

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

**REGULAR MEETING OF THE CITY
COUNCIL VIA ZOOM CONFERENCE
Wednesday, June 10, 2020
6:45 p.m.**

PURSUANT TO GOVERNOR CUOMO'S EXECUTIVE ORDER No. 202.1, REQUIREMENTS UNDER THE OPEN MEETINGS LAW HAVE BEEN SUSPENDED AND PUBLIC BODIES MAY MEET WITHOUT ALLOWING THE PUBLIC TO BE PHYSICALLY PRESENT. FOR THE HEALTH AND SAFETY OF ALL, CITY HALL WILL REMAIN CLOSED. THE MEETING WILL BE HELD VIA ZOOM VIDEO-CONFERENCING WITH NO IN-PERSON LOCATION AND WILL BE BROADCAST ON THE CITY WEBSITE. A FULL TRANSCRIPT OF THE MEETING WILL BE MADE AVAILABLE AT A FUTURE DATE.

YOU MAY ATTEND THE MEETING VIA ZOOM VIA THIS LINK:

Please click the link below to join the webinar:

<https://zoom.us/j/97769719590?pwd=V1NMdVBHZzdVdWFRNDlrRVUxOXIxUT09>

Password: 815298

Or phone: (646) 558-8656 or (301) 715-8592 or (312) 626-6799

Webinar ID: 977 6971 9590

Password: 815298

[The Council will convene via ZOOM CONFERENCE at 5:15 p.m. and it is expected they will adjourn into a teleconference Executive Session at 5:16 p.m. to discuss attorney-client privileged matters, personnel matters, legal matters and contract negotiations.]

1. Roll Call
2. Draft unapproved minutes of the Regular Meeting of the City Council held May 27, 2020.
3. Coronavirus Update.
4. Financial update for the City.
5. Consideration to set a public hearing on July 15, 2020 to amend chapter § 191-38 "Parking in Metered Zones" to extend all metered parking zones until 9:00 PM Monday – Saturday.
6. Resolution authorizing the City Manager and City Staff to close streets, sidewalk, parking areas and other public right-of-ways to provide for outdoor dining and outdoor space for other businesses as a result of New York State Guidelines due to COVID-19.

7. George Floyd message.
8. Adjourn SEQRA discussion regarding a zoning petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create a new use and development standards for “Senior Living Facilities” in the R-2 Zoning District until July 15, 2020. There will be no public comment taken and no Council discussion regarding this agenda item.
9. Adjourn the public hearing until July 15, 2020 for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District. There will be no public comment taken and no Council discussion regarding this agenda item.
10. Consideration to amend the resolution adopted on April 29, 2020 regarding the reduction in late penalties for County Property and County District Tax payments The penalties in August will default to the normal schedule of five percentum (5%) rather than 7% as previously stated.
11. Authorization for the City of Rye School District to use the City streets on June 15, 2020 from 4:00 pm – 5:30 pm for a “moving up” vehicle parade to acknowledge and celebrate the 5th-Grade Class of 2020 from Osborn School.
12. Authorization for the City of Rye School District to use the City streets on June 17, 2020 from 9:30 am – 11:00 am a “moving up” vehicle parade to acknowledge and celebrate the 8th-Grade Class of 2020 from Rye Middle School.
13. Old Business/New Business.
14. Adjournment

The next regular meeting of the City Council will be held on Wednesday, July 15, 2020 at 5:30 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”

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held on May 27, 2020, at 6:45 P.M.

PRESENT:

JOSH COHN, Mayor
SARA GODDARD
CAROLINA JOHNSON
RICHARD MECCA
JULIE SOUZA
BENJAMIN STACKS
PAMELA TARLOW
Councilmembers

ABSENT:

None

The Council convened at 5:15 P.M. by videoconference pursuant to Governor Cuomo's Executive Order 202.1 waiving requirements of the Open Meetings Law. Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn briefly into executive session to discuss litigation and personnel matters. The Council reconvened in a public videoconference at 6:45 P.M. The meeting was streamed live at www.ryeny.gov for public viewing.

1. Roll Call.

City Clerk D'Andrea called the roll via teleconference; there was a quorum present to conduct the meeting.

2. Draft unapproved minutes of the Regular Meeting of the City Council held May 13, 2020.

Councilwoman Souza made a motion, seconded by Councilman Stacks, to adopt the draft minutes of the Regular Meeting of the City Council held May 13, 2020.

