

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

**REGULAR MEETING OF THE CITY  
COUNCIL VIA ZOOM CONFERENCE  
Wednesday, January 20, 2021  
6:30 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.*

City of Rye residents may participate in the public meeting via the zoom link below. A resident wishing to speak on a topic should raise his or her hand and, when admitted to speak, should provide name and home address, and limit comment to no more than three minutes.

Please click the link below to join the webinar:

<https://zoom.us/j/98082647184?pwd=Rkkxa2pNQzNVU1g3MUM0ZXEzOEExQUt09>

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

Webinar ID: 980 8264 7184

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, and/or labor negotiations.]*

1. Roll Call
2. Draft unapproved minutes of the Regular Meeting of the City Council held January 6, 2021.
3. Consideration of a petition from the Milton Harbor Foundation for a zoning text amendment to include a new special permit use for Civic and community center uses that could be applicable to the Wainwright House property (and potentially other sites) and would include water dependent recreational facilities.
4. Update on the City's Capital Improvement Program.

5. Residents may be heard on matters for Council consideration that do not appear on the agenda.
6. Adjourn the public hearing until February 3, 2021 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. All public hearing comments should be emailed to [publichearingcomments@ryeny.gov](mailto:publichearingcomments@ryeny.gov) with “Osborn Zoning Change” as the subject no later than 3:00 pm on the day of the hearing.
7. Resolution to extend the deadline for collection of Rye City Taxes by 1 month for this year only to March 1 – March 28, 2021.
8. Authorizing the retention of Hank Menkes of Menkes Associates, LLC to assist the City of Rye in reviewing its wireless regulations at a cost not to exceed \$10,000.
9. Authorization for City Manager to enter into an Inter-municipal Agreement with Westchester County for the Stop-DWI Program for the City of Rye Police Department
10. Authorization for the City Manager to enter into a contract with attorney Joel R. Dichter, Esq. of Dichter Law LLC by an amount not to exceed \$10,000 for professional fees and services.
11. Resolution to declare certain City equipment as surplus.
12. Appointments to Boards and Commissions by the Mayor with Council approval.
13. Old Business/New Business.
14. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, February 3, 2021 at 6:30 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](http://www.ryeny.gov) under “RyeTV Live”.

***UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City  
of Rye held in City Hall on January 6, 2021, at  
6:30 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 6:30 P.M. The meeting was streamed live at [www.ryeny.gov](http://www.ryeny.gov) for public viewing.

1. Roll Call.

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

2. Draft unapproved minutes of the Regular Meeting of the City Council held December 16, 2020.

Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to approve the minutes of the Regular Meeting of the City Council held December 16, 2020.

3. Continue a public hearing to consider a petition from Midland Rye LLC to amend the City of Rye Zoning Code to expand the list of permissible uses in the B-5 "Interchange Office Building" Zoning District. All public hearing comments should be emailed to [publichearingcomments@ryeny.gov](mailto:publichearingcomments@ryeny.gov) with "Midland Rye LLC" as the subject no later than 3:00 pm on the day of the hearing.

Councilman Stacks recused himself from this agenda item.

Mayor Cohn introduced the continuation of the Public Hearing for Midland Rye LLC to amend the City's zoning code to expand the list of permissible uses in the B5 Zoning District.

Mayor Cohn asked Christian Miller, Rye's City Planner, to outline the zoning text amendment process, how that relates to action from the City Council, and how it relates to the Planning Commission's future review.

City Planner Miller outlined the applicant's request to amend the B-5 Zoning Code to extend the list of permitted uses in the district. He noted that the Council is contemplating the proposed uses, the impact that the new uses will have on the neighbors, and on the general welfare of, and impact on, the community.

If the property remains economically viable, at some point a tenant will submit a petition to use the building consistent with the zoning uses and standards, and that petition will be reviewed by the Planning Commission. At that point, very specific impacts of the land and building use would be considered.

Mayor Cohn asked City Planner Miller to confirm that if a tenant plans to use the space in any capacity other than the currently permitted office use, they would need to appear before the Planning Commission to verify that the proposed use would not have any greater impact than an office use.

Mr. Miller confirmed that that was correct. He also noted that even if the zoning code amendment was not adopted, there might be other proposed changes that would require a tenant to appear before the Planning Commission.

Mayor Cohn invited the applicant to update the Council on any changes that may have been implemented since the last time they appeared before the Council.

Steven Wrabel, of McCullough, Goldberger, & Staudt, stated that there had been some revisions to the proposed zoning code amendment based on the Mayor's suggested definition of light assembly and notes on chemical restrictions. In addition to the existing tree ordinance, vegetative screen requirements have been added to all proposed uses. Peter Duncan, President and CEO of George Comfort & Sons, reached out to the neighboring residents to offer additional site walks.

Mr. Wrabel gave a brief summary of the intent behind the zoning code amendment.

Mayor Cohn asked for more clarity regarding the language around the quantity of a potentially hazardous chemical being stored on the site.

Mr. Wrabel noted that the language regarding restrictions on chemicals is more restrictive than it is for anywhere else in the city.

There was general discussion amongst the Midland Rye team regarding the specific language of the zoning text amendment, and the applicant agreed to adopt the Mayor's suggestion for the zoning text.

Mayor Cohn asked the applicant to speak to the traffic impact of the proposed uses vs. the traffic impact of the property remaining solely office use.

Mr. Wrabel confirmed that based on the JMC analysis, overall, the vehicular traffic for the proposed uses would be less than if the property remained solely office use.

Mark Petrero, JMC, reiterated what Mr. Wrabel had stated regarding the overall vehicular traffic impacts, but that more specific impacts would be investigated when a prospective tenant appears before the Planning Commission.

Mayor Cohn invited the public to speak.

Pamela Haas, Rye Colony resident, stated that she hoped that the property could be used and thanked the Council for the attention paid to the language regarding chemicals on the site. She expressed concern regarding the monitoring of the self-storage use. She urged the Council to remember that the property is part of a web of neighborhood relationships and priorities, and encouraged the Council to consider the families who live in the neighborhood when voting on the adoption of the zoning text amendment.

With no one left to speak, Mayor Cohn asked for a motion to close the public hearing.

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

Mayor Cohn gave a summary of comments from the Rye Colony residents. He expressed his appreciation for their comments and for the applicant's responsiveness to the both the Council's comments and the neighbors' comments.

Mayor Cohn invited City Planner Miller to speak on the Environmental Assessment Form process.

Mr. Miller outlined the steps the Council would take to make their declaration.

Councilwoman Goddard asked about the procedure for the applicant completing the EAF form. She also noted that it is difficult to say definitively that the amendment wouldn't cause a substantial increase in traffic.

Peter Feroe, of AKRF, Inc., noted that that particular part of the EAF lays the framework for future review and there would be more specifics when a site plan is brought to the Planning Commission.

Mayor Cohn asked the applicant to confirm that the traffic study concluded that the traffic impacts would not be worse than the office use traffic impacts.

Mr. Feroe stated that because there are not actual trip generation numbers for the office use, Mr. Petraro provided the general breakdown for the potential uses and the likelihood of those uses producing fewer trips.

Councilwoman Souza stated that it was her understanding that even though there aren't exact numbers for the traffic study, there was an understanding that the traffic impacts wouldn't be worse than the current office use generates.

Councilwoman Goddard stated that she was hoping for reassurance that there would not be a net increase in the traffic.

Councilwoman Tarlow asked if there would be further environmental studies that would take place once there is a potential tenant taking a site plan before the Planning Commission.

Mr. Miller confirmed that there would be more specific impact studies when a tenant appears before the Planning Commission with a site plan, and the specific questions regarding traffic impacts would be answered at that point.

There was general discussion clarifying the Council's role in mitigating traffic impacts.

Mayor Cohn asked Midland Rye LLC to discuss their plans to participate with the City in mitigating the traffic on Peck Ave.

Mr. Duncan stated that Midland Rye plans to contribute a substantial sum to the City to help improve the Peck Ave./ Midland Ave. intersection.

Greg Usry, Rye's City Manager, stated that Midland Rye has offered to contribute \$250,000 for Peck Ave. improvements.

4. Consideration of SEQRA determination of significance in connection with a petition from Midland Rye LLC to amend the City of Rye Zoning Code to expand the list of permissible uses in the B-5 "Interchange Office Building" Zoning District.

