

**CITY OF RYE
1051 BOSTON POST ROAD
RYE, NY 10580
AGENDA**

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, December 18, 2019
7:30 p.m.**

Please Note: The Council will convene at 6:30 p.m. and it is expected they will adjourn into Executive Session at 6:31 p.m. to discuss attorney-client privileged matters, personnel matters and labor negotiations.

1. Pledge of Allegiance.
2. Roll Call
3. Recognition of the Rye High School football team for an outstanding season, achieving the status of New York State Semi-Finalists for the first time since moving to the Section I division.
4. Draft unapproved minutes of the Regular Meeting of the City Council held December 4, 2019.
5. General Announcements
6. Residents may be heard on matters for Council consideration that do not appear on the Agenda.
7. Presentation by the Landmarks Committee regarding the replacement of the City of Rye entrance signs.
8. Resolution to adopt the 2020 Budget and establish the 2020 tax levy and 2020 tax rate.
Roll Call
9. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers.
10. Authorization to update the Resolution dated 05/23/18 regarding EFC financing for Locust Avenue sewer repair.
11. Resolution declaring the City Council's intent to be lead agency under SEQRA, issuing a negative declaration, authorizing the City Manager to initiate Rye Recreation improvements for a cost not to exceed \$1,000,000 from the Capital Project Fund, and referral to the Board of Architectural Review for advisory review and comment.

12. Adoption of Resolution Commencing the Transition of Rye TV to a Not-For-Profit or third party organization.
13. Approve the application of Daniel Archino for the position of Volunteer Firefighter for the City of Rye Fire Department.
14. Resolution to approve an updated retainer agreement with the Corporation Counsel.
Roll Call.
15. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2020.
Roll Call
16. Resolution to authorize participation in Westchester County contracts related to cooperative bidding arrangements for ordinary course of business.
Roll Call
17. 2020 Participation in the Tree City program.
18. Appointments to Boards and Commissions by the Mayor with Council approval.
19. Old Business/New Business.
20. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, January 8, 2020 at 7:30 p.m.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under "RyeTV Live".

The Mayor and City Council have office hours in the Mayor's Conference Room Annex at Rye City Hall, 1051 Boston Post Road. Attendance by the Mayor and Council Members will vary. The Mayor's Conference Room Annex is located on the 1st floor of City Hall adjacent to the Council Chambers. Office hours may be found on the City's website.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on December 4, 2019, 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 Hurd, enter into executive session to discuss litigation and personnel matters. At 7:30 P.M., Councilman Mecca made a motion, seconded by Councilwoman Hurd, to exit executive session and commence the regular meeting of the City Council. The meeting began at 7:37 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. Recognition of the Rye High School boys soccer team for exceptional teamwork and humanitarianism.

Mayor Cohn recognized the High School Boys Soccer Team for their humanitarianism and their hard work which led them to the semifinals.

Councilwoman Tagger-Epstein thanked the team and coaches for being present at the meeting. She said that the story of the team caught her attention, not because of their great playing, but because of everything that contributed to the team that they are. She commended the team for having been exceptional role models to others. She said that the team's inclusion and spirit and willingness to be such great role models was exemplary to all.

The entire Council congratulated the team and Mayor Cohn presented the team with certificates of congratulations from the City.

4. General Announcements.

Councilwoman Hurd reported that on Saturday, December 7, 2019, the Annual Christmas Tree Lighting would be held at 5:00pm at Rye Town Park. She also announced that the annual Beach cleanup at Rye Town Park would be Saturday, December 14, 2019. She was sad to announce that due to the inclement weather, the Chamber of Commerce needed to cancel the 2019 Mistletoe Magic. The Chamber's annual Christmas Party would be held tonight. She recognized them for all they do for the community.

Councilman Souza announced that Rye Recreation Annual Bonfire and Singalong would be held Sunday, December 8, 2019 at 4:00pm. It would begin with a magic show and then the singalong and bonfire would begin. She invited all to attend.

Councilman Stacks reported the golf course greens are now closed, but those interested in playing winter golf could take advantage of the temporary greens. There would not be golf carts available, and he asked those golfing to please fix the divots.

City Manager Usry announced that annually, the City's professional firefighters hold an annual boot collection. This year, the collection will be held December 14, 2019 and the recipient of the donations will be the Marie Ferrari Children's Hospital.

5. Draft unapproved minutes of the Budget Workshops on November 13th and 18th, 2019 and the Regular Meeting of the City Council held November 20, 2019.

Councilman Mecca made a motion, seconded by Councilwoman Souza, and unanimously carried, to approve the Budget Workshops on November 13th and 18th, 2019 and the Regular Meeting of the City Council held November 20, 2019.

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

Suzanne Clary, Rye resident, addressed the Council. She said she was there to represent the Friends of Nursery Field with an important request for the City to hold a public workshop. She stated that the City had offered the Friends an opportunity to be heard at a meeting and that she was there to decline the invitation to provide feedback during that meeting. She asked for a public workshop in the alternative. She said she would like to know the history of the field and the funding.

Gerry Seitz, 141 Kirby Lane, said that he was delighted to see that the three minutes warning was there to move public comment along. He said he was in favor of that and recalled the egg timer that he used when he was on the Council. He said he was there to ask about new sources of revenue. He stated that when he was present at the last meeting, there was general agreement that the City should get the community involved in this important endeavor. Mr., Seitz suggested that the Council create a new organization headed by incoming Councilwoman Johnson to report new sources of revenue. He said that Ms. Johnson has had no prior involvement with this group, and that the City is in desperate need of new sources of revenue.

7. Presentation Mayor and Council amendments to the proposed 2020 City of Rye Budget.
Roll Call

City Manager Usry reported that there were four changed items to the budget since the last meeting. He explained that as of the last meeting, the fees had not yet been voted on by the Recreation Commission yet. Due to the recent vote, those revenues will be up a projected \$144,000. He further stated that there was a \$10,000 increase in request for funding from the Rye Free Reading Room. The third change is that after the budget was submitted, the City's EMS contract came up, which had not been increased in about a decade. There would be a proposed increase of \$11,510, which is an important expenditure and invaluable to the community. Lastly, he reported that the City had been using the Building and Vehicle Maintenance Fund to replace equipment and the fleet on an as-needed basis. However, the City faces a need in the coming year for a new fire truck, and as such, an additional \$125,000 will be budgeted for that. A comprehensive evaluation of the City's fleet would be done in the coming year.

City Comptroller Fazzino reported that the proposed changes for items will increase the 2020 Property Tax Levy by \$2,510. The Tentative Property Tax Rate increase for 2020 increases from 1.70% to 1.71%

Councilman Stacks asked how much money the City had available in the Building and Vehicle and Maintenance Fund. City Manager Usry replied that there was approximately \$300,000 in that account.

Councilwoman Tagger-Epstein asked about the legal budget line. She referred to page 321 of the proposed budget. She said that with the 2019 budget, the City has gone over by \$20,000 for the projected forecast. She said there was a proposed increase of 15.9% for 2020. She stated that the process in the past was that the Council would see the legal bills to understand the expenditures.

City Comptroller Fazzino said that the legal line was kept flat, but that there had been an increase for corporation counsel authorized by the Council earlier in the year that was not contemplated for. The increase reflects the increase approved by the Council several months prior.

Councilwoman Tagger-Epstein said that the Council used to get the tallies of the legal expenditures. She said that process should continue in the future so that the Council understands the legal bills. Mayor Cohn agreed.

City Comptroller Fazzino said that he could prepare that information at the Council's request.

Councilman Mecca made a motion, seconded by Councilwoman Souza, to adopt the following changes to the proposed 2020 budget:

RESOLVED, the City of Rye proposed 2020 be amended to include the following:

- Per the Recreation Department's analysis, increase Camp Revenues by \$144,000.

- Increase funding to the Rye Free Reading Room by \$10,000.
- Increase funding for Emergency Medical Services by \$11,510 per the 2020 shared services agreement.
- Provide funding for annual Vehicle and Equipment replacement of \$125,000.

ROLL CALL

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

Councilman Mecca stated that he was amazed at the work that the staff put into this budget. He and Councilman Stacks specifically thanked City Comptroller Fazzino and the Finance Department.

Councilman Stacks also commended the Finance Committee for a job well done. He felt that there was an impeccable level of clarity in explaining the budget in the Rye Record and the full transparency that the Council had been trying to achieve in the finance process.

City Comptroller Fazzino thanked his staff for their countless hours of work in this process. He noted that had been a difficult year for them personally and nevertheless they put in the work for the citizens of Rye.

8. Open the public hearing on the 2020 Budget

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

Gerry Setiz, 141 Kirby Lane, stated that on page 380 there is reference to something that comes in new for a franchise tax. City Comptroller Fazzino confirmed that it was the Cable TV annual franchise tax received by the City. Mr. Setiz also referenced a \$1.75 million expenditure for allocated infrastructure needs. There was discussion among Mr. Setiz, the Council and City Manager that unfortunately, many of the City's needs had been deferred and neglected in the past, and that the infrastructure needs were now paramount.

City Manager Usry explained the capital reserve fund that had been established for these needs. He explained that the policy of the City was to always have a General Fund reserve at 10%. There was discussion over the reserve, as Mr. Usry and Mr. Fazzino explained the details of how that money was assigned.

City Comptroller Fazzino explained the use of fund balance for contingency, the planned use of fund balance, and revenue.

City Manager Usry clarified that from an operating basis, the City is not using general fund balance for operations. He explained that the City does not run a deficit. He further explained the \$6.4 capital reserve.

Councilman Stacks said that unfortunately, the can was kicked down the road here for many years. Roads are case in point. The City ignored resurfacing the roads and it cannot continue.

City Manager Usry again clarified that the City does not draw into the reserves, nor does it use past fund balances to pay for the operations of the City. The City is not using reserves to pay for operations.

Mr. Seitz asked where the City would go to get the money for capital.

City Manager Usry said that the other piece to be aware of was that a significant portion of the City's bonding matures in 2020. The annual cost to the property taxpayer will remain the same. We have the fortunate means to choose to bond. The City is using prudent financial measures to ensure good planning for both present and future budgets.

Councilwoman Goddard explained that this bonding was over time.

Mr. Seitz asked for clarification on what he read as ten new positions in the City staffing.

Mr. Usry explained that in fact, there is a net increase of only one position, an Assistant City Manager. He stated that the assistant position in the Department of Public Works had been previously authorized by the Council but not early enough to have been included in last year's budget. The difference is one net position.

Mr. Seitz asked about legal fees. He asked what the total legal fees were for next year. He asked how it compares to other municipalities. The Counsel responded that every municipality is different and faces different legal ramifications on a yearly basis. Mr. Seitz said that his statements sums up his concerns. He said he still felt that on a cash basis, the City is reaching into the reserves. Mr. Seitz asked the Council to be committed to alternative source of revenue.

Councilwoman Souza assured Mr. Seitz that the City was always looking for new sources of revenue. She said that it was so difficult. She thanked him for instituting the hotel occupancy tax when he was on the Council.

Stacks invited Mr. Seitz to provide a list of his specific suggestions for new sources of revenue and invited him to present to the Finance Committee.

With no one left to speak, Councilman Mecca made a motion, seconded by Councilwoman Hurd, to continue public hearing to December 18, 2019.

9. Resolution authorizing City Manager to enter into a Memorandum of Agreement with the Resurrection School to allow Rye Recreation to host Upper Camp in its facility for the summer of 2020.

City Manager Usry said the City had been looking for alternative sites for summer camp due to the school district’s capital improvement projects. The Recreation Commission and Recreation Superintendent Sally Rogol have done a great job to secure these locations quickly. The Memoranda of Agreement have been looked at by both Christ Church and Resurrection for this upcoming summer.

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

RESOLVED, that the City Council authorizes the City Manager to enter into a Memorandum of Agreement with the Resurrection School to allow Rye Recreation to host Upper Camp in its facility for the summer of 2020.

ROLL CALL

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

10. Resolution authorizing City Manager to enter into a Memorandum of Agreement with the Christ Church to allow Rye Recreation to host Kiddy Camp in its facility for the summer of 2020.

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

RESOLVED, that the City Council authorizes the City Manager to enter into a Memorandum of Agreement with the Christ Church to allow Rye Recreation to host Kiddy Camp in its facility for the summer of 2020.

ROLL CALL

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

11. Resolution to set a public hearing for December 18, 2019 to remove and renumber Chapter 176, “Energy Conservation” and replace with a New Chapter 83, “Energy Conservation Financing – PACE Program”.

Corporation Counsel Wilson explained that Items 11 and 12 would merely renumber the portions of the City Code dealing with Energy Conservation (the Energize NY funding programs) to keep the Code in alphabetical order.

Councilman Souza made a motion, seconded by Councilman Hurd and unanimously carried, to adopt the following resolution:

RESOLVED, that the City Council set a public hearing for December 18, 2019 to remove and renumber Chapter 176, “Energy Conservation” and replace with a New Chapter 83, “Energy Conservation Financing – PACE Program”.

12. Resolution to set a Public Hearing to add a new Chapter 84, “Energy Conservation Financing – CPACE Program” for December 18, 2019. The draft law was already voted in on October 2, 2019, but this will renumber the PACE law and allow the City to file it alphabetically.

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

RESOLVED, that the City Council set a Public Hearing to add a new Chapter 84, “Energy Conservation Financing – CPACE Program” for December 18, 2019. The draft law was already voted in on October 2, 2019, but this will renumber the PACE law and allow the City to file it alphabetically.

13. Resolution to waive parking restrictions and parking fees in all downtown parking lots for the period between December 19, 2019 and December 24, 2019.
Roll Call.

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

RESOLVED, that the City Council waive parking restrictions and parking fees in all downtown parking lots for the period between December 19, 2019 and December 24, 2019.

ROLL CALL

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

NAYS: None

ABSENT: None

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

Mayor Cohn said there were no appointments tonight, but he was happy to solicit for the future to for the opportunity to serve the community. He asked anyone interested to please submit resume.

15. Old Business/New Business.

Corporation Counsel Wilson stated that at the last meeting, the Boat Basin special committee was formed. She reported that this is an ad hoc advisory task force to advise the City Manager about findings with regard to dredging. The New York State Open Meetings Law does not subject ad hoc committees like this to public notices and participation.

16. Adjournment

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to adjourn the meeting at 8:34 pm

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: Finance

DATE: December 18, 2019

CONTACT: Joseph Fazzino, Deputy City Comptroller

AGENDA ITEM: Resolution to adopt the 2020 Budget and establish the 2020 City tax levy and 2020 tax rate.

FOR THE MEETING OF:
December 18, 2019

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, on November 6, 2019 the 2019 Tentative Budget was presented to the City Council, and;
WHEREAS, since November 6, 2019 the City Council has discussed possible amendments to the 2019 Tentative Budget, now, therefore be it;

RESOLVED, that the tentative budgets and fee schedules as amended for the General Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund and Building and Vehicle Maintenance Internal Service Fund, are hereby adopted for the fiscal year ending December 31, 2020, and be it further;

RESOLVED, that the City Council does hereby certify to the City Comptroller the 2020 City of Rye tax rate of \$179.78 per \$1,000 taxable assessed valuation and the 2020 City of Rye tax levy of \$25,376,958 and be it further;

RESOLVED, that the City Council does hereby direct the City Comptroller to apportion and extend against each taxable property listed upon the assessment roll at the tax rate certified in this resolution to produce the tax levy certified in this resolution, and to render tax notices for, and receive and collect, the several sums so computed and determined, with interest as provided by law, and any special assessments heretofore authorized and approved.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: On November 6, 2019 the City Manager and City Comptroller presented the 2020 Tentative Budget to the City Council. The tentative budget has since been reviewed and amended by resolutions adopted by City Council at public meetings. The above resolution provides for the adoption of the 2020 Budget.



CITY COUNCIL AGENDA

DEPT.: Finance

DATE: December 18, 2019

CONTACT: Joseph Fazzino, Deputy Comptroller

AGENDA ITEM: Resolution authorizing the City Comptroller to make the necessary year-end closing transfers.

FOR THE MEETING OF:

December 18, 2019

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council adopt the following resolution:

RESOLVED, that the City Comptroller is hereby authorized to make the necessary 2019 fiscal year-end budget transfers in City accounts, provided a list of such transfers over \$10,000 is furnished to the City Council after completion of such transfers.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: While at the fund level total actual expenditures do not exceed the total budgeted amount, there may be several detailed budget lines that show various over and under expended amounts. Funds that are not encumbered or reserved for a specific expense will be moved to Fund Balance from individual financial lines. This resolution authorizes the City Comptroller to make the necessary year-end budget adjustments to ensure that the line item budgets are properly allocated.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: December 18, 2019

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Resolution authorizing the City Manager to update the Resolution dated 05/23/18 regarding EFC financing for Locust Avenue sewer repair.

FOR THE MEETING OF:

December 18, 2019

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council authorize the City Manager to update the Resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See attached Resolution.

RESOLUTION

Authorizing Funding for the Locust Avenue Sewer Repairs

WHEREAS the City was notified in December 2017, by Save the Sound, that there was sewage odor and potential cross contamination from the Locust Avenue catch basin under the I-95 Bridge; and

WHEREAS the City's findings were that a damaged I-95 sewer line, which ties into the Locust Ave drainage, caused backup of sewage in the pipe entering the I-95 underdrainage system. This backup infiltrated the main sewage system, which leads to the City's sewage system and then to the County's drainage system and ultimately empties into the Blind Brook; and

WHEREAS repairing the damage (including rerouting) involves eliminating the I-95 crossings and pipes in their entirety by installing a pump station with costs of approximately \$750K plus soft costs which equates to \$900,000 to \$1,000,000; and

WHEREAS a Clean Water Act Grant, in which the Environmental Facilities Corporation (EFC) offers a 25% match, and the Water Quality Improvement Plan (WQIP) which grant offers an 80-85% match, would assist in the costs of this repair; now, therefore, be it

RESOLVED, to authorize the expenditure for the design and engineering consultants with respect to, and construction of repairs or replacement (including rerouting) of, the damaged I-95 sewer line; and

BE IT RESOLVED, that the funds to cover the cost for consultants and construction shall be made from General Operations, Contingency, Fund Balance or Debt.



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: December 18, 2019

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Resolution declaring the City Council's intent to be lead agency under SEQRA, issuing a negative declaration, authorizing the City Manager to initiate Rye Recreation improvements for a cost not to exceed \$1,000,000 from the Capital Project Fund, and referral to the Board of Architectural Review for advisory review and comment.

FOR THE MEETING OF:

December 18, 2019

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council approve the attached resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: In order to accommodate the Rye Recreation summer camp program (lower camp) in 2020 due to the RCSD properties being unavailable during construction, the City will need to make improvements to the Rye Recreation facility.

See attached resolution.

RESOLUTION

Authorizing Funding for the Implementation of Improvements at Recreation Park to Accommodate the City of Rye Recreation Department's Summer Camp Needs

WHEREAS, in the fall of 2019, the City was advised by the Rye City School District that it would not be able to accommodate any programs, including summer camps on any school district property as a result of anticipated construction activities at its facilities and buildings for at least the next four summers; and

WHEREAS, school facilities are used by the City of Rye Recreation Department (the "Recreation Department") to operate its annual summer camp programs and the loss of these facilities impacts all camps including Kiddy Camp, Lower Camp, Upper Camp and Camp 78; and

WHEREAS, the Recreation Department has secured leasable space at Rye Resurrection Grammar School for Upper Camp, Rye Christ Church Nursery School for Kiddy Camp and other City facilities for Camp 78; and

WHEREAS, the Recreation Department was not able to identify or secure available leasable space in the community for Lower Camp; and

WHEREAS, to accommodate Lower Camp needs, the City will undertake improvements to Rye Recreation Park on Midland Avenue (hereinafter "Recreation Park Improvements") which improvements include removal of the two existing picnic pavilions, construction of new larger pavilions in the same location, construction of two, new three-unit comfort stations, removal and expansion of an existing patio on the north side of Damiano Center, removal and construction of an existing patio and new roof located adjacent to the south side of Damiano Center and other related improvements; and

WHEREAS, the City Council has reviewed the Environmental Assessment Form (EAF) and determines that the proposed action is considered an Unlisted Action; and

WHEREAS, the City Council is the only Involved Agency in connection with the proposed action and that a coordinated review is not required; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council designates itself as Lead Agency and based on its review of the EAF, the criteria listed in Section 617.7(c) of SEQRA and the complete record, the City Council finds that the proposed action will not have a significant adverse environmental impact; and

BE IT FURTHER RESOLVED, that the City Council designates the use of up to one-million dollars (\$1,000,000) from the Capital Project Fund for the construction of the Recreation Park Improvements; and

BE IT FURTHER RESOLVED, that the City Council requests that the Board of Architectural Review at its next regularly scheduled meeting on January 6, 2020 to provide any advisory comments on the design of proposed buildings and structures based on the options available through the cooperative purchasing contract for the Recreation Park Improvements.

12/12/2019 4:38 PM

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

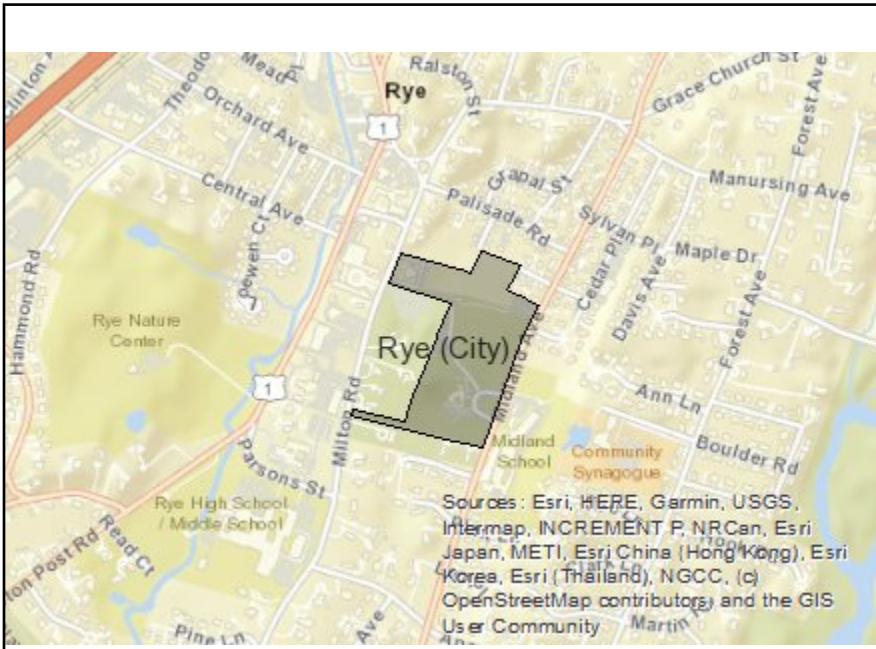
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. Urban Rural (non-agriculture) Industrial Commercial Residential (suburban)			
<input type="checkbox"/> Forest Agriculture Aquatic Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: December 18, 2019

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Adoption of Resolution Commencing the Transition of Rye TV to a Not-For-Profit or third party organization.

FOR THE MEETING OF:

December 18, 2019

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council approve the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Council has concluded that the non-governmental management operations of Rye TV are better suited to be handled by a third party not-for-profit and wants to commence the transition process.

See attached Resolution.

**RESOLUTION OF THE CITY OF RYE CITY COUNCIL COMMENCING THE
TRANSITION OF THE RYE TV NON-GOVERNMENTAL OPERATIONS TO A NOT-
FOR-PROFIT OR OTHER THIRD PARTY ORGANIZATION**

WHEREAS, the City Council has concluded that the non-governmental operations of Rye TV are better suited to be handled by a third party not-for-profit; and

WHEREAS, it is the intention of the City to find Rye TV a suitable home, while assuring the residents that the broadcast of City Council (and other important City meetings/events) are guaranteed; and

WHEREAS, the City Council wants to commence the transition process for Rye TV now so that a final agreement with the not-for-profit regarding Rye TV is in place on or before September 1, 2020; and

WHEREAS, subject to any legal limitations, the City will donate all equipment and studio facilities, not including that equipment associated with the operations and maintenance of governmental activities, to the third party; and

WHEREAS, the City will work with the Rye City School District to assure that studio space at the High School will continue; and

WHEREAS, the City may be willing to provide financial support in the transition to a not-for-profit. Any financial terms will be determined by the City and the succeeding not-for-profit; and

WHEREAS, any proposed affiliation must include an option for the City that includes taping and broadcasting of City Council meetings, Council workshops, and other governmental meetings/events (terms to be negotiated); and

WHEREAS, the anticipated not-for-profit affiliate must agree to assist the City in any cable TV franchise negotiations on an ongoing basis;

NOW, THEREFORE, BE IT RESOLVED, that the City Council directs the City staff to begin the transition process and take the following steps between now and September 1, 2020:

1. Consider various arrangements with third-party entities, including, but not limited to, not-for profit organizations within the City of Rye, other governmental entities, similarly interested third-parties, other private educational institutions;
2. Draft a proposed agreement with such organization that would cover the management, control and operations of non-governmental activities of Rye TV; and
3. Provide the City with an option to contract with such organization to perform the governmental activities.



CITY COUNCIL AGENDA

DEPT.: Department of Public Safety

DATE: December 18, 2019

CONTACT: Rob Falk

AGENDA ITEM: Approve the application of Daniel Archino for the position of Volunteer Firefighter for the City of Rye Fire Department.

FOR THE MEETING OF:

December 18, 2019

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve this application.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A background investigation was completed and it was determined that the applicant, a resident of Rye, is a viable candidate for the position of Volunteer Firefighter for the City of Rye Fire Department.



Lt. Robert J. Falk
Commissioner of Public Safety

City of Rye, New York
21 McCullough Pl
Rye, NY 10580
Phone: (914) 967-1234
FAX: (914) 967-8341



TO: Mr. Greg Usry, Interim Rye City Manager
FROM: Lt. Robert J. Falk, Public Safety Commissioner
SUBJECT: Daniel Sam Archino – Volunteer Firefighter Candidate
DATE: December 12, 2019

A background investigation was completed and it has been determined that applicant, Daniel S. Archino a resident of Rye, NY, is a viable candidate for the position of Volunteer Firefighter with the City of Rye Fire Department.

This writer finds no substance to prevent the City of Rye Fire Department from hiring candidate Daniel Sam Archino as a volunteer firefighter.



Lt. Robert J. Falk
Public Safety Commissioner



CITY COUNCIL AGENDA

DEPT.: City Council

DATE: December 18, 2019

CONTACT: Mayor Josh Cohn

AGENDA ITEM: Resolution to approve a new retainer agreement with the Corporation Counsel.

FOR THE MEETING OF:
December 18, 2019

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, Kristen K. Wilson was appointed the Corporation Counsel of the City of Rye effective January, 2010, and;

WHEREAS, the City Council is supportive of her role and performance and has considered an updated retainer agreement with Ms. Wilson, and;

RESOLVED, that the City Council of the City of Rye hereby authorizes the Mayor to sign an employment agreement for the Corporation Counsel effective January 1, 2020 including an increase budgeted in the 2020 Budget.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached retainer agreement.

BLANCHARD & WILSON, LLP

235 MAIN STREET
SUITE 330
WHITE PLAINS, NEW YORK 10601

KRISTEN KELLEY WILSON
PARTNER
DIRECT: (914) 844-1909
KWILSON@BLANCHARDWILSON.COM

December 18, 2020

Honorable Josh Cohn
Mayor
City of Rye
1051 Boston Post Road
Rye, New York 10580

**Re: Proposal for Legal Services – Corporation Counsel
Kristen Kelley Wilson/Blanchard & Wilson, LLP**

Dear Mayor Cohn:

This letter will summarize the proposed terms of my representation of the City of Rye (the “City”) as Corporation Counsel on an independent contractor basis, including the scope of my services and the agreed upon fee and billing arrangement.

Scope of Engagement/City Invoices

I propose an annual retainer of \$210,000. This retainer would be paid over the year broken down into twelve (12) equal monthly payments or in accordance with the regular payroll of the City. With the help of my Legal Assistant, James Virga, Esq., I will provide most of the general legal services to the City including, for example, and this list is not meant to be exhaustive:

- (1) attending all City Council Meetings and special meetings;
- (2) attending other meetings as needed (Planning Commission/Board of Appeals/Boat Basin/Rye Golf Commission/Landmarks);
- (3) rendering legal opinions as needed for the City Council and all City Commissions/Boards;
- (4) preparing and assisting in the preparation of resolutions, local laws, contracts, MOUs and IMAs, as needed;
- (5) assisting the Records Access Officer and Appeals Officer in responding to Freedom of Information Law (“FOIL”) requests;
- (6) assist the City Manager’s office in rendering decisions on administrative matters;

- (7) monitor and provide pertinent updates on all matters handled by outside insurance counsel; and
- (8) being available to the City staff for consultation on pertinent issues. I propose to have office hours at City Hall and be available to City staff on all issues.

To the extent necessary I will receive assistance from other attorneys at my firm, including Mark Blanchard, Esq., Christian DiPalmero, Esq. and Kristin Pelatti, Esq.

Matters that will be exempted from the annual retainer include:

- (1) those matters listed below;
- (2) matters for which insurance provides counsel;
- (3) matters involving municipal finance and labor issues; and
- (4) such other matters, as we may mutually agree.

Excluded from the annual retainer will be the following which will be billed directly by Blanchard & Wilson, LLP to the City at an hourly rate of \$215 an hour for each attorney: (1) any litigation, including trials and appeals of tax certiorari matters; (2) Disciplinary or other similar hearings before the City or any other administrative agency and appeals of same, including City Court, New York State and Federal Court; and (3) extraordinary projects requiring extensive research and investigation. All out of pocket expenses for excluded matters shall be reimbursed through my law firm Blanchard & Wilson, LLP. Article 78 proceedings and any other legal matters beyond those covered under the annual retainer would be billed at an hourly rate of \$215 an hour. Prior to working on any litigation matters outside of the annual retainer, I will discuss with the City Council and City Manager the anticipated time and cost necessary to defend (or commence) a particular action.

Other Charges

In addition to our fees for rendering professional services, our billing statements will include separate charges for performing services such as photocopying, delivery charges, long distance telephone calls, facsimile transmissions, specialized computer applications, travel, and other expenses and services incurred incidentally to the performance of our legal services.

Effective Date

The effective date of this agreement is January 1, 2020.

Billing Cycle

Fees for legal services and other charges are billed monthly and are payable within thirty (30) days of receipt.

Termination of Engagement

No termination will relieve the City of the obligation to pay the legal fees owed to me or Blanchard & Wilson, LLP for services performed and other charges owed to us through the date of termination. After the completion of our services on the City's behalf, changes may occur in applicable laws or regulations that could have an impact upon the City's future rights and liabilities.

Conclusion of Representation; Disposition of Client Documents

The City shall provide me and Blanchard & Wilson, LLP with at least ninety (90) days written notice if it wishes to terminate this agreement. Similarly, I (and Blanchard & Wilson, LLP) will provide the City with at least ninety (90) days written notice if we wish to terminate this agreement. Our representation of the City will terminate upon our sending you our final statement for services rendered in a matter. Following such termination, any otherwise nonpublic information you have supplied to us that is retained by us will be kept confidential in accordance with applicable rules of professional conduct. At your request, we will return your papers and property promptly after receipt of payment for any outstanding fees and costs. Our own files pertaining to the matter will be retained by the firm. These firm files include, for example, firm administrative records; internal lawyers' work product such as drafts, notes, internal memoranda; and legal and factual research, including investigative reports, prepared by or for the internal use of lawyers. We will retain all remaining documents for a certain period of time, but reserve the right for various reasons including the minimization of unnecessary storage expenses, to destroy or otherwise dispose of them within a reasonable time after the termination of the engagement.

Client Responsibilities

You agree to cooperate fully with us and to provide promptly all information known or available to you relevant to our representation. You also agree to pay in a timely manner our statements for services and expenses as provided above.

Possible Conflicts

Blanchard & Wilson, LLP represents many other companies and individuals. It is possible that during the time we are representing you or other parties subject to this representation, some of our present or future clients will have disputes or transactions with you or them. You agree that we may continue to represent or may undertake to represent existing or new clients in any matter that is not substantially related to our work for you even if the interests of such clients in those other matters are directly adverse. We agree, however, that your prospective consent to conflicting representation contained in the preceding sentence shall not

City of Rye
December 18, 2019
Page 4

Blanchard & Wilson, LLP

apply in any instances where, as a result of our representation of you, we have obtained proprietary or other confidential information of a nonpublic nature, that, if known to such other client, could be used in any such other matter by such client to your material disadvantage.

I look forward to working with you, the City Council and City staff to protect the interests of the City. I appreciate the continued opportunity to represent the City of Rye. If this proposal is acceptable, please so indicate by returning an executed copy of this letter.

Very truly yours,

Kristen Kelley Wilson

ACKNOWLEDGED & AGREED

Josh Cohn
Mayor, City of Rye



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: December 18, 2019

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Resolution authorizing the Mayor to enter into an agreement with the Rye Free Reading Room to furnish library services for 2020.

FOR THE MEETING OF:

December 18, 2019

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council approve the following resolution:

RESOLVED, that the Mayor be and hereby is authorized to execute an agreement with the Rye Free Reading Room to furnish library services for 2020.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Each year the City of Rye financially supports the operations of the Rye Free Reading Room (RFRR). In FY 2019, the contribution was in the amount of \$1,295,000. The attached agreement for FY 2020 includes an appropriation of \$1,315,000. The agreement stipulates the specific rights and obligations of both parties, pursuant to section 256 of the Education Law of the State of New York.

See attached 2020 Agreement.

THIS AGREEMENT, made as of the ____ day of December, 2019, by and between the CITY OF RYE, a municipal corporation located within the County of Westchester and State of New York, party of the first part, and RYE FREE READING ROOM, a free library association duly registered by the Regents of the University of the State of New York at a meeting thereof on January 24-25, 1917, and maintaining a free library in the City of Rye, County of Westchester and State of New York, party of the second part:

WITNESSETH, that the parties hereto, pursuant to section 256 of the Education Law of the State of New York, do hereby mutually covenant and agree as follows:

1. The party of the second part does hereby agree to furnish library privileges to the people of the City of Rye, under reasonable rules and regulations of the party of the second part, during the terms of this agreement.

2. The party of the second part does hereby agree that the Rye Free Reading Room will make all best efforts to offer service to the public a minimum of 47 hours in the winter and 47 hours in the summer. The Library will make all best efforts to ensure that within its hours of operation that Saturday is open. In addition, the Rye Free Reading Room will guarantee that they will be open for "special events" in accordance with the policies and procedures of the library as they occur throughout the year.

3. The party of the second part does hereby agree to submit to the City of Rye a financial report within two months of the close of its fiscal year and to provide copies of an annual narrative report prepared for association members. Copies of all audit reports prepared by independent audit firms or the State of New York will be filed, within 30 days of receipt, with the City Comptroller and the City Council's Audit Committee.

4. In consideration of the foregoing the party of the first part does hereby agree to pay the sum of One Million Three Hundred Fifteen Thousand Dollars (\$1,315,000) to the party of the second part during the calendar year: Six Hundred Fifty Seven Thousand Five Hundred Dollars (\$657,500) to be paid in January, and Six Hundred Fifty Seven Thousand Five Hundred Dollars (\$657,500) to be paid in July.

5. Pursuant to said statute, such total sum shall be a charge upon the City of Rye and shall be raised, appropriated and paid in the same manner as other City charges.

6. If the capital improvements that were part of the 2012 bond resolution are installed in 2020, the Rye Free Reading Room will be responsible for all maintenance and repair costs of same.

7. This agreement shall be effective and continue for the calendar year 2020.

IN WITNESS WHEREOF, the parties hereto have duly executed this agreement as of the day and year first above written.

CITY OF RYE

By _____
Mayor

RYE FREE READING ROOM

By _____
President

Attest:

City Clerk



CITY COUNCIL AGENDA

DEPT.: Finance

DATE: December 18, 2019

CONTACT: Joseph Fazzino, Deputy Comptroller

AGENDA ITEM: Resolution to authorize participation in Westchester County contracts related to cooperative bidding arrangements for ordinary course of business..

FOR THE MEETING OF:
December 18, 2019

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, by Act No. 8-1983, The County Board of Legislators authorized the County Purchasing Agent to act as Purchasing Agent for any city, town, village, school district or other unit of local government within the County of Westchester County, provided that said unit of local government by act, ordinance or resolution authorizes the County Purchasing Agent to act as its Purchasing Agent for items purchased by the County, and empowering designated officers and employees to sign requisitions, and further directing the proper official of local government to audit and pay County bills for the cost of County services within thirty (30) days after the receipt of said bill by the local government, and to provide the County with such insurance coverage as may be required by the County's Director of Risk Management, NOW, THEREFORE, be it

RESOLVED, that the County Purchasing Agent is hereby authorized to act as Purchasing Agent for the City of Rye, New York on a continuing basis, and be it further

RESOLVED, that the City Manager, the Assistant City Manager, the City Comptroller, and/or the City Engineer are hereby authorized to sign appropriate requisitions, and be it further

RESOLVED, that the City Comptroller is hereby authorized and directed to audit and pay County bills for the cost of County services within thirty (30) days after receipt of said bills, and be it further

RESOLVED, that the City Comptroller is hereby authorized to secure and provide to the County of Westchester any and all insurance required by the County's Director of Risk Management, in Accordance with County Act No. 8-1983.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye participates in contracts awarded by the County of Westchester. The County of Westchester requires a resolution from the City's governing board for the City's continued participation in County purchase contracts.