3. Coronavirus Update and City response.

Mayor Cohn gave a brief update on the coronavirus pandemic and the City's response. He commented that the area is now in Phase 1 of the State's reopening plan, which is terrific. He said it was important that all open businesses understand that they are now required to create and implement a safety plan with an affirmation that they have done so. This plan must be filed with the State and the County. He commented that Phase 2 will start June 9. The businesses set to open in Phase 2 should start looking at what is required of the Phase 1 businesses.

Councilwoman Souza asked if the City had a template for that safety plan.

Mayor Cohn responded that such a template could be found at the NY Forward website.

Mayor Cohn warned that although promising, the pandemic is not over. He said there had been 199 positives recorded for the City of Rye. He reminded everyone that only 14% of Westchester was tested. He said that COVID-19 is still here in Westchester and we should not treat it as though it was no longer a threat.

Mayor Cohn talked about contact tracing. Now as people are tested and report positive, there is that contact tracing mechanism in place in the county. They will be following protocols outlined by the NYS Department of Health. Part of their course of work is to call people, so Mayor Cohn urged everyone to please answer the calls. He stated that personal, financial information would not be asked. Mayor Cohn reminded residents that parks are open and talked about those places of recreation.

Mayor Cohn said there had been an ongoing discussion going on which has become rapidly more concrete. If all goes well, Purchase Street would be closed to vehicular traffic by June 23, 2020 as the reopening takes place. He said that the City is putting planning resources behind what the chamber resolves as what they would like to do and what can work for them. Some businesses don't see value in opening in the street, but would like to take advantage of sidewalks.

Councilwoman Souza commented that right now the Chamber and the City are working closely together. She said the City would be speaking with the Chamber Executive committee the following morning. She said that the high level proposal is that for some number of days of the week, Purchase Street would be closed for outdoor dining. There is a lot to be worked through here on the City side and on the restaurant side.

City Manager Usry reported that tennis courts have reopened and the golf course is going strong. He stated that staff was working diligently to plan to return to the buildings in the coming weeks as the state begins to open back up in phases.

4. Presentation of 2019 General Fund financial results.

City Comptroller Fazzino presented a summary of the 2019 General Fund financial results. His presentation can be found here:

<https://www.ryeny.gov/home/showdocument?id=12152>

He made the following statement about the financial results:

“For 2019, the City to had an operating surplus of almost 787 thousand dollars. As has been the case in the last few years, this is actually a very positive item as The City's 2019 Budget had planned to use Fund balance of over 3.4 million dollars, so the 2019 actual results show the City to be around 4.2 million better than originally planned. Keeping in line with last few years, this is a combination of City revenues and expenditures performing better than budget and some large one-time revenues and expenditure savings.

First we'll look at revenues. As in years' past, this list of conservatively budgeted items contributed to the excess of revenues compared to budget. When I started preparing the list of

revenue items most at risk during the current pandemic, most of them are included here. We will provide an update on these revenues for 2020 in a few minutes, but for now 2019 results. I will highlight a few of these items. If you have any questions on any of these please just stop me.

Sales Tax came in over \$ 2.9 Million or \$643,000 better than budget. There was an additional 1 percent sales tax increase effective August 1 of 2019, leading to this increase.

Interest Income, which had once again become a significant source of revenue was \$303,000 more than we had budgeted (\$653,000) thanks to interest rates back to 2% after years of being at almost zero.

Building Department Revenues were down compared to budget for the first time in a decade.

Mortgage tax will be \$568,000 more than estimated. As we've been talking about this at prior meetings, this is a result of mortgage tax associated with 120 Old post road. Again this remains the most volatile and difficult revenue to budget each year has been mortgage tax. As show in Section 14 of the budget document, 2015 & 2016 home sales were almost the same. Yet Mortgage tax in 2016 was almost \$200,000 less than 2015, as home purchases were funded with Cash instead of with Mortgages.

Salaries city-wide were down over \$400,000. As in prior years, this is mostly due to vacancies in certain positions throughout the course of the year. Also, while these positions were eventually filled, in some cases they were done so with employees making less than their predecessors.

FICA, Retirement and Employee health care costs are down which is a direct result of the situation above as well many of these new employees opting for single health insurance coverage as opposed to family plans, coupled with the savings of both employees and retirees switching over to NYSHIP.

Retiree Health insurance decreased as well, with retirees moving to NYSHIP as well there were actually decreases in premium rates for 2019.”

During his presentation, the following questions were asked by the City Council:

Mayor Cohn asked about the fallout of the building permit revenue for 2019. Mr. Fazzino responded that overall building had decreased in 2019 compared to earlier years.

Councilwoman Souza asked if there was a correlation between the Vehicle and Traffic fines and the parking fines. Mr. Fazzino responded that there was no correlation; the parking fines had actually been increased.

Mayor Cohn asked that with regard to the Vehicle and Traffic fines, the numbers were down in the beginning of 2019 and seem to be increasing as the year went on. He asked if the number of citations had increased or whether the fees had increased. Mr. Fazzino said that he

recalled that earlier in the year enforcement was down and increased as the year went on. Some officers in the beginning of the year had been in the academy and able to join the enforcement later on.

Councilwoman Souza said that she assumed there were open positions that the City had budgeted for in 2020. Mr. Fazzino responded that the City had budgeted for those positions.

There was general discussion about projections, unknowns, and budgetary risks associated with COVID-19.

Councilwoman Goddard asked about timing with regard to annual capital projects and funding.

City Manager Usry responded that fortunately, most of the spending for the next 10 months are projected to be soft costs and not hard costs. There would not be a lot of deferral that will be beneficial.

Councilwoman Souza brought up the concern that to the extent that there is risk for another surge of the coronavirus, there will need to be financial planning for that.

City Comptroller Fazzino highlighted that the City was in a better position than many municipalities with the ability to conduct all business and transactions virtually during this time. City Manager Usry and the Council echoed this point and thanked the staff for their hard work.

The Council thanked City Comptroller Fazzino for his presentation.

5. Adjourn SEQRA discussion regarding a zoning petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create a new use and development standards for “Senior Living Facilities” in the R-2 Zoning District until June 10, 2020.

Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn the SEQRA discussion regarding a zoning petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create a new use and development standards for “Senior Living Facilities” in the R-2 Zoning District until June 10, 2020.

6. Adjourn the public hearing until June 10, 2020 for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District. There will be no public comment taken and no Council discussion regarding this agenda item.

Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn the public hearing until June 10, 2020 for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District.

7. Open a public hearing to amend Chapter 133 Noise of the Code of the City of Rye, by amending § 133- 8(G) “Permit required; construction work, mechanical rock removal and blasting restrictions” to prohibit certain activities through June 30, 2020. Public hearing comments can be emailed to publichearingcomments@ryeny.gov with “Chapter 133” as the subject or mailed to Rye City Hall, Attn: City Clerk, 1051 Boston Post Road, Rye, New York 10580.

Mayor Cohn announced that he had received a comment suggesting that the end date should be amended to June 17, 2020, as that was the last day of school.

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

Mayor Cohn stated that the Council had received one comment in writing from resident James Shillito. Mr. Shillito was present and addressed the Council. He said that in full transparency, he and his family had applied for rock chipping approval. He said that he had children in the school district. He asked for the amendment to reflect an end date to the rock chipping prohibition to June 17, 2020, the school end date.

Frank Lorono addressed the Council. He stressed that school ends on June 17, 2020 and that should be the end date. He said that the construction industry has suffered due to the pandemic and needs to start up again. He said he agreed with temporarily disallowing rock chipping out of necessity for the schools, but asked the Council to please make it end by June 17.

Councilman Mecca made a motion, seconded by Councilman Stacks and unanimously carried, to closed the public hearing.

Councilwoman Souza said that there would undoubtedly be complaints after the prohibition ends from people working from home. Councilwoman Goddard agreed but then said that after hearing Mr. Lorono’s statement, it would be important for the construction to start back up. She asked if the number of projects could be limited, but City Planner Miller stated that there are only two applications currently.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to adopt the amendment to Chapter 133 as follows:

**CITY OF RYE
LOCAL LAW NO. 6 2020**

A local law to amend Chapter 133 Noise of the Code of the City of Rye, by amending § 133-8(G) “Permit required; construction work, mechanical rock removal and blasting restrictions” to prohibit certain activities through June 17, 2020.

Be it enacted by the City Council of the City of Rye as follows:

Section 1.

§ 133-8(G). Mechanical rock removal, including mechanical rock excavation, and blasting are prohibited at certain hours and on certain days.

Mechanical rock removal, including mechanical rock excavation, and blasting are prohibited at certain hours and on certain days. No person shall engage in mechanical rock removal, including mechanical rock excavation, as defined in Subsection A, or blasting operations using explosives as defined by § 98-40, within the City of Rye after the hour of 3:30 p.m. or before 9:00 a.m. on weekdays or at any time on Saturday or Sunday; or on any of the following holidays and time periods: New Year’s Day, Presidents’ Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Yom Kippur, Thanksgiving Day through Thanksgiving weekend and Christmas Day through New Year’s Day except under authority of a special permit issued by the City Manager. In addition, mechanical rock removal, including mechanical rock excavation, and blasting will be prohibited within 500 feet of a school on testing days. **For 2020 only, from May 29, 2020 through June 17, 2020, mechanical rock removal, including mechanical rock excavation, rock drilling, and blasting are prohibited.**

Section 2: This local law shall take effect immediately upon filing with the Secretary of State.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Mecca, Souza, Stacks, Tarlow
NAYS: None
ABSENT: None

8. Open a public hearing to adopt a twelve-month moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any application related to the storage and dissemination of compressed natural gas or other type of energy or fuel transfer or energy or fuel generating facility. Public hearing comments can be emailed to publichearingcomments@ryeny.gov with “Moratorium” as the subject or mailed to Rye City Hall, Attn: City Clerk, 1051 Boston Post Road, Rye, New York 10580.

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

Kyle Kimball, representative for Con Edison, made a statement against the moratorium. He stated the need to comply with Rye’s needs for energy, specifically on the coldest day possible. He said there was a rising demand for natural gas. He asked the Council to adjourn this item and consider the needs of the energy provider.

Councilwoman Souza said that it was her understanding that the facility was always temporary in nature and was going to be relocated or removed. She said it seems that it was over the time period for which then was supposed to happen. Con Ed made it clear that it had enough gas to supply existing gas customers without any need for additional gas hookups or pipelines. As it was to be temporary, it did not go through the sort of rigor as a permanent facility would.

Mayor Cohn recounted that in 2017, Con Ed needed an emergency fix in Rye. The City took expedient action without going through the sort of work it would when a new use of the property is being considered. He discussed Con Ed's moratorium, Con Ed's promises to remove the facility, and gas infrastructure projects in the City. He stated that today, Con Ed is breaching a number of prior assertions made. He stated that the City Council has never examined a permanent CNG facility and now needs to do so in a timeframe that makes sense for the city.

Mr. Kimball responded and stated that he wrote that original letter with Con Ed's intention for the facility to be temporary as there was a problem with supply of gas in Rye. Most of the machinery has been removed from the facility. He stated that Con Ed would be out of the facility for CNG purposes. Mr. Kimball discussed Westchester's moratorium, and Con Ed's general presence in Rye.

There was discussion over energy transfer and Con Ed's ability and need to provide service in Rye. Mr. Kimball said that he was concerned that the language of the moratorium was too broad as to extend beyond CNG facilities.

Councilwoman Tarlow was concerned about the infrastructure impacts, and health and safety issues. She said that as the past process was in contemplation of a temporary facility, the due process was not provided to residents or the City. She said she supported the moratorium because she believed it is the City's responsibility to do this research to provide this information. She hopes that Con Ed will meet with the City. She said that the intent is simply to look at the picture carefully. She said that Con Ed's moratorium likely does not have anything to do with service in Rye, and if it does, there needs to be a discussion and information exchanged.

Councilman Mecca commented that the Planning Commission allowed for the installation of this facility, which was used twice. We know it works well here, but the City's moratorium states that there are other municipalities that may be well suited for this type of facility.

Councilwoman Tarlow added that a year may seem like a long time, but she believed that a year is a requirement to do the work that is necessary.

Councilwoman Souza said that the City needs to do the proper work and put the consideration in for this. She said that the City needs Con Ed to be part of the discussions. She said the City has many other pressures at the moment to figure out, and this gives the City the proper time to do so.

Councilwoman Johnson asked that since the facilities are dismantled currently, is there any danger for residents not having service coverage in Rye.

Mr. Kimball stated that necessary repairs have been made and there is no service issue.

Steve Wrabel, McCullough Goldberger & Staudt, attorney for Con Edison, make a statement to the Council. He expressed concern over the specificity of the language within the moratorium. He said that if the moratorium is directed against only CNG facilities, language to that regard only appears in the Preamble and Whereas clauses. He stated that it could be

problematic as it could appear as a prohibition for any application. He stated that the language as it stands was too broad, and that it needs to be amended and tailored. He asked the Council to take a second look at the language to make sure that it is truly geared toward CNG facilities specifically.

Councilwoman Tarlow asked about the B-6 zones within the City.

City Planner Miller: discussed the areas in Rye that make up the B-6 zone.

Corporation Counsel Wilson said that the intent of the moratorium was to address large scale utility infrastructure projects, and not street opening permits or other repairs. She referenced the waiver procedure.

There was discussion about the language of the moratorium and the intention of it.

Councilman Mecca made a motion, seconded by Councilman Stack, to close the public hearing.

Councilman Mecca made a motion, seconded by Councilwoman Tarlow, to adopt the following moratorium:

CITY OF RYE

LOCAL LAW NO. 7 2020

A Local Law adopting a twelve-month moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any application related to the storage and dissemination of compressed natural gas or other type of energy or fuel transfer or energy or fuel generating facility.

WHEREAS, the Rye City Code currently lacks specific regulation of compressed natural gas (CNG) facilities; and

WHEREAS, in 2017, the Rye City Planning Commission approved an application for the temporary seasonal operation of a CNG facility for a property regulated as a utility use in the City's B-6, General Business, District for an initial term of one year ending on April 30, 2018; and

WHEREAS, the applicant told the City that there was an immediate need for additional supply for its firm gas customers in the winter season of 2017 to 2018 and that if it could not be installed, there would be an adverse impact to Rye residents; and

WHEREAS, the applicant assured the City that the CNG facility was only needed on a temporary basis to allow sufficient time for a more permanent pipeline solution; and

WHEREAS, in 2018, prior to the expiration of the original approval, the applicant returned to the Planning Commission and the Planning Commission granted a modification to the original site plan approval to allow the CNG Facility to remain and operate for two additional winter seasons until April 30, 2020; and

WHEREAS, the approval expired on April 30, 2020; and

WHEREAS, the City needs time to consider whether a CNG Facility or other similar type of facility is appropriate for use or operation in the City of Rye and if so, what, if any, amendments to the City's Code would be necessary to regulate a relatively new kind of facility that was never contemplated by existing laws and regulations; and

WHEREAS, the City Council has determined that it is appropriate to review the City's existing regulations relating to the storage and use of hazardous substances to ensure that such activity does not negatively impact the City, including without limitation, the public health and safety, and quality of life of its residents and businesses and to study whether there is a more environmentally sustainable alternative; and

WHEREAS, in reviewing its existing regulations, the City may have to retain engineering professionals or other consultants to better understand issues related to these uses, analyze the potential impacts to existing infrastructure, investigate the potential demands placed on the City's emergency services and consider the short and long term cumulative impacts, among other things.

WHEREAS, as a result of the Governor's Executive Orders related to COVID-19, regulations in place regarding public gatherings and business closures, and to ensure the health and safety of the City's residents, the City expects that it may require up to twelve months to consider the aforementioned issues.

NOW, THEREFORE, Be It Enacted by the City Council of the City of Rye as follows:

Section 1. Findings and Purpose.

The City of Rye Zoning Code's B-6 General Business District allows storage yards and the City Council wishes to review whether the CNG Facility or other similar large public utility distribution uses and infrastructure are appropriate in the B-6 zone. The goals of the City Council include, but are not limited to, the overall health, welfare and safety of its residents, whether this type of use is consistent with reducing the City's carbon footprint, whether such use disrupts aesthetic considerations of the land, property, buildings, and other facilities in the area, and whether the hazards and other safety concerns associated with this type of use can be properly mitigated.

Section 2. Enactment of Moratorium. Prohibited Actions.

For a period of twelve months from the effective date of this local law, the City Council hereby declares a moratorium prohibiting the following actions in the City, regardless of the submittal or receipt of any application prior to the effective date of this local law:

A. Acceptance, consideration, preliminary approval or final approvals by the City Planning Commission of any application for site plan or special permit approval for new or modified public utility infrastructure including, without limitation, pipelines, storage containers (including storage of containers within vehicles), pipes, mains, and conduits that is associated with the public utility infrastructure.

B. Acceptance, consideration, preliminary approval or final approval, or interpretation by the City of Rye Board of Appeals in connection with any activity prohibited herein.

C. The issuance of any permits by the City of Rye Building Department, City of Rye Fire Department or City Engineer in connection with any activity prohibited hereunder.

Section 3. Appeals/waiver.

A. An aggrieved property owner may apply to the City Council for a waiver and the City Council shall have the discretion to grant such waiver, or as much relief as said Council may determine to be necessary and appropriate. In determining the suitability of a waiver under this section, the City Council shall consider the following factors:

1. Unnecessary hardship to the petitioner, which hardship is substantially greater than any harm to the general public welfare that would result from the granting of the waiver. The property owner shall have the burden of demonstrating to the City Council that a waiver is warranted due to substantial hardship and that such substantial hardship was not the result of an act or omission by the applicant or property owner. In considering this factor, the City Council may request information regarding alternatives that the Applicant has considered or whether there are additional long-term plans; and

2. The project's harmony (or lack thereof) with the existing character of the community as a whole and the area of the community in which the property is located; and

3. Whether the application for which the relief is requested is consistent with any interim data, recommendations, or conclusions which may be drawn at the time of the public hearing from the aforementioned review and study; and

4. Whether the applicant is in compliance with all other City Code requirements with respect to its City's operations; and

5. Whether the application for which the relief is requested is consistent with any proposed regulations, if and as such may exist at the time of the public hearing.

B. Waiver procedure. Such petition shall be the subject of a public hearing before the City Council. Upon submittal of a written petition to the City Clerk by the property owner or applicant seeking a waiver of this moratorium, and supported by such documentation as the applicant deems relevant, the City Council shall, within sixty (60) days of receipt of such petition, conduct

a public hearing on said petition upon five (5) days public notification in the official newspaper of the City. The City Council shall, within thirty (30) days of the close of the hearing, render its decision in writing, either granting or denying the petition.

C. It shall be within the discretion of the City Council to grant, in whole or in part, grant with conditions, or deny, the petition for relief from the terms of this moratorium. In granting a waiver, in whole or in part, the City Council must find that the waiver will not adversely affect the purpose of this Local Law.

Section 4. Early Termination or Extension of this Local Law

In the event any new Local Law which addresses the substantive issues set forth herein, should be enacted and adopted by the City Council prior to the date that the moratorium imposed by this Local Law expires, then in that event, the moratorium imposed by this Local Law shall expire on the date such new Local Law takes effect in accordance with § 27 of the Municipal Home Rule Law.

In like manner, if more than 12 months have passed since the implementation of this Local Law, and it shall be determined by a finding of the City Council that an extension of this moratorium is required, then the City Council by resolution, may extend this moratorium for such a period of time as it deems necessary in order to further the purposes of this law up to and including an additional 180 days from the date of the original expiration of this Local Law.

Section 5. Conflicts with State Statutes and Authority to Supersede

A. To the extent any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of New York State Law, this Local Law shall control. The City Council adopts this local law pursuant to authority in the New York State Constitution, Article IX, Section 2; Section 10 of the New York State Municipal Home Rule Law; Section 10 of the Statute of Local Governments; the relevant provisions of the General City Law of the State of New York; and the general police power vested with the City of Rye to promote the health, safety and welfare of all residents and property owners in the City.

B. During the time that this law is in effect, it shall take precedence over and shall be considered controlling over contrary laws, ordinances and provisions. It is the intent of the City Council, pursuant to its authority under section 10, subdivision 1(ii)(d)(3), and section 22 of the Municipal Home Rule Law, to supersede inconsistent provision of the New York State General City Law and the City of Rye Zoning Code.

a. In particular, it is the intent of the City Council, pursuant to authority under Sections 10 and 22 of the Municipal Home Rule Law, to supersede inconsistent provisions of the New York State General City Law and the City of Rye City Code relating to the time limits in connection with zoning and planning determinations and with respect to the jurisdiction and authority of the Board of Appeals with respect to hearing variances or waivers related to this local law.

Section 6. Severability

If any part of this Local Law is deemed by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Local Law.

Section 7. Effective Date

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Mecca, Souza, Stacks, Tarlow

NAYS: None

ABSENT: None

9. Old Business/ New Business.

There was nothing discussed under this agenda item.

10. Adjournment.

There being no further business to discuss, Councilwoman Souza made a motion, seconded by Councilwoman Tarlow and unanimously carried, to adjourn the meeting into executive session to discussion litigation and personnel matters at 8:26 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: June 10, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Consideration to set a public hearing on July 15, 2020 to amend chapter § 191-36 “Parking Meter Zones” to extend all metered parking zones until 9:00 PM Monday – Saturday.

FOR THE MEETING OF:
June 10, 2020

RECOMMENDATION: That the Council set the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See attached changes to the City Code.

CITY OF RYE
LOCAL LAW NO. ____-2020

A local law to amend Article VII “Off- Street Metered Parking” of the Code of the City of Rye, by amending § 191-38 “Parking in Metered Zones” to add a new sentence with respect to the emergency extension for filing of an application for a Senior Citizen Exemption.

Be it enacted by the City Council of the City of Rye as follows:

Section 1. § 191-38. Parking in Metered Zones [Amended 6-10-2020 By L.L. No. ____-2020]

§191-38 Parking in Metered Zones.

When any vehicle shall be parked in a space regulated by a parking meter, the operator thereof shall, upon entering such space, park such vehicle within the lines marked on the street, curb or parking area and, if the time is between the hours of 7:00 a.m. and 7:00 p.m. or between the hours of 9:00 a.m. or ~~9:00 p.m.~~ in the off-street parking areas maintained by the City of Rye on City-owned lands known as Car Park No. 1, Car Park No. 2, Car Park No. 3, Car Park No. 4 and Car Park No. 5 on any day except Sunday, immediately deposit the parking meter fee in the parking meter regulating such space and actuate the mechanism of such meter as required by the directions thereon.

Deleted: 6

Section 2: This local law shall take effect immediately upon filing with the Secretary of State.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: June 10, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Resolution authorizing the City Manager and City Staff to close streets, sidewalk, parking areas and other public right-of-ways to provide for outdoor dining and outdoor space for other businesses as a result of New York State Guidelines due to COVID-19.

FOR THE MEETING OF:
June 10, 2020

RECOMMENDATION: That the Council adopt the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Due to COVID-19, the restaurants and other businesses in Rye cannot open their doors to allow for full capacity of patrons. This will allow for greater foot traffic for our restaurants and merchants as dining and shopping can be moved outdoors.

See attached resolution.

RESOLUTION AUTHORIZING CITY MANAGER AND CITY STAFF TO CLOSE CITY STREETS, SIDEWALKS, PARKING AREAS AND OTHER PUBLIC RIGHT-OF-WAYS TO PROVIDE FOR OUTDOOR DINING AND OUTDOOR SPACE FOR OTHER BUSINESSES AS A RESULT OF NEW YORK STATE GUIDELINES DUE TO COVID-19

WHEREAS, on March 7, 2020, the Governor of the State of New York declared a State of Emergency for the entire State of New York; and

WHEREAS, on March 13, 2020, the President of the United States declared a COVID-19 pandemic a national emergency; and

WHEREAS, on March 20, 2020, Governor Cuomo executed the “New York State on PAUSE” executive order, a 10-point policy that, among other things, requires nonessential businesses to close, prohibits nonessential gatherings of individuals, and encourages individuals to stay at home; and

WHEREAS, in response to the COVID-19 public health emergency, new guidelines have been published by the State to allow for the re-opening of eating establishments and other businesses that require more space between tables, people, among other protocols; and

WHEREAS, the City would like to accommodate eating establishments and other businesses with more space to provide tables and chairs and other necessary amenities for customers; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The City Council authorizes the City Manager to take any necessary steps to close City streets, sidewalks, on-street and off-street parking areas and other public right-of-ways to allow for outdoor dining facilities and outdoor area for other businesses while maintaining sufficient emergency access and providing for pedestrian/cyclist safety; and

BE IT FURTHER RESOLVED, that the City Council authorizes the City Manager to work with City staff to provide for an appropriate administrative review of any eating establishment requesting to use private property for outdoor dining or use of any outdoor area for businesses; and

BE IT FURTHER RESOLVED, that the City Council hereby waives any outdoor dining permit fees, sidewalk obstruction permit fees or other similar fees for 2020; and

BE IT FURTHER RESOLVED, that as part of the City’s closures of City owned streets, sidewalks, on-street and off-street parking areas and other public right-of-ways, the City Manager is authorized to temporarily create new parking spaces and change the direction and flow of traffic to provide sufficient access and safety; and

BE IT FURTHER RESOLVED, that the City Manager shall work with the Rye City Chamber of Commerce and any other merchant or eating establishment to determine what is a safe and appropriate use of public spaces and to allocate any costs incurred appropriately.

Where there is conflict between this Resolution and any other law, this Resolution shall control.

This Resolution shall take effect immediately and shall expire on July 19, 2020 unless further extended by the City Council.

On a motion by Councilperson _____, seconded by Councilperson _____, the foregoing Resolution was adopted on a vote of ____ ayes and ____ nays.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: June 10, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Consideration to amend the resolution adopted on April 29, 2020 regarding the reduction in late penalties for County Property and County District Tax payments. The penalties in August will default to the normal schedule of five percentum (5%) rather than 7% as previously stated.

FOR THE MEETING OF:
June 10, 2020

RECOMMENDATION: That the City Council adopt the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Due to the financial hardships this health emergency has caused for some, the City will reduce the amount of late penalties assessed on County taxes through July 15, 2020. This amendment will ensure all penalties remain the same from July 16, 2020 on.

**RESOLUTION REGARDING REDUCTION OF INTEREST AND PENALTIES
RELATING TO THE LATE PAYMENT OF COUNTY TAXES FOR 2020 AS A RESULT
OF COVID-19**

WHEREAS, on March 7, 2020, the Governor of the State of New York declared a State of Emergency for the entire State of New York; and

WHEREAS, on March 13, 2020, the President of the United States declared a COVID-19 pandemic a national emergency; and

WHEREAS, on March 20, 2020, Governor Cuomo executed the “New York State on PAUSE” executive order, a 10-point policy that, among other things, requires nonessential businesses to close, prohibits nonessential gatherings of individuals, and encourages individuals to stay at home; and

WHEREAS, in response to the COVID-19 public health emergency, the tax filing dates for federal and New York State income taxes have been extended from April 15, 2020 to July 15, 2020; and

WHEREAS, the economic impact of the COVID-19 public health emergency and the measures required to combat it have impaired the ability of individuals to remain current with their financial obligations; and

WHEREAS, Real Property Tax Law Section 1182 provides that the governing body of a taxing authority may authorize the official charged with the collection of a tax to waive interest and penalties upon said tax based upon a finding that it is in the best interest of the taxing authority to do so; and

WHEREAS, City Charter §§ C22-8 and C22-9 allows for the City Council, by resolution, to modify the penalty rates for late payment of taxes;

NOW, THEREFORE, BE IT RESOLVED THAT:

The City Council of the City of Rye finds that it is in the best interest of the City of Rye to reduce the penalties for late payment of County Property and County District taxes as follows: during the month of June up until July 15, 2020 to one percentum (1%); if paid from July 16, 2020 until August, 2020 five percentum (5%); if paid during the month of September, seven percentum (7%).

This Resolution shall take effect immediately and shall expire on December 31, 2020.

On a motion by Councilperson _____, seconded by Councilperson _____, the foregoing Resolution was adopted on a vote of ____ ayes and ____ nays.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: June 10, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Authorization for the City of Rye School District to use the City streets on June 15, 2020 from 4:00 pm – 5:30 pm for a “moving up” vehicle parade to acknowledge and celebrate the 5th-Grade Class of 2020 from Osborn School.

FOR THE MEETING OF:
June 10, 2020

RECOMMENDATION: That the Council authorize the use of City streets for the parade.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Due to COVID-19, Osborn School cannot hold its annual moving up ceremony as planned.

OSBORN SCHOOL

Parade date: Monday, June 15th at 4:30 pm (rain date June 16th)

Route: Line up on Theall Rd.

- Left turn onto Osborn Rd
- Left turn into school exit driveway
- Exit driveway (from entrance) left turn onto Osborn Rd toward Boston Post Rd.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: June 10, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Authorization for the City of Rye School District to use the City streets on June 17, 2020 from 9:30 am – 11:00 am a “moving up” vehicle parade to acknowledge and celebrate the 8th-Grade Class of 2020 from Rye Middle School.

FOR THE MEETING OF:
June 10, 2020

RECOMMENDATION: That the Council authorize the use of City streets for the parade.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Due to COVID-19, Rye Middle School cannot hold its annual moving up ceremony as planned.

RYE MIDDLE SCHOOL

Parade date: June 17 at 10 am

Teachers will park their cars in the school lot and line up along Parsons Street. We will wear masks and be appropriately distanced from each other.

Route:

Parents will be instructed to drive toward the Middle School on Boston Post Road with the stadium on their right.

All must come this way.

Parents will turn right onto Parsons.

Teachers will cheer as the cars drive through.

Joe DiGiovanni and I will toss a graduation shirt through the car window.

Parents will turn right onto Milton Road.