

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on October 17, 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 7:31 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 7:31 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. General Announcements.

Mayor Cohn announced that the MTA wishes to place a cell tower along the Metro North train line. He said that they want to put one in Rye, which is proposed to be a 130 foot tower with an added 14 feet of equipment installation. The purpose of the tower is for railroad security purposes. To defray expenses, MTA has reported that they would allow the installation of cellular antennae to be placed on the pole. Currently, the MTA is looking at the northeast end of the New York City-bound side of the train parking lot next to the Boston Post Road overpass. This desire for a cell tower has been pending for four years. Mayor Cohn said that there was some interaction with the prior City Council that was not made public. He also reported that there has been interaction with Assemblyman Otis who has done a very good job of negotiating

with the MTA. At this point, the plan has been presented to the City. Staff and Councilmembers have been engaged in a discussion with the MTA about locations and the City is doing further legal analysis on its options. Mayor Cohn said that the MTA has a fairly convincing legal argument that they can do this as-of-right. He further said that the MTA has promised that the City would have a six month period to comment on any official proposal. The City will be talking with the MTA and will try to propose other alternative sites. Mayor Cohn said that this proposed tower is not something that the City wants in that location and was doing everything it could to mitigate any issue.

4. Draft unapproved minutes of the regular meetings of the City Council held September 12, 2018 and September 26, 2018.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the minutes of the regular meetings of the City Council held September 12, 2018 and September 26, 2018.

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

Kent Iarocci, 5 Charlotte Street, addressed the Council. He thanked the Mayor and Council and the community. He stated he had given a lot of thought to Bowman Avenue and he recommended dredging in the dam to minimize or prevent flooding in Rye. He said another option would be increasing the dam's height. He said that the problem was that both were very costly. He also said that an operable sluice gate would be helpful for flood mitigation as well.

Councilwoman Hurd responded and commented that the City was working with engineers on the sluice gate, and the hydrologists and engineers need to collect more data. The NY Rising grant has paid for the installation of two sensors, to program and operate the sluice gate. There is no guarantee that it will prevent flooding altogether, but will hopefully mitigate it.

Lucy Berkoff, spoke in support of the proposed composting program. She said that she had been promoting composting at the Midland School and has been personally composting for eight years with her family.

Natalie Jackson, Sierra Desai, Megan Coyne and Sofia Kai, Rye Girl Scouts, spoke in support of composting in Rye. They read letters of support into the record and asked the Council to support the composting initiative.

Lori Fontanes, 11 Robert Crisfield Place, read a letter into the record about her support of the proposed composting program in Rye.

Charlie Cosenza and Claire Cosenza, Rye residents, said that they support curbside composting. Mr. Cosenza said that he had learned that 95% of trash could actually be composted or recycled.

6. Public Hearing to consider a local law to establish a Community Choice Aggregation Program in the City of Rye.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein, to set the public hearing on the local law to establish a Community Choice Aggregation Program in the City of Rye for November 7, 2018 at 7:30 P.M. in Rye City Hall.

7. Report of the City's financial position by the Deputy Comptroller.

Joe Fazzino, Deputy Comptroller, presented the third quarter results for the City of Rye. The 2018 General Fund revenues are up \$594,000 or 1.9 percent from last year. He said the largest piece of this is the tax levy. He highlighted the interest and penalties collected as a result of the City initiating the foreclosure process. The City Comptroller's office is working with those in arrears on appropriate payment plans so that the City can recoup any unpaid taxes. Mr. Fazzino also commented that penalties may be lower because of the prepayment of taxes at the end of 2017 due to the federal SALT deduction. Mr. Fazzino commented that the charges for services are up \$65,000 with the majority coming from an increase in parking meter revenues, recreation fees, and mooring fees. Interest and investment income is up 100% since last year.

Looking ahead to the budget, Mr. Fazzino noted that fees that can offset expenditures. Licenses and fees are currently down from this point last year because of a delay in the MTA permit sales. Building revenue is down from last year but expected to exceed projected budget. City ordinance violations and code violations have increased. There has been a decrease in parking fines of \$9,000, with more people paying the meters timely, avoiding a ticket.

Councilwoman Souza asked about the increase in the parking meter revenues from last year, to ensure that a decrease in parking fines was not due to a lack of enforcement.

Mr. Fazzino reported that state aid was down \$140,000 as a result of a decrease of first-half mortgage tax revenues. Mr. Fazzino stated that the City had received information for the second-half mortgage tax revenue, and the City will receive \$1,623,000 of mortgage tax for 2018, or \$23,000 more than budget.

Mr. Fazzino said that General Fund expenditures are up \$1.2 million. The largest component is an appropriation of fund balance to general capital projects. He also reported that overall, salaries and wages are up \$202,000. There have been 16 resignations and retirements, which should result in the City paying less on new hires. Equipment purchases are down, mostly from purchasing meter machines. Materials and supplies are down \$80,000. Mr. Fazzino commented that the installation of LED lights has saved the City on energy costs. Councilman Stacks asked if the City had budgeted for that; Mr. Fazzino responded that the current estimated savings of \$160,000 is still on target. Mr. Fazzino added that another decrease was tax certiorari payments. There were several large settlements in 2017. Mr. Fazzino reported that with the bad winter weather this year, salt costs have increased. However, contractual costs are down \$83,000. The largest decrease are legal fees, down \$81,000. Employee benefits up \$380,000,

but added that there was a decrease in workers compensation expenses. Mr. Fazzino said that the City was finally seeing old outstanding workers compensation cases coming off the books.

Mr. Fazzino stated that the 2018 revised budget column represents the budget for the full year, not for nine months, and shows the planned used of fund balance adopted in the 2018 budget plus any expenditure carryovers from the prior year.

There was general discussion among the Council. Mr. Fazzino explained that this use of fund balance was budgeted to preserve 10% of the City's General Fund undesignated fund balance.

8. Consideration to set a Public Hearing on November 7, 2018 to consider a local law to exercise our option under Real Property Tax Law Section 581 (1)(c).

Mayor Cohn stated that a local law could be established to disallow a tax shift to income-producing property as a result of converting a non-condominium property to condominium.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried to set a public hearing on November 7, 2018 to consider a local law to exercise our option under Real Property Tax Law Section 581 (1)(c).

9. Consideration to set a Public Hearing on November 7, 2018 to consider a local law to allow the City of Rye to “piggyback” on other federal, state, and local contracts.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd, to a public hearing on November 7, 2018 to consider a local law to allow the City of Rye to “piggyback” on other federal, state, and local contracts.

10. Consider a resolution to transfer \$250,000 from Unassigned Fund balance to Capital Project Fund - general capital.  
Roll Call.

Mayor Cohn explained that the funds were held back because there was consideration to put the funds towards roads. Some of the reserve may still be put towards roads, but the consideration will not take place until after a report is completed on a search to find more cost-effective methodologies. If the City does not use it for roads, it will be available for capital improvements.

While speaking on the topic of capital improvement, the Mayor provided an update that the City is currently in the in-depth planning stage on the Police/Court facility and is able to proceed with this stage without having to bond. Additionally, the Mayor wanted to clarify that the City is will be ordering garbage trucks that will accommodate the current, twice a week, pickup schedule. City Hall improvements are needed, namely a new HVAC system and plumbing upgrading, as these have not been updated since the 1960s. The DPW salt shed, DPW fuel tanks, and the Central Ave pump station, DPW building #5 and #7 are all are currently in the

design phase. The Council believes the roll-off of bonds in coming years will cover the planning and construction phase with bond proceeds.

Councilwoman Hurd made a motion, seconded by Councilman Mecca, to transfer \$250,000 from the Unassigned Fund balance to the Capital Project Fund.

**ROLL CALL**

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

11. **Resolution to declare certain City of Rye IT equipment as surplus.**  
**Roll Call.**

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

**WHEREAS**, the City has been provided with a list of City equipment identified as being obsolete or will become obsolete during 2018; and

**WHEREAS**, the IT Department has recommended that said equipment be declared surplus; now, therefore, be it

**RESOLVED**, that said equipment is declared surplus; and, be it further

**RESOLVED**, that authorization is given to the City Comptroller to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

**ROLL CALL**

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

12. **Consider a resolution to authorize the City Manager to sign a settlement with Verizon in the amount of \$6,000 to cover the underpayment of utility user's tax ("UUT").**  
**Roll Call.**

City Manager Serrano explained that the City hired an auditor to review the Verizon and Cablevision franchises. During the auditor's review, there was a discovery of the underpayment of \$6,000, due to a discrepancy with DVR costs.

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

**WHEREAS**, the City Manager is authorized to execute an agreement on behalf of the City of Rye with Verizon in the amount of \$6,000 to cover the underpayment of utility user's tax ("UUT").

**ROLL CALL**

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

13. Consider donation of plantings to be placed on City property and authorization to enter City property to plant. Subject to insurance certificates approved by Corporation Counsel.

Councilwoman Goddard announced that Rye Resident, Ryan Prime, had been talking with the City about raising money through a new nonprofit that he started with other residents. The goal of the nonprofit is to help beautify Disbrow Park. Mr. Prime has been working with resident Peggy Peters to come up with a planning scheme and they are prepared to make a donation to the City. Councilwoman Goddard thanked Mr. Prime and the Disbrow Park Conservancy.

Councilwoman Goddard made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to accept a donation of plantings from Disbrow Park Conservancy to be placed on City property.

14. Consider a resolution authorizing the City Manager to retain the services of Brown and Weinraub, PLLC to work with the City of Rye and the Village of Port Chester, SUEZ and the PSC to complete an agreement that would allow the release of water usage data. The cost total cost would not exceed \$15,000 and will be split between the City of Rye and the Village of Port Chester.

Roll Call.

City Manager Serrano explained that some time ago, 11 municipalities joined together to create a coalition urging the PSC to release water usage data for to be able to assess a sewer fund within each municipality. This item would allow the City to retain counsel to complete an agreement to execute with the municipalities, Suez, and the PSC.

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

**RESOLVED**, that the City Manager is authorized to execute and agreement to retain the services of Brown and Weinraub, PLLC to work with the City of Rye and the Village of Port Chester, SUEZ and the PSC to complete an agreement that would allow the release of water usage data; now therefore be it also

**RESOLVED**, that the cost total cost would not exceed \$15,000 and will be split between the City of Rye and the Village of Port Chester.

**ROLL CALL**

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

15. **Miscellaneous communications and reports.**

Councilwoman Goddard announced that Saturday, October 27, 2018 will be Drug Takeback Day, which was planned by Rye ACT and other organizations, and will be held at the Rye Police Department. The Police Department will be open from 8:00 a.m. to 4:00 p.m. to receive unused or expired medications. Councilwoman Goddard also announced that Zero Waste Day will be held Saturday, November 3, 2018 in the Playland parking lot. This day will be a County drop-off recycle day. Information can be found at [zero-waste-day.org](http://zero-waste-day.org). Councilwoman Goddard thanked Catherine Parker and Kristen Jaust for organizing the event.

Councilman Mecca reported that there was a Planning Commission meeting the previous evening. There was a presentation and approval for the rebuilding of the wall and observation area at Rye Town Park that was damaged at Superstorm Sandy in 2012. He explained that the Planning Commission issues approvals or changes within the wetland or wetland buffer area. Therefore, this coastal / environmental issue came before the Commission. The Commission is also reviewing a property across the street from the YMCA. There was also a subdivision approval at 3 Club Road, to change it to a two-lot subdivision from a three-lot subdivision. H said that the bad news is that this approval creates a flag lot. There will be a Saturday morning site walk at the Golf Club.

Councilwoman Hurd stated that Rye Town Park had been approved for the seawall improvements, as mentioned by Councilman Mecca. She also announced that the Friends of Rye Town Park would be holding their Fall Festival on October 20, 2018 from 11:00 a.m. to 3:00 p.m. Councilwoman Hurd also said that the Rye Town Park Parking Committee hired a parking consultant, who created a more delineated parking area that will hopefully maximize spaces. Further, there is hope to automate the parking process. On behalf of the Flood Advisory Committee, she reported that the Council voted to approve the list of NY Rising projects. The City has met with some engineers to discuss the possibility of programming the sluice gate sooner. The City has also reached out to State and U.S. Representatives for possible grant money opportunities. The Chamber of Commerce will be hosting their annual Mistletoe Magic

on Sunday, December 5, 2018 from 12:00 to 3:00 p.m. Councilwoman Hurd also reported that the Taste of Rye event was held several weeks ago to benefit My Sister's Place. Councilwoman Hurd also thanked the City Clerk's office for executing the recent film permit for the Blacklist and asked that the Chamber continue to be apprised of the usage of parking for these events, as they were with the recent permit. There was some concern with a new "pop-up" store for the holiday season coming into town, but it would be difficult to act to prevent this type of business late in the process; perhaps a solution can be thought of before next year. On behalf of the Boat Basin, Councilwoman Hurd reminded the community that this is the time to remove boats from the water. She asked those who still had boats docked to notify the supervisor when ready to be hauled out. To avoid late fees, this should be done timely.

Councilwoman Tagger-Epstein reported on the Traffic and Pedestrian Safety Committee. She said that a conversation that has been raised has been the issue of parents walking their kids to school witnessing cracked sidewalks, hedges in the right-of-way, etc. Residents with these concerns have inquired about the proper channels to report such issues. She suggested maybe an online complaint form with the upcoming launch of the new website. On behalf of the Human Rights Commission, one issue of importance has been inclusion and embracing special needs. Councilwoman Tagger-Epstein said she was happy to report that the Rye Historical Society will be working with RAISE (Rye All Inclusive Special Education) and open as a safe space for children with sensory issues or special needs during the upcoming Halloween Window Painting event.

Councilwoman Souza announced that Rye Recreation and children's philanthropy of the Rye Women's Club would be hosting the Annual Halloween Window Painting event from 9:00 a.m. to 3:00 a.m. on Sunday, October 21, 2018. This will be a great day in the town, and she encouraged all to attend.

Councilman Stacks announced that the Rye Golf Club would be having an end-of-season celebration to be held Thursday, October 25, 2018. There will be night golf at 6:30 p.m. and a complimentary party from 7:00 to 9:00. This is a members-only event. He said that RSVPs are a must, and there will be a live band. He also reported that the Rye Football team beat Harrison in two consecutive weekends. This Friday night, the team will be playing Nyack at home 7:30. He encouraged all to come and support the team.

Mayor Cohn stated that he attended a meeting at Con Edison on Theodore Fremd with elected officials and the President of Con Edison, to deal with criticism over the March storm. He reported that they have put thought into responses to some of the issues. Over the next four years, there will be \$100 million of system-hardening in Westchester. He said they had given a lot of thought into how to get crews to Westchester in the event of a storm emergency. Mayor Cohn said that he had asked the president of Con Edison if he had planned on corporate sensitivity training.

Councilwoman Hurd thanked the Mayor taking the time to do that. She said that Mayor Cohn often goes above and beyond on these issues, and this will make a difference.

16. Old Business.

There was discussion over Con Edison doing work in Rye. Councilwoman Souza asked about the logistics of street opening permits on a private road. Staff responded that they would review the issue.

17. New Business.

There was nothing discussed under this agenda item.

18. Adjournment.

There being no further business to discuss, Councilwoman Souza made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the meeting into executive session for litigation and personnel matters at 9:06 p.m.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk