

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on August 8, 2018 at 7:30 P.M.

PRESENT:

JOSH COHN, Mayor
SARA GODDARD
JULIE SOUZA
COUNCILMAN STACKS (Arrived at 8:44 P.M.)*
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

EMILY HURD
RICHARD MECCA
Councilmembers

The Council convened at 6:30 P.M. Councilwoman Goddard 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 7:35 P.M., Councilwoman Goddard made a motion, seconded by Councilwoman Souza, to adjourn the executive session. The regular meeting of the City Council began at 7:41 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 July 11, 2018 and a special meeting of July 26, 2018.

Councilwoman Goddard made a motion, seconded by Councilwoman Tagger-Epstein, to adopt the minutes of the regular meeting of July 11, 2018 and special meeting of July 26, 2018.

4. Presentation on Leaf Blowers by the Rye Sustainability Committee.

Melissa Grieco, Rye Sustainability Committee, presented to the Council on the impacts of leaf blowers. She discussed the law banning leaf blowers during certain times of the year, enacted by the City in 2008. She said that leaf blowers were not only a nuisance to others, but also an

unnecessary burden on the environment. She explained the type of leaf blowers, powered by gas or electric means, and their pros and cons. She discussed the air quality problems with regard to gas powered leaf blowers. She also discussed the noise levels, by decibels, which are above the 85 decibel level that can cause hearing loss. She also stated that blowers can cause eye issues, as well as problems for children and pets. Ms. Grieco discussed possible alternative lawn equipment, such as rakes and mulching mowers. She felt it was important to discuss changing habits, and an enforcement of the current law.

Ms. Grieco said that she and Ms. Crowley of the Committee had heard some ideas on enforcement from the Police Department, such as placing the burden on the homeowner instead of the landscaper. The other recommendation was to put a permitting process in place.

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

Catherine Bischoff, 873 Boston Post Road, President of the Friends of the Rye Nature Center, addressed the Council. She said she was very glad about the recent bridge repair at the entrance of the Rye Nature Center. She said that she was there to provide information on the lease between the Rye Nature Center and the City of Rye. She gave a brief overview of the Nature Center and said that there was great value of providing a special place for the community. She said that the Friends of Rye Nature Center organization was established in 2002 due to a cut of funding from the City. She said that there has been a large cost savings to the City from the Friends of Rye Nature Center each year with the maintenance of the park. She said that there was recent surprise among the organization as a result of the City's Finance Committee suggesting that the Friends of Rye Nature Center become responsible for capital infrastructure costs. She said that the Friends of Rye Nature Center is limited to fund raising and fronting the costs of teachers, ecologists, and those who maintain the site.

Councilwoman Goddard added that the Rye Nature Center helps support the Rye Sustainability Committee and its Healthy Yard Campaign.

Todd Smith, 241 Forest Avenue, Chair of the Conservation Committee of the Rye Nature Center, added that the Nature Center provides summer employment, community service opportunities, senior citizen programs, and provides a connection to nature and the environment.

Councilwoman Tagger-Epstein added that the Rye Nature Center's camp for children has provided services for children with special needs.

Julie Engerran, 7 Bennett Street, Rye Nature Center Board, said that her family moved to Rye in part due to the value on nature and green space. She said she felt the Nature Center provided services for the community and increased property values.

Councilwoman Tagger-Epstein read a statement by Kim Berns, Rye TV. The letter indicated that Ms. Berns was surprised to hear about the idea of cutting of funding for Rye TV. Ms. Bern's letter made a statement against cutting staff and freezing funds. She highlighted the details of what Rye TV provides to the community.

Councilwoman Tagger-Epstein asked why the Council had not had a public vote on freezing the Rye TV budget.

Greg Usry, 299 Forest Avenue, Finance Committee, stated that the recommendation from June 18, 2018 stated that until the City Council and Manager understand the budgetary process at Rye TV, that Rye TV not hire an additional person and move the studio.

Don McHugh, Coolidge Avenue, spoke about leaf blowers. He said that his street is lined with sycamore trees, causing much debris throughout the year. He supported the continuation of being able to use leaf blowers and asked that the Sustainability Committee focus on education and other environmental issues.

Melissa Grieco, Rye Sustainability Committee, said that they do have education on healthy yards, a tree funds, educational programs on leaf mulching.

6. Public Hearing to consider a resolution in support of Chapter 433 of the laws of New York, 2013 regarding hydrant fees for Suez.

City Manager Serrano explained that this resolution was to establish hydrant fees and a dedicated fund for the City of Rye. This would be a public hearing on that discussion.

Councilwoman Tagger-Epstein added that one of the groups that is currently not seeing their fair share of usage are the beach clubs, with significantly higher water usage.

Councilwoman Souza made a motion, seconded by Councilwoman Goddard, to open the public hearing.

No one was present to speak at the public hearing.

Councilwoman Souza made a motion, seconded by Councilwoman Goddard, to close the public hearing.

Councilwoman Souza, seconded by Councilwoman Goddard, made a motion to adopt the following resolution:

RESOLVED, that in support of Chapter 433 of the Law of New York, 2013, the City of Rye authorizes the Public Service Commission, to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

ROLL CALL

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

7. Continuation of Public Hearing to establish the 2019 budgeted fees and charges.

THIS PUBLIC HEARING WILL BE CONTINUED TO THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. NO PUBLIC COMMENT WILL BE TAKEN DURING THE AUGUST 8, 2018 MEETING.

Mayor Cohn explained that information to the public would be forthcoming on the proposed budgeted fees and charges for 2019.

8. Update by the Finance Committee.

Greg Usry, Finance Committee Chair, addressed the Council. He stated that the task of the Finance Committee has been first and foremost to identify the pressing capital project concerns of the City. The second aspect has been to understand revenue opportunities to pay for the capital projects. He stated that if the City goes out to debt, it will need to pay for that debt with approximately \$70,000 per year for every \$1 million of debt. He stated that the Finance Committee is tasked with a rigorous look of all aspects of the City. Mr. Usry stated that the Committee has spent six weeks meeting with the three non-profits that the City helps to support: the Library, the Nature Center, and the Arts Center. He said that it was the responsibility of the Finance Committee to present a summary of all findings. There have so far been nine recommendations and additional reporting recommendations.

Mr. Usry presented a summary document of the three nonprofit entities. He said that the first thing the Committee did was to break out the sources of revenues for each entity. For each of the organizations, the revenue is about the same. However, the composition of each is different. Mr. Usry says that of all three, the Library's funds come from annual fund raising and from a grant from the City. The main source of all three revenues are fees or annual giving of gifts.

Councilman Stacks arrived at the meeting at 8:44 P.M.

Mr. Usry discussed success metrics, such as attendance, for each nonprofit. He mentioned that the Rye Arts Center entertains an active sublease for the building space from other organizations. He reminded the Council that the lease for Rye Arts Center was renewed in 2013, for a term expiring 2041. He discussed direct City costs for each organization. For the library, the City gives an annual grant. For the other two, it's relatively negligible, such as plowing. Mr. Usry stated that the Nature Center is unique, with 47 acres of land. He said that the primary service is snow removal, with a burden on DPW staff. He said that the problem with that arrangement is that during a time that roads needs to be plowed, DPW is called to remove snow at the Nature Center and Arts Center as landlord. The recommendation by the Committee is that for each of the two organizations, the Rye Nature Center and Rye Arts Center, the intent when both were created was to move a more self-sustaining arrangement, with the City taking less of a role and them moving to more of a role. Mr. Usry recommended that the two leases should look similar to each other, taking the bulk of the maintenance responsibility.

Councilwoman Goddard commented on Mr. Usry's abstract observations of potential costs that these nonprofits accrue to the City because the nonprofits' property is taken off the tax role (and therefore is, in his opinion, a loss in revenue). Councilwoman Goddard asked what the point was of discussing these hypothetical abstract costs when the real benefits that these entities

provide the City would be acknowledged.

Mayor Cohn remarked that these entities are very helpful to the City, but the Council and Committee need to understand the extent of what is done for them; trying to recognize the value of the real estate is helpful.

Councilwoman Goddard said that the Council agrees that these three entities provide something beneficial for the residents.

Christine Siller, Rye Nature Center, commented that prior to 2002, the City paid for someone to manage it. Currently, the Friends of the Rye Nature Center handles that cost. She said that she fully respected the analysis of the Finance Committee, but the City needs to understand that it is getting a deal.

Councilman Stacks commented that the Council is not trying to single people and organizations out, but rather, the Finance Committee's task was to go through each and every point of the City and provide knowledge of how the City is using its money.

Councilwoman Souza commented everyone was a volunteer, from the Council to the Finance Committee, dedicating time to creating a more efficient and beneficial government.

Councilwoman Tagger-Epstein said that the City was so blessed to have Christine Siller in her role at Rye Nature Center. She said that the park land was here before many of us, bringing people to Rye.

Councilwoman Goddard said that she could not thank the Finance Committee enough for providing this analysis for the Council. She said that this type of conversation is critical for budget planning and understanding.

Councilwoman Tagger-Epstein said that the City is currently in good financial standing. There are many capital improvement needs and wants, which put financial burdens on the City.

Councilwoman Souza said she wanted to be more cautious about the financial state of the City.

Mr. Usry said that within the context of the value of the Nature Center property, it gives incredible value back to the City. He said that the Finance Committee felt it was important that residents understand their tax bill in its totality. Part of the reason of why the taxes are so high is the services provided, and these community programs.

Mayor Cohn stated that all residents have used and enjoyed the services of the nonprofit entities. The City is now faced with great infrastructure needs. The current situation is stable, but there is a need to understand all aspect of finances and looking at alternatives to raising taxes. There are poor DPW conditions, failing garbage trucks, and other pertinent items. These are real expenditures with cash flow needs. Mayor Cohn said that they decided as a Council to study all needs and costs of the City. There is no desire to cut services, and no desire to raise taxes, both

which will be last resorts. In the meantime, the Finance Committee is helping the City understand what it can afford to do.

9. Continuation of discussion by the Council on proposed capital projects.

Mayor Cohn invited City Engineer and DPW Superintendent Ryan Coyne to address the Council. City Engineer Coyne gave an update on the street resurfacing program. He also reported that they will be gearing up to begin the Fireman's Circle improvements, which was overdue for repair. In that location, there will be improved traffic circulation and defining a roundabout at that location. During construction, there will be maintenance and protection of traffic for detouring.

Mayor Cohn said it would be important to make a difference on resident perception of the speed on the road maintenance situation.

City Engineer Coyne said that the City initiated a pavement management study, updated in 2014. The consultant on that study drove the roads and proposed increasing the amount allocated to paving to \$1 million per year. City Engineer Coyne said that the City is catching up from little to no money spent on paving prior to the study, with side streets having not been recently paved. There was then discussion regarding other methods of paving that are more cost effective.

Mayor Cohn asked for a review on the proposed Building 5 project at DPW. City Engineer Coyne responded that there is a consultant looking at how much of the structure can be preserved. There was discussion about the amount of building on the second floor, which would hold administrative space. There was a cost estimate of between \$3.8 and 5 million for the project.

Mayor Cohn then said that the Council would continue the discussion on possible trash pickup changes. He said that the City has a choice between the present garbage truck method and reducing services and changing the method. Mayor Cohn also said that they would be looking into moving five Rye Recreation staff members to DPW.

Councilwoman Tagger-Epstein said she was against the reduction of services, stating that the savings for this would be about \$13 per household.

Mayor Cohn said he was trying to make sure that the Council had a complete discussion.

Councilwoman Souza said she thought it was a reasonable idea to see where the City can cost save.

Councilman Stacks thanked the Finance Committee; he said it was important to do a comprehensive financial analysis before raising taxes.

Mayor Cohn said that there would not be a change in service without a public hearing.

Councilwoman Goddard said she appreciated the extra analysis. She also said she thought

it would be important to wait on continuing the garbage discussion until the other Councilmembers were present.

10. Contract Award (2018-04) for the repairs to the World War I monument/flag pole as recommended by the Superintendent of Public Works.

Roll Call.

City Engineer and Superintendent of Public Works Coyne explained that the City had gone out to bid several times for the remediation and repair of the WWI monument, which had been struck by a vehicle. He said that the sole bidder, PVS Construction, was ready to do the work to fix the monument.

Councilwoman Souza made a motion, seconded by Councilwoman Goddard, to adopt the following resolution:

RESOLVED, that contract 2018-04 be awarded to the low bidder, PVS Construction, LLC, in the amount of eighty seven thousand dollars (\$87,000) as recommended by the City Engineer and to be reimbursed from insurance claim for damage.

ROLL CALL

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

NAYS: None

ABSENT: Councilmembers Hurd and Mecca

11. Bid Award for the Solid Waste Containers bid (Bid #5-18).

City Engineer and Superintendent of Public Works Coyne said that the City routinely bids for solid waste containers every few years. One container is for City garbage, and the other is for catch basin cleaning material waste and street sweeper cleaning waste. The City then pays to have this material disposed pursuant to DEC laws. While there are more containers at DPW, those are included the City/ County IMA for services. The City went out to bid, and the sole bidder, City Carting, responded. They have had the contract for eight years and is also the vendor for the County. City Carting is prepared to enter into a two-year contract with the City.

Councilman Stacks made a motion, seconded by Councilwoman Tagger-Epstein, to adopt the following resolution:

RESOLVED, that bid #5-18 be awarded to the low bidder, City Carting, Inc., in the amount of sixty fourth thousand four hundred forty six dollars and forty cents (\$64,446.40) as recommended by the City Engineer and approved in the City's Annual Budget.

ROLL CALL

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

NAYS: None

ABSENT: Councilmembers Hurd and Mecca

12. Consider a resolution to transfer \$650,000 from Unassigned Fund balance to capital project fund - general capital.

Mayor Cohn said that the Finance Committee recommended that the City earmark surplus cash in unassigned fund balance to a capital budget fund. He explained that this was not an irrevocable commitment, just a designation of where the money might be spent. This cash is free to be so transferred.

Councilwoman Tagger-Epstein made a motion, seconded by Councilman Stacks, to adopt the following resolution:

WHEREAS, City staff has determined that there are funds available in the General Fund unassigned Fund Balance to provide additional funds for general capital projects, and;

WHEREAS, these funds will be used to support current and future projects, now, therefore be it

RESOLVED, that the City Comptroller is authorized to transfer \$650,000 from the General Fund Unassigned Fund Balance to the capital project fund – general capital.

ROLL CALL

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

13. Consideration of a resolution Declaring the Central Avenue Pump Station an Unlisted Action and adopting a Negative Declaration under the State Environmental Quality Review Act (SEQRA).

Corporation Counsel Wilson explained that as lead agency, the City has the responsibility to make a SEQRA determination on the Central Avenue Pump Station project. After reviewing, City staff recommends that the Council adopt a negative declaration under SEQRA regarding the Central Avenue Pump Station, meaning that it would have no significant environmental impacts. This is a required step that must be taken to apply for the grant. Corporation Counsel Wilson explained that the generator for the pump station would be encased in a sound barrier, and not large in size.

Councilwoman Goddard compared the noise to an air conditioner, and said that it was far from the nearest residence. There was general discussion about SEQRA and other projects.

Councilwoman Souza made a motion, seconded by Councilman Stacks and unanimously

approved by the Council, to adopt the following resolution:

RESOLVED, that the City Council of the City of Rye declares the Central Avenue Pump Station an Unlisted Action and adopts a Negative Declaration under the State Environmental Quality Review Act (SEQRA).

14. Consider a resolution Declaring the Locust Avenue Sewer Siphon By-Pass an Unlisted Action and adopting a Negative Declaration under the State Environmental Quality Review Act (SEQRA).

Corporation Counsel Wilson explained that this project has been budgeted for in the last several budgets. However, the City now has an opportunity to apply for a grant, which requires that the City as lead agency take action under SEQRA.

Councilman Stacks made a motion, seconded by Councilwoman Souza and unanimously approved by the Council, to adopt the following resolution:

RESOLVED, that as lead agency, the City Council of the City of Rye declares the Locust Avenue Sewer Siphon By-Pass an Unlisted Action and adopts a Negative Declaration under the State Environmental Quality Review Act (SEQRA).

15. Consideration of a request by the Midland Fair committee to approve a parade to precede the Midland Elementary School Fair on Saturday, April 27, 2019 from 9:00 a.m. to 10:15 a.m.

Councilwoman Souza said that the annual Midland Fair Parade has been scheduled. Councilwoman Souza made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried by the Council, to approve the request by the Midland Fair committee to approve a parade to precede the Midland Elementary School Fair on Saturday, April 27, 2019 from 9:00 a.m. to 10:15 a.m.

16. Consideration of a request by the Jarden Corporation for use of City streets on Sunday, September 23, 2018 from 7:00 a.m. to 6:00 p.m. for their annual Westchester Triathlon.

Councilwoman Souza made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried by the Council to adopt the following resolution:

RESOLVED, that the City of Rye grants the request from the Jarden Corporation for use of City streets on Sunday, September 23, 2018 from 7:00 a.m. to 6:00 p.m. for their annual Westchester Triathlon.

17. Adoption of the 2017/2018 tax levy and tax rate for the Rye Neck Union Free School

District.

Councilwoman Tagger-Epstein made a motion, seconded by Councilwoman Souza, to adopt the following resolution:

WHEREAS, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of \$11,887,159 to be raised on property within the District located in the City of Rye, with established tax rates of \$945.343651 per \$1,000 of taxable assessed value on homestead property and \$1,220.485786 per \$1,000 taxable assessed value on non-homestead property, for the fiscal year beginning July 1, 2018 and ending June 30, 2019, now, therefore be it

RESOLVED, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect said taxes, subject to any further amendments or approvals required by the Rye Neck Union Free School District.

ROLL CALL

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

18. Miscellaneous communications and reports.

Councilwoman Goddard announced that the 25th annual Summerfest will be held Sunday, September 2, 2018 at Rye Recreation Park 3:00 at P.M. She said that former Mayor John Carey will be honored for his contributions to the community.

Councilwoman Tagger-Epstein announced that the Human Rights Commission meeting scheduled for September 20, 2018 was temporarily on hold, possibly until October. She also announced that the Edith Read Fall Fest would be returning on October 13, 2018.

Councilman Stacks apologized for being late to the meeting. He asked a question about the surplus/ disposition of assets. He asked how the City ended up with a Honda vehicle. City Manager Serrano responded that it could have been off state contract when its purchased.

Mayor Cohn commented on the Last Mile project. He said that the City had spoken with the Thruway Authority. He said that they were awaiting an anticipated start date and information on coordination, but information has not come in yet.

19. Old Business.

Councilwoman Tagger-Epstein recalled that at the previous City Council meeting, there had been a resolution to transfer a FOIL appeal, with respect to a single appeal, to the Board of Ethics. She noted that the Council did not specify which FOIL appeal it was. She said she

respectfully requested this Council to clarify which FOIL appeal had been referred to the Board of Ethics.

20. New Business.

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

18. Adjournment.

There being no further business to discuss, Councilwoman Souza made a motion at 10:06 P.M., seconded by Councilman Stacks and unanimously carried, to adjourn the regular meeting of the City Council.

Respectfully submitted,

Carolyn D'Andrea
City Clerk