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

**RESOLUTION OF THE RYE CITY COUNCIL TO ADOPT A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) AND ADOPT THE PROPOSED ZONING TEXT AMENDMENT AMENDING THE LIST OF PERMITTED USES IN THE B-5 ZONING DISTRICT AND ADDING TWO DEFINITIONS TO THE ZONING CODE**

WHEREAS, Midland Rye LLC submitted a petition dated September 4, 2019 to amend the B-5 zoning district to expand the list of permitted uses to include "medical office," "self-storage," "finishing or assembling of products," "day care" and "testing of products" and to add definitions for "Light Assembly/Finishing" and "Self-Storage" (the "Zoning Text Amendment"); and

WHEREAS, Midland Rye LLC owns property located at 601 Midland Avenue (approximately 14.84 acres) and 621 Midland Avenue (approximately 3.25 acres); and

WHEREAS, the proposed action applies to the B-5 District in the City, which is located along the west side of Midland Avenue between Peck Avenue and the Rye/Port Chester municipal boundary; and

WHEREAS, the total B-5 District area is approximately 34 acres, of which Rye Midland LLC owns two properties totaling approximately 18 acres; and

WHEREAS, Midland Rye LLC presented a proposed Zoning Text Amendment in September 2019 to the City Council and the City Council referred the matter to the Planning Commission for its advisory review and recommendation; and

WHEREAS, after considering the proposed Zoning Text Amendment during several meetings, by letter dated November 19, 2019, the Planning Commission issued a positive recommendation to the City Council; and

WHEREAS, Midland Rye LLC resubmitted a revised Zoning Text Amendment with associated documentation dated September 18, 2020 to the City Council; and

WHEREAS, based on additional review of the proposed language, Midland Rye LLC submitted revised language on November 13, 2020; and

WHEREAS, the City Staff referred the revised Zoning Text Amendment to the Westchester County Planning Board and the Village of Port Chester consistent with Sections 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code; and

WHEREAS, the County Planning Board responded in a November 24, 2020 letter the proposed action was "a matter for local determination" and did not state an objection to the proposed zoning text amendment or identify inconsistencies with County plans or policies; and

WHEREAS, the City Council opened a public hearing on December 2, 2020 and continued the public hearing to December 16, 2020 and continued it again to January 6, 2020; and

WHEREAS, based on comments from the City Council and the public during the public hearings, Midland Rye LLC further revised its proposed Zoning Text Amendment by submissions dated December 11, 2020 and again on December 31, 2020; and

WHEREAS, after giving the public an opportunity to be heard and reviewing the written submissions, the City Council closed the public hearing on January 6, 2020; and

WHEREAS, the Applicant prepared Part I of the Environmental Assessment Form (EAF) and the City Planer prepared Part II and III (including the supplemental narrative); and

WHEREAS, under SEQRA, the proposed Zoning Text Amendment is classified as a Type I action pursuant to Section 617 of the regulations of SEQRA; and

WHEREAS, the City Council is the lead agency as this action is a legislative action of the City of Rye and the City Council is the only agency with jurisdiction by law to fund, approve, or directly undertake this action; and

WHEREAS, the City Council has completed a thorough review of the identified areas on the Environmental Assessment Form Parts I, II and III (along with the attachment), which are incorporated herein by reference, and the City Council hereby adopts the findings, conclusions and rationale contained with Parts I, II and III of the EAF; and.

WHEREAS, the proposed action does not involve any specific project to change the existing use of buildings or properties in the B-5 District. The proposed action does not change any of the bulk or dimensional requirements of the B-5 District including currently allowable maximum building floor area (i.e. FAR), building height, or building setbacks; and

WHEREAS, any site specific changes will be considered by the Planning Commission under site plan review.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Rye as follows:

1. The City Council, as Lead Agency, in a coordinated review (Planning Commission, Westchester County – interested agencies), has reviewed and considered the entire record of the Petition, including all material submitted by or on behalf of the Applicant, the EAF, the Planning Commission recommendation, and the written and oral public comments made during the public hearing; and
2. The City Council has considered the potential impacts of the Proposed Action in light of the criteria set forth in the SEQRA regulations (6 NYCRR Section 617.7(c)) and the representations made by the Applicant; and
3. Having thoroughly reviewed the record and determined that the Proposed Action will not have significant adverse environmental impacts, the City Council hereby issues a Negative Declaration under SEQRA; and
4. The City Council hereby adopts the Zoning Text Amendment as presented at the City Council meeting on January 6, 2021 amend the B-5 Zoning District.

**ROLL CALL**

AYES: Mayor Cohn, Councilmembers Johnson, Mecca, Souza

NAYS: Councilmembers Goddard and Tarlow



RECUSE: Councilman Stacks  
ABSENT: None

Each member of the Council gave the following rationales before their vote:

Councilwoman Goddard empathized with the process that Midland Rye has had to endure when working with an outdated Master Plan. She stated that her responsibility is to her constituents, and thus her vote would be no.

Councilwoman Johnson reminded the residents of Rye Colony and The Gables that there will be more opportunity for their voices to be heard when site plans are brought before the Planning Commission. She voted yes.

Councilman Mecca and Councilwoman Souza both voted yes without comment.

Councilman Stacks has recused himself.

Councilwoman Tarlow empathized with the laborious process that Midland Rye LLC has been through. She is voting no for several reasons to include tax implications for the City, the permanence of the zoning code amendment, the negative impacts on the surrounding neighborhood, and the lack of the City's current Master Plan. She hopes that moving forward, the City will develop a comprehensive plan with the help of the residents.

Mayor Cohn voted yes. He stated that the Midland Rye plan is to keep the building as it is, and that the new uses will be consistent with the impact that the current office use has. He noted that the intention to create a new Master Plan had been postponed because of the time and consideration that a properly executed one would require. He stated that there should not be a moratorium on approving zoning text amendments while a new Master Plan is created.

The motion carried.

Mayor Cohn thanked Midland Rye, and the neighboring residents, for their time, participation, and cooperation.

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

Sander Spierings, 30 Fairway Avenue, president of the Milton Point Association, addressed the Council. He spoke against a recent zoning amendment application to the City to redefine the definition of permitted uses in the R-1 zone. He talked about the Milton Point Associate, made up of neighbors in the area promote community but who also speak out against potential disruptions to the area. He discussed concerns about traffic impacts, pedestrian impacts, noise concerns, and disruption to the character of the neighborhood. He said that this could impact other areas of the City outside the Milton Point area. He asked the City Council to vote against such a proposed amendment.

6. Resolution to adopt provisions of Executive Order 202.83 suspending the requirements of renewal applications as a condition to granting exemptions under sections 459-C and 467 of the Real Property Tax Law.

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

**WHEREAS**, the Governor of the State of New York by Executive Order No. 202 dated March 7, 2020, declared a state disaster emergency for the entire State of New York; and

**WHEREAS**, both travel-related and community contact transmission of COVID-19 have been documented in New York State and are expected to continue; and

**WHEREAS**, pursuant to Section 29-a of Article 2-B of the Executive Law, New York State Governor Andrew Cuomo did issue Executive Order 202.83 dated December 18, 2020, which authorized, by local option, the governing body, to adopt the provisions of that Executive Order 202.83, which temporarily suspends or modifies, subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law.

**WHEREAS**, the City is desirous to adopt such resolution while also allowing the assessor to require a renewal application to be filed when the assessor has reason to believe that an owner who qualified for the exemption on the 2020 assessment roll may have since changed primary residence, added another owner to the deed, transferred the property to a new owner, or died;

**NOW THEREFORE BE IT RESOLVED**, that pursuant to Executive Order 202.83 issued by New York State Governor Andrew Cuomo on December 18, 2020, the City Council of the City of Rye hereby adopts, as a local option, the suspension of subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law; and be it further

**RESOLVED**, that the Board of Assessors are hereby directed to grant exemptions pursuant to such sections on the 2021/2022 assessment roll to all property owners who received that exemption on the 2020/2021 assessment roll thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for the Board of Assessors to mail renewal applications to such persons; and, be it further

**RESOLVED**, that the Board of Assessors may, in the case that there is a change of status that would no longer qualify the homeowner, request renewal application from only such persons; and, be it further **RESOLVED**, that the City Clerk is hereby directed to forward a copy of this resolution to the Board of Assessors and the Office of the Corporation Council of the City of Rye; and be it further

**RESOLVED**, that all City Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the City Clerk. This Resolution shall take effect immediately

ROLL CALL

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

7. Resolution to amend the 2021 Adopted Fees and Charges for the Boat Basin to increase various rates for summer 2021.

Rodrigo Paulino, Boat Basin Supervisor, and Joe Pecora, Boat Basin Commission, addressed the Council.

Mr. Paulino explained that the Commission is recommending a 5% increase in fees for slip holders, which equates to \$3/ foot increase. This would keep the rates competitive, but also assist with dredging issues that the Marina faces.

Mayor Cohn asked if the Marina would remain competitive if the fees were raised, despite the silt situation.

Mr. Pecora responded that the City would remain competitive. There has increased demand for use at the Marina due to the pandemic. There is also a need for the Basin to boost up the dredge fund at this time.

Councilwoman Johnson asked of the Boat Basin was at capacity. Mr. Paulino responded that there will be a waitlist of approximately 11 boats, should everyone from last year renew their slips.

Mr. Paulino stated that they had gained 40 new boats this year for winter storage alone. This was due to the fact that the Commission and staff cleaned up the yard to create more efficiency and space.

Councilwoman Johnson asked about the mooring fees not being raised this year. Mr. Pecora responded that once the enforcement is underway, the mooring fee can be considered to be raised again. He added that when compared to other communities, the current mooring fee is higher than most.

Councilwoman Souza made a motion, seconded by Councilwoman Tarlow, to amend the 2021 Adopted Fees and Charges for the Boat Basin to increase various rates for summer 2021.

ROLL CALL

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

8. Consideration of a request by the Rye Little League to approve a parade to kickoff Opening Day of the 63rd Little League Season on Saturday, April 10, 2021 beginning at 12:00 p.m.

Councilman Souza made a motion, seconded by Councilwoman Goddard, to approve a request by the Rye Little League to approve a parade to kickoff Opening Day of the 63rd Little League Season on Saturday, April 10, 2021 beginning at 12:00 p.m.

9. Resolution to declare Fire Department Ladder 26 surplus.

City Manager Usry recalled that Ladder 25 did not pass inspection and is on its way to be repaired. The City has executed a lease for a replacement ladder for the next 4-6 months. Ladder 26 has also been inoperable due to the aftermath of Hurricane Sandy. The staff recommendation for the best action is to use the equipment for parts and declare the ladder as surplus.

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

**WHEREAS**, the City has been provided with a list of City equipment identified as being obsolete or has become obsolete during 2020, and,

**WHEREAS**, the Fire Department has recommended that said equipment be declared surplus;

**NOW, THEREFORE, BE IT RESOLVED**, that said equipment is declared surplus, and, be it further

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

ROLL CALL

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

10. Appointment of the 2021 Deputy Mayor by the Mayor.

Mayor Cohn made a motion, supported by the Council, to adopt the following resolution:

**RESOLVED**, that Councilman Mecca be appointed the Deputy Mayor for a one-year term commencing January 1, 2021, to serve as Acting Mayor in the Mayor’s absence.

11. Designation of the City Council’s Audit Committee by the Mayor.

Mayor Cohn made a motion, supported by the Council, to adopt the following resolution:

**RESOLVED**, that Councilmembers Souza and Stacks be appointed to the City Council’s Audit Committee for a one-year term commencing December 31, 2021.

12. Designation of the City Council Liaisons by the Mayor.

Mayor Cohn designated the following Council members as Liaisons to the following:

- Board of Appeals – Councilwoman Tarlow
- Board of Architectural Review – Councilwoman Goddard
- Boat Basin – Councilwoman Tarlow
- Human Rights Commission – Councilwoman Souza
- Conservation Commission Advisory Council - Councilwoman Goddard
- Emergency Medical Services – Councilwoman Johnson
- Finance Committee – Councilman Stacks
- Flood Advisory Committee – Councilwoman Johnson
- Landmarks Advisory Committee – Councilman Stacks
- Planning Commission - Councilman Mecca
- Recreation Commission – Councilwoman Souza
- Cable and Communications Committee – Councilwoman Johnson
- Chamber of Commerce – Councilwoman Souza
- Rye City School District – Councilwoman Souza and Mayor Cohn
- Rye Free Reading Room – Councilwoman Tarlow
- Rye Golf Club – Councilman Stacks
- Rye Playland Advisory Committee – Councilman Stacks
- Rye Senior Advocacy Committee- Mayor Cohn
- Rye Town Park Commission – Mayor Cohn and Commissioner Hurd
- Sustainability Committee – Councilwoman Goddard
- Traffic and Pedestrian Safety – Mayor Cohn, Councilman Stacks
- Master Plan Task Force – Held for a later date

13. Designation of the official City newspaper.

Mayor Cohn made a motion, unanimously carried, to designate the Journal News as the official City newspaper for the purpose of publishing legal notices.

14. Designation of the amounts of faithful performance bonds:

By way of background, Section § C23-3, “Surety bonds” of the City Charter stipulates that “The City Comptroller, City Clerk, City Judge, Acting City Judge, City Marshal and such other officers and employees as may be specified by the Council shall give bond for the faithful performance of their duties. The bond shall be in such sum and with such corporate sureties as may be approved by the Council. The premium of all such surety bonds shall be paid by the city.”

Councilwoman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to designate faithful performance bonds for the City Comptroller, City Clerk and City Marshall in the following amounts:

A. City Comptroller	\$ 1,000,000
B. City Clerk	\$ 500,000
C. City Marshall	\$ 100,000

ROLL CALL

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

15. Adjourn until January 20, 2021 the public hearing 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. All public hearing comments should be emailed to publichearingcomments@ryeny.gov with “Osborn Zoning Change” as the subject no later than 3:00 pm on the day of the hearing.

Mayor Cohn and the Council Adjourn until January 20, 2021 the public hearing 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.

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

Mayor Cohn made the following appointments and reappointments to the Boards, Commissions and Committees, which the Council approved:

Board of Appeals

- Alan Weil, reappointed for a three-year term to expire December 31, 2023 (will remain chair)

- Peter Olsen and Maureen Powers, reappointed for a three-year term to expire December 31, 2023

Board of Architectural Review

- Michael Harrington, reappointed for a three-year term to expire December 31, 2023, and becomes Chairman
- (Mayor Cohn thanked Ken Grainger for his service)

Conservation Commission/ Advisory Council

- Tracy Stora, Chair, reappointed for a three-year term to expire December 31, 2023
- William Lawyer, reappointed for a three-year term to expire December 31, 2023
- Ryan Prime, reappointed for a three-year term to expire December 31, 2023

Board of Ethics

- Edward B. Dunn, reappointed for a three-year term to expire December 31, 2023

Finance Committee

- Sam Dimon, reappointed for a three-year term to expire December 31, 2023
- Christine Groves, reappointed for a three-year term to expire December 31, 2023
- Susan Watson, reappointed for a three-year term to expire December 31, 2023

Planning Commission

- Nick Everett reappointed for a three-year term to expire December 31, 2023 and remains as chair

Senior Advocacy

- Nancy Haneman reappointed for a three-year term to expire December 31, 2023 (remains as chair)
- Pat Hammer, reappointed for a three-year term to expire December 31, 2023

17. Old Business/New Business.

Councilwoman Johnson reminded the community that the Police Review Committee would be meeting January 7, 2021 at 6:00pm virtually. Details are at the City website for anyone wishing to attend.

Councilman Stacks stated that updates for the Last Mile Project are linked from the City website. The Thruway Project should be done at the end of this year, according to the information that has been given by the Thruway Authority.

18. 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 8:11 P.M.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk





# CITY COUNCIL AGENDA

DEPT.: City Planning

DATE: January 15, 2021

CONTACT: Christian Miller, City Planner

**AGENDA ITEM:** Consideration of a petition from the Milton Harbor Foundation for a zoning text amendment to include a new special permit use for *Civic and community center uses* that could be applicable to the Wainwright House property (and potentially other sites) and would include water dependent recreational facilities.

**FOR THE MEETING OF:**

January 20, 2021

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

See attached petition.

JONATHAN D. KRAUT

DIRECT TEL.: 914-701-0800  
MAIN FAX: 914-701-0808  
[JKRAUT@HKPLAW.COM](mailto:JKRAUT@HKPLAW.COM)

November 25, 2020  
**VIA HAND DELIVERY**

Greg G. Usry, City Manager  
City of Rye  
1051 Boston Post Road  
Rye, New York 10580

Re: ***Proposed Zoning Text Amendment***

Dear Mr. Usry and Members of the City Council:

We represent Milton Harbor Foundation, Inc., in connection with a joint petition with the Wainwright House, Inc. (collectively the "Petitioners"), to amend the Rye City Code to include a new use subject to additional standards and requirements.

Submitted herewith please find ten (10) copies of a Verified Petition for an amendment to the Zoning Ordinance. The original petition is simultaneously being filed with the City Clerk. We respectfully request this matter be placed on the Rye City Council agenda for December 2, 2020 or the next available meeting thereafter.

The Wainwright House property totals approximately five (5) acres and lies wholly within the R-1 (Single Family Residential) Zoning District. The Petitioners would like to construct a new multi-purpose facility that would include offices, classrooms, gathering spaces and a floating dock, all of which would accommodate Wainwright's current uses and allow for new offerings including a rowing program. Although historically Wainwright has been considered a "religious use" which is a Use Permitted Subject to Additional Standards and Requirements under the Rye City Code, Wainwright offers many additional services which is not any different than the practices of other more traditional places of worship. Rather than arguing that rowing is to the Wainwright House what a CYO basketball program is to a Catholic church, the Petitioners felt that it would be best to address a hole in the current Zoning Ordinance for community / civic based uses.

The petition proposes a "Civic and Community Center Use" as a new proposed use category. The new use would encompass all of the underlying uses and purposes of

HKP

Wainwright's mission of personal enlightenment and development while providing enough flexibility to cover any potential similar types of uses. The new use could also be implemented at any other similarly qualifying site in Rye and has the potential to foster additional access to the water that would not otherwise exist.


The proposed zoning amendment would also have an indirect positive effect for the neighbors of the Wainwright House. If the Council were to pass the zoning amendment and the Petitioners moved forward with seeking approvals for the contemplated development of the Wainwright House property, the new constructed facility will provide space for wedding celebrations to take place inside a new soundproof facility which should eliminate the prime complaint surrounding weddings at the Wainwright House.

Ultimately, any plan would be subject to site plan and special permit review by the Planning Commission. However, the sole matter in front of the Council is whether to adopt the proposed zoning text amendment and new use created therein. For the reasons set forth hereinabove and in greater detail in the Petition we believe there would be public benefit in adopting the proposed amendment.

We look forward to presenting this Petition to the Rye City Council and can provide any additional information at that time.

Very Truly Yours,

HARFENIST KRAUT & PERLSTEIN LLP

By:   
Jonathan D. Kraut

CITY OF RYE: RYE CITY COUNCIL  
COUNTY OF WESTCHESTER: STATE OF NEW YORK  
-----X

In the Matter of the Application of

**PETITION  
FOR AMENDMENT TO  
CITY OF RYE ZONING  
ORDINANCE**

Wainwright House, Inc and Milton Harbor Foundation, Inc.

-----X

Petitioners, WAINWRIGHT HOUSE, INC AND MILTON HARBOR FOUNDATION, INC. by their attorneys, Harfenist Kraut & Perlstein, LLP, hereby petition the City Council of the City of Rye for an amendment to the City of Rye Zoning Ordinance as follows:

1. Wainwright House, Inc, is a 501(c)(3) not-for-profit corporation with an address at 260 Stuyvesant Ave, Rye, New York 10580 (“Wainwright”), and Milton Harbor Foundation, Inc., is a 501(c)(3) not-for-profit corporation in formation with an address at 668 Milton Road, Rye New York 10580 (“MHF”).
2. Wainwright and MFH (jointly hereinafter the “Petitioners”) are seeking to construct a new modern facility on the Wainwright premises on or about where the Fonrose House building sits to better accommodate the demands of Wainwright’s patronage, including access to Milton Harbor which could accommodate, *inter alia*, rowing and other water dependent activities.
3. The Wainwright House property is located at 260 Stuyvesant Ave and 270 Stuyvesant Ave and totals approximately five (5) acres.
4. The Wainwright property lies wholly within the R-1 (Single Family Residential) Zoning District.

5. Wainwright's mission is to develop human potential and the property is predominantly used to host conferences, retreats, classes, weddings, programs, workshops, cultural events, and other such activities with an emphasis on spiritual and personal development.
6. MHF's mission is to utilize the sport of rowing to encourage teamwork, self-improvement, personal enlightenment and self-discipline, and develop the relationship between mental health and physical health.
7. The Petitioners would like to construct new multi-purpose facility on the Wainwright property that would include offices, classroom and gathering spaces and a floating dock to be used by both Wainwright and, pursuant to a long term lease, MHF.

#### AMENDMENT TO ZONING ORDINANCE

8. Petitioners understand that Wainwright has operated as a "religious use" which is a Use Permitted Subject to Additional Standards and Requirements. However, Wainwright accommodates a wide variety of services, as do many traditional churches, temples and other places of worship.
9. Wainwright hosts many community groups and events, such as meditation classes, parenting courses, book and artist discussion groups, writing and poetry groups, teen groups and related programming, family events, and self-improvement and holistic studies. Many of Wainwright's offerings are also focused on physical self-improvement such as yoga, tai chi, karate, meditation, and other similar disciplines.
10. As Wainwright is the oldest non-profit, non-sectarian holistic learning center in the United States that offers a broad array of programming, the Petitioners seek to create a new use category that more comprehensively fits Wainwright's usage and purpose as well as to amend the zoning text to add water dependent recreation usage that may also be applied to other qualifying sites elsewhere in Rye.

11. Specifically, the Petitioners request that Section 197-86, Table A, Column 2, therein be amended to include a new use permitted subject to additional standards and requirements in the R-1 to RT districts as follows:

*Civic and community center uses. A use that provides meeting space and facilities for the activities of private, nonprofit associations, clubs and organizations, religious institutions, non-sectarian group ceremonies and activities, general community events open to the general public or by invitation only, activities in furtherance of spiritual and physical well-being and self-improvement including the arts, dance, music, theater, literature, sculpture, horticulture and physical/mental fitness. Additional permitted activities include conferences, retreats, classes, weddings, ceremonies, programs, workshops, fundraisers, charity events and other such activities. Such uses shall be permitted subject to the following:*

- a. No primary activity is carried on for gain;*
- b. No building, parking area or other recreational use shall be located within the specified distance from any side or rear lot line adjoining property zoned for residential purposes, except any existing structures within the specified distance that are put to such use may remain subject to the approval of the Planning Commission;*
- c. The site must be at least 2 acres in size; and*
- d. Water dependent recreational facilities and uses shall also be permitted for recreational non-motorized small craft (with the exception of motorized accessory craft as needed for training and/or safety purposes).*

FACTS SUPPORTING PETITIONER'S REQUEST

12. Although Wainwright's property is considered a religious special permit use under the zoning ordinance and, consistent with this, the property use is and has been a multifaceted mix of social and spiritual enlightenment and self-improvement through the hosting of retreats, conferences, yoga classes, weddings, classes, workshops and other such activities.

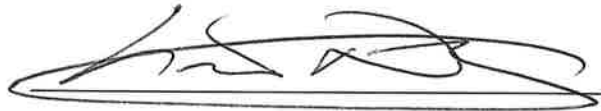
13. The founder of MHF, Howard Winklevoss, and his associates have successfully founded several rowing clubs throughout the United States, including RowAmerica Rye, and have a longstanding reputation for encouraging the positive influence that the sport of rowing has on young individuals in reaching their true potential.
14. The mission of MHF aligns with that currently in place at Wainwright and would complement the overall purpose of the current use of the Wainwright property.
15. The Local Waterfront Revitalization Program of Rye (“LWRP”) encourages zoning amendments that foster the use and accessibility of the waterfront area spanning from the edge of the Long Island Sound to Boston Post Road.
16. One of the stated goals of the LWRP is to support the “continuation of, and addition, to existing public access to water-dependent use areas” which “are important factors included in the City of Rye Local Waterfront Revitalization Program.”
17. The Petitioners’ joint project could fill the gap in public access to the water that was created following the sale of the former Durland Scout Center in 2007, which was a prime location for offering access to the waterfront and providing classes and camps for sailing, rowing, canoeing, swimming and other water dependent activities.
18. The Petitioners’ proposed zoning amendment will create possibilities for more water-dependent and water-enhanced uses not only at Wainwright but potentially at other qualifying sites in the future.

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WHEREFORE, it is respectfully requested that this matter be placed on the calendar of the City Council for a hearing and that the relief sought herein be in all respects granted.

Dated: Purchase, New York  
November 25, 2020

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jonathan D. Kraut', written over a horizontal line.

Jonathan D. Kraut, Esq.  
Leo K. Napior, Esq.  
Harfenist Kraut & Perlstein, LLP  
Attorneys for the Petitioner  
2975 Westchester Avenue - Suite 415  
Purchase, New York 10577  
Tel: (914) 701-0800



# 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.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Civic and Community Center Zoning Text Amendment			
Project Location (describe, and attach a location map): City of Rye			
Brief Description of Proposed Action: The petitioners are requesting a zoning text amendment for a new use permitted subject to additional standards and requirements for "Civic and community center uses" to also include "water dependent recreational facilities"			
Name of Applicant or Sponsor: Wainwright House, Inc. and Milton Harbor Foundation, Inc.		Telephone: 914-701-0800 E-Mail: jkraut@hkplaw.com	
Address: c/o Harfenist Kraut & Perlstein, LLP, 2975 Westchester Avenue, Suite 415			
City/PO: Purchase		State: NY	Zip Code: 10577
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 checked="" 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:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	<p>NO</p> <input type="checkbox"/>  <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>  <input type="checkbox"/>	<p>N/A</p> <input type="checkbox"/>  <input type="checkbox"/>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	<p>NO</p> <input type="checkbox"/>  <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>  <input type="checkbox"/>	
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: _____</p> <p>_____</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: _____</p> <p>_____</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>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?</p> <p>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?</p>	<p>NO</p> <input type="checkbox"/>  <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>  <input type="checkbox"/>	
<p>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?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <input type="checkbox"/>  <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>  <input type="checkbox"/>	

<p>14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:</p> <p> <input type="checkbox"/> Shoreline    <input type="checkbox"/> Forest    <input type="checkbox"/> Agricultural/grasslands    <input type="checkbox"/> Early mid-successional  <input type="checkbox"/> Wetland    <input type="checkbox"/> Urban    <input type="checkbox"/> Suburban </p>		
<p>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?</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p>16. Is the project site located in the 100-year flood plan?</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p>17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,</p> <p style="padding-left: 20px;">a. Will storm water discharges flow to adjacent properties?</p> <p style="padding-left: 40px;">b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?</p> <p>If Yes, briefly describe:</p> <p>_____</p> <p>_____</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
<p>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:</p> <p>_____</p> <p>_____</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p>19. 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:</p> <p>_____</p> <p>_____</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p>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:</p> <p>_____</p> <p>_____</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor/name: <u>Milton Harbor Foundation Inc.</u> Date: <u>11/25/20</u></p> <p>Signature:  Title: <u>Attorney for Applicant</u></p>		

### **Short Environmental Assessment Form – Narrative Description**

The proposed action is limited to the consideration of a new use category in the City of Rye Zoning Ordinance. The proposed use is for *Civic and Community Center Uses* to be a use permitted subject to additional standards and requirements in the R-1 to RT zoning districts. The proposed use captures a wide variety of potential uses that could occur at sites owned and operated by not-for-profit corporations that do not otherwise neatly fit into existing use definitions. If adopted the new use category could further not-for-profit and charitable uses in the City of Rye and provide for more public access to the water.

The adoption of the zoning text amendment itself would not have any direct effect on environmental resources. Any property seeking permission to operate as a *Civic and Community Center Use* would be subject to environmental review during the site plan and special permit review procedures.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 12, 2021

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:**

Update on the City's Capital Improvement Program.

**FOR THE MEETING OF:**

January 20, 2021

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council hear the presentation

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** See attached.

Greg Usry  
Interim City Manager  
1051 Boston Post Road  
Rye, New York 10580



Tel: (914) 967-7404  
E-mail: [gusry@ryeny.gov](mailto:gusry@ryeny.gov)  
<http://www.ryeny.gov>

**CITY OF RYE**  
**Office of the City Manager**

**To: Mayor Cohn and Rye City Council**

**From: Greg Usry, Interim City Manager**

A handwritten signature in black ink, appearing to be 'G. Usry', is written over the 'From:' line of the email header.

**Re: Priority Capital Projects Planning**

**Date: January 15, 2021**

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Over the next 36 months, the City of Rye will be undertaking the largest Capital Improvement Projects program (CIP) in recent memory. These projects are a subset of the projects contained in the Five Year CIP, and represent those items previously identified by the Council for immediate action. They are summarized and included in the 2018, 2019 and 2020 CIP presentations, as well as noted in my letter that accompanied the 2020 budget. They reflect the significant deferrals in capital reinvestment following the 2008 Recession.

Although the project planning has been in the works for several years, beginning in January, City staff will begin bringing projects to the Council for various approvals and referrals. The information provided with the following attachments is meant to highlight the expected timeline, the various required actions and approvals, as well as preliminary cost estimates and funding requirements. Each month, we will update this material. Please note that all cost estimates are preliminary and will likely be higher. Actual costs can only be determined once final design has taken place and actual bids have been received. We will make every attempt to revise the estimates as we move closer to actually bidding the project.

By the end of February, City staff will produce a financial plan to accompany this schedule. As a result of the funding of the Capital Projects Reserve, along with grant monies and bonding capacity, the City is in a good position to financially undertake this plan. However, the financial plan will need to address both the near term liquidity needs to fund certain project expenses in 2021, as well as the long term funding of the projects (bonding). It will also need to be modified (in terms of both timing and structure) as final costs are determined and the timeline is refined.

While the enclosed materials do detail the priority projects, they do not include certain additional expenditures that will need to be considered in 2021 and 2022. These will be included in the financial plan delivered to you early next year:

- Replacement/Repair of the Fireman's Circle statue
- Technology upgrades to the Council Chambers
- Long term financing for fire apparatus (replenishment of the BVM Fund)
- Rye Town Park capital program

For your information and review, I have included the following materials:

1. Priority Capital Improvements timeline and estimated cost summary
2. Individual project timelines/critical path, including required Council action
3. Summary of all expected Council actions 2021-22



## CITY OF RYE

### Priority Capital Improvement Projects

(January 15, 2021)

#### Department of Public Works

##### DPW Building 5

\$4.5M

<i>Project Description:</i> This project involves replacing the existing DPW Garage building.	
<b>Tasks</b>	<b>Status</b>
30% Design	Completed
60% Design	Completed
City Council Review/BAR Referral/SEQR	Feb/Mar 2021 <b>[CC Action Required]</b>
100% Design	March 2021
Bid Specifications	April 2021
Bid	May 2021 <b>[CC Action Required]</b>
Build	Summer/Fall 2021
<i>Comments:</i> Assumes project is referred to BAR by City Council at a public meeting. Neighborhood notice of meeting should also be considered.	

##### DPW Building 7

\$250K

<i>Project Description:</i> This project involves repair and renovation of Building 7. Plans and bid specifications are nearing completion. Bidding and construction is anticipated to start in the first half of 2021.	
<b>Tasks</b>	<b>Status</b>
90% Design	Completed
Hazardous Materials and Abatement	Jan 2021
City Council Review/BAR Referral/SEQR	Jan/Feb 2021 <b>[CC Action Required]</b>
100% Design	March 2021
Bid	April 2021 <b>[CC Action Required]</b>
Build	Summer/Fall 2021
<i>Comments:</i> Assumes project is referred to BAR by City Council at a public meeting. Neighborhood notice of meeting should also be considered.	



**DPW Salt Shed**

\$650K (City Share: \$250K)

<i>Project Description:</i>	
This project involves constructing a new salt shed at DPW. The project design has been suspended pending authorization of the \$400,000 SAM grant.	
<b>Tasks</b>	<b>Status</b>
1. SAM Grant Authorization	Unknown
2. Selection of Preferred Alternative	1 month from start of task 1
3. 30% Design	1 month from end of task 2
4. 60% Design	1 month from the end of task 3
5. 100% Design	1 month from the end of task 4
6. NYSDEC Review	Unknown
7. City Council Review/BAR Referral	1 month from the end of task 5 <i>[CC Action Required]</i>
8. Bid	1 month from the end of task 6 <i>[CC Action Required]</i>
9. Construction (start)	2 months from the end of task 8
<i>Comments:</i>	

**DPW Fuel Tank**

\$250K

<i>Project Description:</i> This project involves the replacement of the existing fuel tanks at DPW. Based on current estimates this project may be ready for bid in the fall/winter of 2021.	
<b>Tasks</b>	<b>Status</b>
Design	August 2021
Bid	September 2021 <i>[CC Action Required]</i>
Build	Fall/Winter 2021

## Sewer Projects

### Locust Avenue Sewer

\$445K (City Share: \$266K)

<i>Project Description:</i> The project involves the installation of a new sewer line across Blind Brook at Locust Avenue. This will replace the existing sewer siphon in this location.	
<b>Tasks</b>	<b>Status</b>
Survey and private easement acquisition	Complete
Design	Complete
Regulatory Review	January 2021
Bidding	Jan-Mar 2021 <i>[CC Action Required]</i>
Construction (start)	June 2021
Construction (end)	November 2021
<i>Comments:</i>	

### Breevort Force Main

\$670K (City Share: \$442K)

<i>Project Description:</i> The project involves the replacement of an existing sewer force main from the Breevort Lane Pump Station.	
<b>Tasks</b>	<b>Status</b>
Survey	Complete
Design	Complete
Regulatory Review	Complete
Bidding	Jan-Mar 2021 <i>[CC Action Required]</i>
Construction (start)	June 2021
Construction (end)	November 2021
<i>Comments:</i>	

### Central Avenue Pump Station

\$905K (City Share: \$308K)

<i>Project Description:</i> Construction of a new pump station and related sewer line on City property at the corner of Clinton and Central Avenues.	
<b>Tasks</b>	<b>Status</b>
Survey	Complete
Design	Complete
Regulatory Review	January 2021
Bidding	Jan-Mar 2021 <i>[CC Action Required]</i>
Construction (start)	June 2021
Construction (end)	December 2021
<i>Comments:</i>	

**Midland Avenue Sewer Replacement**

\$460K (City Share: \$173K)

<i>Project Description:</i> This project involves the replacement of 500 linear feet of 10-inch sewer along Midland Avenue at the intersection of Grace Church Street and Manursing Avenue.	
<b>Tasks</b>	<b>Status</b>
Survey	Complete
Design	80% Complete
Regulatory Review	In progress
Bidding	August 2021 <i>[CC Action Required]</i>
Construction (start)	September 2021
Construction (end)	December 2021
<i>Comments:</i>	

**Highland Road Sewer Lining**

\$70K (City Share: \$26K)

<i>Project Description:</i> This project involves the lining of 350 feet of existing sewer located in Highland Road. This project will be completed as part of the Sewer and Manhole Rehabilitation project.	
<b>Tasks</b>	<b>Status</b>
Survey	Complete
Design	Nov. 2020 – Mar. 2021
Regulatory Review	June/July 2021
Bidding	August 2021 <i>[CC Action Required]</i>
Construction (start)	Sept. 2021
Construction (end)	Sept. 2022
<i>Comments:</i>	

**Sewer Manhole and Line Rehab**

\$3.97MM (City Share: \$1.52MM)

<i>Project Description:</i> Rehabilitation and lining of sewer lines and manholes in the City.	
<b>Tasks</b>	<b>Status</b>
Survey	Complete
Design	Nov. 2020 – Mar. 2021
Regulatory Review	June/July 2021
Bidding	August 2021 <i>[CC Action Required]</i>
Construction (start)	Sept. 2021
Construction (end)	Sept. 2022
<i>Comments:</i>	

## Miscellaneous Projects

### City Hall HVAC

\$2.4M

<i>Project Description:</i> This project involves replacing the existing HVAC system in City Hall. Existing ceiling tiles and lighting within the building will also be replaced.	
<b>Tasks</b>	<b>Status</b>
Schematic Design	Completed
Design Development/Client Approval	April 2021
BAR and Landmarks Review	April 2021
Completion of Construction Documents	June 2021
Estimator Review/Bid Adjustments	July 2021
Bid	August 2021 <i>[CC Action Required]</i>
Build	Fall 2021
<i>Comments:</i> City Hall is landmarked as a protected structure pursuant to Chapter 117 of the Rye City Code. The roof-top HVAC units will require BAR and advisory Landmarks review.	

### Theodore Fremd Wall

\$1.3M (City Share: \$750K)

<i>Project Description:</i> Replacement of damaged wall on Blind Brook at Theodore Fremd.	
<b>Tasks</b>	<b>Status</b>
Design	Completed
Regulatory Review	On-going
Bid	June 2021 <i>[CC Action Required]</i>
Construction	Summer/Fall 2021
<i>Comments:</i>	

**Forest Avenue Sidewalks***\$2.8M (City Share: \$700K)*

<i>Project Description:</i> This project involves construction of new sidewalks on Forest Avenue between Apawamis and Manursing Avenues and on Manursing between Forest and Davis Avenues. This project is funded by the NYSDOT.	
<b>Tasks</b>	<b>Status</b>
Receipt of PE Consultant RFQs	October 2020
Select Consultant	Mar/Apr 2021
Design	Nov. 2021
Regulatory Review	April 2022
Bid	May 2022 <i>[CC Action Required]</i>
Build	June 2022
<i>Comments:</i> This schedule is likely aggressive. A more accurate timeline will be developed upon consultant selection.	

**Court Facilities Projects****Police/Court Improvements***\$3.1M*

<i>Project Description:</i> The Office of Court Administration (OCA) has identified needed upgrades to the Rye City Court in a 2010 Report. The project includes construction of new secured sally port, elevators, interior stairwell, expanded court clerk facilities, judges' chamber, court officer facilities and prisoner holding facility. Plans and bid specifications are approximately 90% complete. Work is suspended on this project until completion of the Temporary Court bid specifications and plans.	
<b>Tasks</b>	<b>Status</b>
Design	90% Complete
City Council Review/BAR Referral	February 2022
Bid	September 2022 <i>[CC Action Required]</i>
Construction	October 2022
<i>Comments:</i>	

**Temporary Court***\$600K*

<i>Project Description:</i> Construction of temporary court trailers at Car Park 5.	
<b>Tasks</b>	<b>Status</b>
Preparation of Court Plans	30% Complete
Review by Court Staff and OCA	June 2021
60% Design	January 2022
OCA Review and approval	Unknown
100% Design	May 2022
Bid	September 2022 <i>[CC Action Required]</i>
Construction	April 2022
<i>Comments:</i>	

**Priority Capital Improvement Projects  
Summary of City Council Actions 2021-2022**

<b>Project*</b>	<b>January – March 2021</b>
DPW Building 5	BAR Referral, SEQR, Public Engagement
DPW Building 7	BAR Referral, SEQR, Public Engagement
Locust Avenue Sewer	Award Contractor Bid
Breevort Force Main	Award Contractor Bid
Central Avenue Pump Station	Award Contractor Bid
	<b>April – June 2021</b>
Theodore Fremd Wall	Award Contractor Bid
DPW Building 5	Award Contractor Bid
DPW Building 7	Award Contractor Bid
	<b>July – September 2021</b>
City Hall HVAC	Award Contractor Bid
DPW Fuel Tank	Award Contractor Bid
Highland Road Sewer Lining	Award Contractor Bid
Sewer Manhole and Line Rehab	Award Contractor Bid
Midland Avenue Sewer Replacement	Award Contractor Bid
	<b>October – December 2021</b>
Police/Court Improvements	BAR Referral, SEQR, Public Engagement
	<b>January – March 2022</b>
Police/Court Improvements	Award Contractor Bid
Temporary Court	Award Contractor Bid
	<b>April – June 2022</b>
Channel and Boat Basin Dredging	Award Contractor Bid

*\*Timing of DPW Salt Shed and Forest Avenue Sidewalks remains unknown*

**Priority Capital Improvement Projects**  
City of Rye

2018 Authorized Capital Projects	2021		2022		2023		Total Est. Cost	Estimated Cost or City Share
	Jan-Jun	Jul-Dec	Jan-Jun	Jul-Dec	Jan-Jun	Jul-Dec		
<b>DPW Disbrow Projects</b>								
DPW Building 5		500,000	1,000,000	1,000,000			4,500,000	4,500,000
DPW Building 7	125,000	125,000					250,000	250,000
DPW Salt Shed		325,000	325,000				650,000	250,000
DPW Fuel Tank		250,000					250,000	250,000
<b>Sewer Projects</b>								
Locust Avenue Sewer	443,480						443,480	265,870
Brevort Force Main		669,500					669,500	442,375
Central Avenue Pump Station	904,600						904,600	307,950
Midland Sewer			460,000				460,000	172,750
Highland Road Sewer lining			70,000				70,000	25,750
Sewer Manhole and Line Rehab		1,978,230	1,978,230				3,956,460	1,524,210
<b>Miscellaneous Projects</b>								
City Hall HVAC		1,200,000	1,200,000				2,400,000	2,400,000
Theodore Fremd Wall	650,000	650,000					1,300,000	750,000
Forest Avenue Sidewalks			1,178,000	1,000,000			2,178,000	700,000
<b>Court Facilities Project</b>								
Police/Court			500,000	500,000	1,000,000	1,100,000	\$ 3,100,000	\$3,100,000
[NEW] Temporary Court@ CarPark 5			300,000	300,000			600,000	600,000
<b>Semi-Annual Cost</b>	<b>\$ 2,123,080</b>	<b>5,697,730</b>	<b>\$ 7,011,230</b>	<b>\$ 2,800,000</b>	<b>\$ 2,000,000</b>	<b>\$ 2,100,000</b>	<b>\$ 21,732,040</b>	<b>\$ 15,538,905</b>
<b>Total Cost</b>	<b>\$ 2,123,080</b>	<b>\$ 7,820,810</b>	<b>\$ 14,832,040</b>	<b>\$ 17,632,040</b>	<b>\$ 19,632,040</b>	<b>\$ 21,732,040</b>		
			Design/Planning/Permits		Bid & Build			





# CITY COUNCIL AGENDA

DEPT.: Comptroller

DATE: January 15, 2021

CONTACT: Joe Fazzino, Deputy Comptroller

**AGENDA ITEM:** Resolution to extend the deadline for collection of Rye City Taxes by 1 month for this year only to March 1 – March 28, 2021.

**FOR THE MEETING OF:**

January 20, 2021

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council adopt the resolution.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

In anticipation of Governor Cuomo likely signing into law new legislation that would add a new Article 19-A to the New York real property tax law, which would allow for municipalities to defer scheduled payment of real property taxes during a state of disaster, the City is extending City Tax collection by 1 month.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 14, 2021

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:** Authorizing the retention of Hank Menkes of Menkes Associates, LLC to assist the City of Rye in reviewing its wireless regulations at a cost not to exceed \$10,000.

**FOR THE MEETING OF:**

January 20, 2021

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council authorize the City Manager to retain the services of Hank Menkes.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

Hank Menkes will serve as a consultant to the City on a month-to-month basis with either party being free to terminate the relationship within ten days' written notice. Mr. Menkes will review legislation addressing telecommunication facilities and provide both written reports and oral/verbal opinions to the City related to specified questions and tasks.

Mr. Menkes will bill at an hourly rate of \$300. Upon request, he will provide how many hours it will take to complete certain tasks.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 13, 2021

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:** Authorization for City Manager to enter into an Inter-municipal Agreement with Westchester County for the Stop-DWI Patrol/Datamaster Project for the City of Rye Police Department.

**FOR THE MEETING OF:**

January 20, 2021

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Mayor and Council authorize the City Manager to enter into the agreement.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

In an effort to increase the enforcement of laws against DWI and maintain a County-wide record keeping standard for this information, the County is requesting a continued municipal participation in the STOP-DWI Patrol/Datamaster Project. In exchange for the City's participation, the County will reimburse the City an amount not to exceed \$8,400 per year.

The Agreement is for a five-year period commencing January 1, 2021 through December 31, 2025.

See attached documentation.

**THIS AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by and between:

**THE COUNTY OF WESTCHESTER**, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as the “County”) Acting by and through its Department of Public Safety Services (hereinafter referred to as the “Department”)

And

**City of Rye**  
**21 McCullough Place**  
**Rye, NY 10580**

\_\_\_\_\_ a municipal corporation of the State of New York having an office and place of business at \_\_\_\_\_, New York \_\_\_\_\_ acting by and through the \_\_\_\_\_ Police Department, (hereinafter referred to as the “Municipality”).

1. In consideration of an amount not to exceed EIGHT THOUSAND FOUR HUNDRED (\$8,400.00) DOLLARS per year to be paid in the manner and at the rates set forth in Schedule “A,” which is attached to and forms a part of this Agreement, the Municipality shall participate in the Westchester County STOP-DWI Patrol/Datamaster Project as described in Schedule “A”, which is attached hereto and made a part hereof (hereinafter the “Work”).

2. The parties recognize and acknowledge that the obligations of the County under this Agreement are subject to the County’s receipt of funds from New York State to operate the Westchester County STOP-DWI Patrol/Datamaster Project.

If, for any reason, the full amount of said funds is not paid over or made available to the County by New York State, the County may terminate this Agreement immediately or reduce the amount payable to the Municipality, in the discretion of the County. The County shall give prompt notice of any such termination or reduction to the Municipality. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

In addition, the parties recognize and acknowledge that the obligations of the County under this Agreement are subject to annual appropriations by its Board of Legislators pursuant to the Laws of Westchester County. Therefore, this Agreement shall be deemed executory only to the extent of the monies appropriated and available. The County shall have no liability under this Agreement beyond funds appropriated and available for payment pursuant to this Agreement. The parties understand and intend that the obligation of the County hereunder shall

constitute a current expense of the County and shall not in any way be construed to be a debt of the County in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the County, nor shall anything contained in this Agreement constitute a pledge of the general tax revenues, funds or moneys of the County. The County shall pay amounts due under this Agreement exclusively from legally available funds appropriated for this purpose. The County shall retain the right, upon the occurrence of the adoption of any County Budget by its Board of Legislators during the term of this Agreement or any amendments thereto, and for a reasonable period of time after such adoption(s), to conduct an analysis of the impacts of any such County Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates set forth herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

This Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

3. All records or recorded data of any kind compiled by the Municipality in completing the Work described in this Agreement, including but not limited to written reports, studies, computer printouts, graphs, charts, and all other similar recorded data, shall become and remain the property of the County. The Municipality may retain copies of such records for its own use and shall not disclose any such information without the express written consent of the Stop-DWI Director or her designee ("Director"). The County shall have the right to reproduce and publish such records, if it so desires, at no additional cost to the County.

4. The Work to be performed pursuant to the terms of this Agreement shall commence January 1, 2021 and continue through December 31, 2025.

The Municipality shall issue progress reports to the County as the Director may direct and shall immediately inform the Director in writing of any cause for delay in the performance of its obligations under this Agreement.

5. The Municipality agrees and shall be subject to the insurance requirements contained in Schedule "B," which schedule is attached to and forms a part of this Agreement. In addition to and not in limitation of the insurance provisions contained in Schedule "B," the Municipality agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the sole negligence of the County, the Municipality shall indemnify and hold harmless the County, its officers, employees, agents, and elected officials from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Municipality or third parties under the direction or control of the Municipality; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto; and

(c) in the event the Municipality does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Municipality shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Agreement.

6. The Municipality shall comply, at its own expense, with the provisions of all applicable local, state and federal laws, rules and regulations, including, but not limited to, those applicable to the Municipality as an employer of labor or otherwise.

7. Requests for payment to be made shall be submitted by the Municipality on properly executed payment vouchers of the County in accordance with Schedule "A" and paid only after approval by the Director. All payment vouchers must be accompanied by a numbered invoice and must contain the invoice number where indicated. All invoices submitted during each calendar year shall utilize consecutive numbering and be non-repeating. In no event shall payment be made to the Municipality prior to completion of all Work and the approval of same by the Director.

The Municipality shall, at no additional charge, furnish all labor, services, materials, tools, equipment and other appliances necessary to complete the Work, unless specific additional charges are expressly permitted under this Agreement. It is recognized and understood that even if specific additional charges are expressly permitted under this Agreement, in no event shall total payment to the Municipality exceed the not-to-exceed amount set forth in Section 1 above.

All payments made by the County to the Municipality will be made by electronic funds transfer ("EFT") pursuant to the County's Vendor Direct program. Municipalities doing business with Westchester County, who are not already enrolled in the Vendor Direct Program, will be required to fill out and submit an EFT Authorization Form prior to receiving an award or purchase order. The EFT Authorization Form and related information are annexed hereto as Schedule "C." The completed Authorization Form must be returned by the Municipality to the Westchester County Department of Finance ("Finance Department") prior to execution of the contract. In rare cases, a hardship waiver may be granted. For a Hardship Waiver Request Form, please contact the Finance Department.

8. (a) The County, upon ten (10) days notice to the Municipality, may terminate this Agreement in whole or in part when the County deems it to be in its best interest. In such event, the Municipality shall be compensated and the County shall be liable only for payment for services already rendered under this Agreement prior to the effective date of termination at the rates specified in Schedule "A." Upon receipt of notice that the County is terminating this Agreement in its best interests, the Municipality shall stop work immediately and incur no further costs in furtherance of this Agreement without the express approval of the Director, and the Municipality shall direct any approved subconsultants to do the same.

In the event of a dispute as to the value of the Work rendered by the Municipality prior to the date of termination, it is understood and agreed that the Director shall determine the value of such Work rendered by the Municipality. The Municipality shall accept such reasonable and good faith determination as final.

(b) In the event the County determines that there has been a material breach by the Municipality of any of the terms of the Agreement and such breach remains uncured for forty-eight (48) hours after service on the Municipality of written notice thereof, the County, in addition to any other right or remedy it might have, may terminate this Agreement and the County shall have the right, power and authority to complete the Work provided for in this Agreement, or contract for its completion, and any additional expense or cost of such completion shall be charged to and paid by the Municipality. Without limiting the foregoing, upon written notice to the Municipality, repeated breaches by the Municipality of duties or obligations under this Agreement shall be deemed a material breach of this Agreement justifying termination for cause hereunder without requirement for further opportunity to cure.

9. All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or delivered by hand or overnight courier, or sent by facsimile (with acknowledgment received and a copy of the notice sent by registered or certified mail, postage pre-paid), as set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt. Notices shall be sent to the following:

To the County:

Commissioner - Sheriff of Public Safety  
1 Saw Mill River Parkway  
Hawthorne, New York 10532

With a copy to:

Director, Drug Prevention & STOP-DWI  
112 E. Post Road, 3<sup>rd</sup> Floor  
White Plains, New York 10601

with a copy to:

County Attorney  
Michaelian Office Building, Room 600  
148 Martine Avenue

White Plains, New York 10601

To the Municipality:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

11. In the event of any conflict between the terms of this Agreement and the terms of any schedule or attachment hereto, it is understood that the terms of this Agreement shall be controlling with respect to any interpretation of the meaning and intent of the parties.

12. Nothing contained herein shall be construed to make either party the agent, employee or co-venturer of the other and the parties hereto expressly disclaim the existence of any such relationship between them.

13. The failure of the County to insist upon strict performance of any term, condition or covenant herein, shall not be considered a waiver of such breach or default or any subsequent breach or default of the terms, conditions and covenants herein. The remedies contained herein are cumulative and shall not limit or restrict any other remedy at law or in equity to which the County may be entitled.

14. Except as provided herein, the Municipality shall not assign, sublet, subcontract or otherwise dispose of this Agreement, or any right, duty or interest herein, without the prior express written approval of the County. Any purported delegation of duties, assignment of rights under this Agreement without the prior express written consent of the County is void. No assignment, subcontracting, subletting or other such disposition of this Agreement, either with or without such consent of the County, shall serve to relieve the Municipality of its obligations under this Agreement.

15. This Agreement shall be construed and enforced in accordance with the Laws of the State of New York.

16. This Agreement shall not be enforceable until signed by all parties and approved by the Office of the County Attorney.



**IN WITNESS WHEREOF**, the County of Westchester and the Municipality have caused this Agreement to be executed.

**THE COUNTY OF WESTCHESTER**

BY: \_\_\_\_\_  
Thomas A. Gleason  
Acting Commissioner – Sheriff of Public Safety

**MUNICIPALITY**

BY: \_\_\_\_\_  
Name:  
Title:

Approved by the Westchester County Board of Legislators on the 9<sup>th</sup> day of November, 2020 by Act No. 184-2020

Approved as to form  
and manner of execution

\_\_\_\_\_  
Sr. Assistant County Attorney  
County of Westchester

**ACKNOWLEDGMENT**

STATE OF NEW YORK        )  
  ) ss.:  
COUNTY OF WESTCHESTER )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2020 before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Date: \_\_\_\_\_

\_\_\_\_\_

Notary Public

**CERTIFICATE OF AUTHORITY**  
(MUNICIPALITY)

I, \_\_\_\_\_,  
(Officer other than officer signing contract)

certify that I am the \_\_\_\_\_ of  
(Title)  
the \_\_\_\_\_  
(Name of Municipal Corporation)

a corporation duly organized and in good standing under the \_\_\_\_\_  
(Law under which organized, e.g., the New York Business Corporation Law) named in the  
foregoing agreement; that

\_\_\_\_\_  
(Person executing agreement)

who signed said agreement on behalf of the \_\_\_\_\_  
(Name of Municipal Corporation)

was, at the time of execution

\_\_\_\_\_  
(Title of such person)

of the Corporation and that said agreement was duly signed for and on behalf of said Municipal Corporation by authority of its Town/Village/City Board, thereunto duly authorized and that such authority is in full force and effect at the date hereof.

\_\_\_\_\_  
(Signature)

STATE OF NEW YORK        )  
  ) ss.:  
COUNTY OF WESTCHESTER)

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2020 before me, the undersigned, a Notary Public in and for said State, \_\_\_\_\_ personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the municipal officer described in and who executed the above certificate, who being by me duly sworn did depose and say that he/she resides at

\_\_\_\_\_, and he/she is an officer of said municipal corporation; that he/she is duly authorized to execute said certificate on behalf of said municipal corporation, and that he/she signed his/her name thereto pursuant to such authority.

\_\_\_\_\_  
Notary Public  
Date

## SCHEDULE A

### STOP-DWI PATROL PROJECT

The STOP-DWI Patrol Project is an overtime, added, patrol effort to enforce the New York State Vehicle and Traffic Laws against intoxicated and impaired driving (DWI/DWAI) in Westchester County. Each participating municipality, through its police department, must submit the required documentation to claim reimbursement from the STOP-DWI Program. This is described below.

The Patrol Project requires that the STOP-DWI Patrol activity and assignment be in addition to the participating police department's normal and /or routine patrol activity and assignment. **It cannot be used to replace any regular, normal or routine patrol**. The additional patrol must be conducted during the critical DWI/DWAI hours of evening and nighttime as approved by the STOP-DWI Director. The STOP-DWI Patrol Project vehicle must bear the special logo and markings to increase public awareness of the enforcement effort. A police chief project director is appointed to work with the STOP-DWI Program in the operation of the patrol project. **ALL PATROLS AND SOBRIETY CHECKPOINTS MUST BE SCHEDULED AND APPROVED PRIOR TO CONDUCTING SAID OPERATION. THE MUNICIPALITIES' DWI PROJECT COORDINATOR MUST CALL THE COUNTY'S STOP-DWI OFFICE AND GET AN APPROVED CONTROL NUMBER. ONLY OPERATIONS WITH AN APPROVED CONTROL NUMBER WILL BE PROCESSED FOR PAYMENT.**

**THE MAXIMUM AMOUNT PAYABLE UNDER THIS AGREEMENT IS \$8,400.00 PER YEAR.**

Sobriety Checkpoints may be conducted with the reimbursable funds and one or more quarters may be combined to fund this particular effort. Coordination with the STOP-DWI Program Director is required **before** the checkpoint is conducted.

**Patrol Project Reimbursement Documentation Packet** - The following four items are required for reimbursement under this program and **MUST** be forwarded to the STOP-DWI Office within two weeks of the end of each quarter for payment to be approved. Each Municipality is required to maintain copies of all submitted documents and have them available for examination for a minimum of two calendar years in addition to the current calendar year. This is to facilitate future audits.

- A. **OFFICER Tracking Report:** This is to be completed and signed by the Police Officer assigned to a specific STOP-DWI Patrol. The form must also be signed by the Supervisor in charge for a specific STOP-DWI Patrol. All of the entries must be completed, including the date, times, number of hours, number of stops, tickets issued, arrests made before submission.
- B. **PATROL Tracking Report Summary:** This is to be completed and signed by the Supervisor in charge for a specific STOP-DWI Patrol. The report summarizes the work of each officer assigned to particular STOP DWI patrol duty for a given date. The information should be a compilation of the individual Officer Tracking Report. Note – Please use this report **ONLY** if there is more than one officers assigned to the patrol.
- C. **Payment Voucher:** A copy of the overtime report form used by the Municipality to pay each assigned officer must be included. Copy **MUST** show the assigned officer's name, title, number of hours, and assignment to solely to STOP-DWI Patrol. **AN AUTHORIZED INDIVIDUAL MUST SIGN THE SUBMITTED COPY AS CERTIFICATION THAT IT IS A TRUE AND ACCURATE COPY OF THE**

**ORIGINAL AND THAT THE STOP-DWI PATROL ASSIGNMENTS WERE IN ADDITION TO ROUTINE PATROLS.** The originals are to be kept by the submitting agency.

Vouchers MUST include your municipality's assigned "Vendor number." and "Account number." They must show that they are for the STOP-DWI Patrol Program and include the quarter and dates, officer's name, number of hours worked, officer's actual hourly rate and total payment for officer. The rate of reimbursement for officers assigned to STOP-DWI is the officer's actual hourly rate up to a maximum of \$75.00 per hour.

- D. **Quarterly Summary Report:** For reimbursement, each submission must have a Summary Report included. This Report, which indicates the activity of the Municipality for the quarter, will cover a specific period and should be submitted at the **END OF THE QUARTER**. This is a Summary of the **Patrol Tracking Report Summary** that is filled out for each STOP DWI Enforcement Patrol

Copies of the **OFFICER'S Patrol Tracking Report**, the **PATROL Tracking Report Summary**, as well as the **Payment Voucher** are to be attached to the completed **Quarterly Summary Report**. This complete reimbursement documentation packet is to be forwarded to:

**Director, STOP-DWI  
112 E. Post Road  
3<sup>rd</sup> Floor  
White Plains, New York 10601**

**ANY REIMBURSEMENT DOCUMENTATION PACKET FILED MORE THAN 30 DAYS AFTER THE CLOSE OF A QUARTER WILL NOT BE PAID UNLESS SPECIAL ARRANGEMENTS HAVE BEEN MADE WITH THE STOP-DWI PROGRAM DIRECTOR IN ADVANCE.**

## **SCHEDULE "B"**

### **STANDARD INSURANCE PROVISIONS** **(Municipality)**

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.1) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:
  - i. Premises - Operations.
  - ii. Broad Form Contractual.
  - iii. Independent Contractor and Sub-Contractor.
  - iv. Products and Completed Operations.
- c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:
  - (i) Owned automobiles.
  - (ii) Hired automobiles.
  - (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.



## **SCHEDULE "C"**

### **Westchester County Vendor Direct Program Frequently Asked Questions**

**1. WHAT ARE THE BENEFITS OF THE ELECTRONIC FUNDS TRANSFER (EFT) ASSOCIATED WITH THE VENDOR DIRECT PROGRAM?**

There are several advantages to having your payments automatically deposited into your designated bank account via EFT:

Payments are secure – Paper checks can be lost in the mail or stolen, but money deposited directly into your bank account is more secure.

You save time – Money deposited into your bank account is automatic. You save the time of preparing and delivering the deposit to the bank. Additionally, the funds are immediately available to you.

**2. ARE MY PAYMENTS GOING TO BE PROCESSED ON THE SAME SCHEDULE AS THEY WERE BEFORE VENDOR DIRECT?**

Yes.

**3. HOW QUICKLY WILL A PAYMENT BE DEPOSITED INTO MY ACCOUNT?**

Payments are deposited two business days after the voucher/invoice is processed. Saturdays, Sundays, and legal holidays are not considered business days.

**4. HOW WILL I KNOW WHEN THE PAYMENT IS IN MY BANK ACCOUNT AND WHAT IT IS FOR?**

Under the Vendor Direct program you will receive an e-mail notification two days prior to the day the payment will be credited to your designated account. The e-mail notification will come in the form of a remittance advice with the same information that currently appears on your check stub, and will contain the date that the funds will be credited to your account.

**5. WHAT IF THERE IS A DISCREPANCY IN THE AMOUNT RECEIVED?**

Please contact your Westchester County representative as you would have in the past if there were a discrepancy on a check received.

**6. WHAT IF I DO NOT RECEIVE THE MONEY IN MY DESIGNATED BANK ACCOUNT ON THE DATE INDICATED IN THE E-MAIL?**

In the unlikely event that this occurs, please contact the Westchester County Accounts Payable Department at 914-995-4708.

**7. WHAT MUST I DO IF I CHANGE MY BANK OR MY ACCOUNT NUMBER?**

Whenever you change any information or close your account a new Vendor Direct Payment Authorization Form must be submitted. Please contact the Westchester County Accounts Payable Department at 914-995-4708 and we will e-mail you a new form.

**8. WHEN COMPLETING THE PAYMENT AUTHORIZATION FORM, WHY MUST I HAVE IT SIGNED BY A BANK OFFICIAL IF I DON'T INCLUDE A VOIDED CHECK?**

This is to ensure the authenticity of the account being set up to receive your payments.



Westchester County • Department of Finance • Treasury Division

### Electronic Funds Transfer (EFT) Vendor Direct Payment Authorization Form

Authorization is:  
(check one)

- New
- Change

**INSTRUCTIONS:** Please complete both sections of this Authorization Form and attach a voided check. See the reverse side for more information and instructions.

**Mail to:** Westchester County, Department of Finance, Treasury Division, 148 Martine Avenue, White Plains, NY 10601  
Attention: Vendor Direct

#### Section I - Vendor Information

1. Vendor Name:		
2. Taxpayer ID Number or Social Security Number:		
3. Vendor Primary Address		
4. Contact Person Name:	Contact Person Telephone Number:	
5. Vendor E-Mail Addresses for Remittance Notification:		
6. Vendor Certification: <i>I have read and understand the Vendor Direct Payment Program and hereby authorize payments to be received by electronic funds transfer into the bank that I designate in Section II. I further understand that in the event that an erroneous electronic payment is sent, Westchester County reserves the right to reverse the electronic payment. In the event that a reversal cannot be implemented, Westchester County will utilize any other lawful means to retrieve payments to which the payee was not entitled.</i>		
_____ Authorized Signature	_____ Print Name/Title	_____ Date

#### Section II- Financial Institution Information

7. Bank Name:		
8. Bank Address:		
9. Routing Transit Number:		10. