the City's obligation to restore the area to its original condition; the burden would fall on Rye Country Day School.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to authorize the City Manager to execute an amended access easement for City-owned infrastructure between the City of Rye and Rye Country Day School.

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

There was nothing under this agenda item.

16. Miscellaneous communications and reports.

Councilwoman Souza announced that the Annual Sidewalk Sale is scheduled for July 26-28, 2018.

Councilman Stacks announced that on behalf of the Rye Golf Club, the Ladies Member-Guest tournament would be held Tuesday, July 17, 2018.

Councilwoman Tagger-Epstein paid respect to Carolyn Cunningham, Rye resident, who brought recycling to Rye many years ago. Councilwoman Tagger-Epstein said that she recently attended the Edith Reed Sanctuary Board meeting. She encouraged all to visit the area. On the Human Rights Commission, she reported that the group had been in close contact with the Human Rights Commission at the County level in order to work together and be more aligned to see what other municipalities are doing. They have asked Rye to host one of the first joint sessions of the County and other municipalities on September 20, 2018.

Councilwoman Hurd announced that on behalf of the Boat Basin, George Szczerba has stepped down as a commissioner. She thanked him for his service. She also reported that those

working on New York Rising projects continue to coordinate with the Governor's office. There will be forthcoming cost estimates for several alternative projects. Councilwoman Hurd also stated that the Rye Town Park restaurant, Barley on the Beach, should be opening in the next few weeks. She also said that the park would host a sand castle making competition on July 21, 2018. Further, she encouraged anyone interested to explore the library programs in the park. Lastly, Councilwoman Hurd thanked both the career and auxiliary officers for their work on the 4th of July, which made the fireworks event successful.

17. Old Business.

Mayor Cohn updated the Council and residents that he and City Manager Serrano and City Engineer Coyne had a conversation with Con Edison with respect to the recent street work. The parties had arrived at an agreement that would allow Con Edison to start work on the Boston Post Road moving toward Old Post Road. Should the work be completed quickly enough, they would be able to move to Parsons Street in the sidewalk area. Mayor Cohn was pleased that Con Edison was not permitted to disrupt the busy season near the beach, Rye Town Park, and Forest Avenue. Should school begin before Con Edison reached Parsons Street, they would not be permitted to move forward on that segment of the project.

Mayor Cohn asked the Council if the Tunnel Advisory Committee should be disbanded, since the efforts to build a tunnel to Long Island were abandoned. Councilwoman Goddard made a motion, seconded by Councilman Mecca, to disband the Tunnel Advisory Committee.

18. New Business.

There was nothing discussed under this agenda item.

19. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilman Stacks and unanimously carried, to adjourn the meeting at 10:04 pm.

Respectfully submitted,

Carolyn D'Andrea
City Clerk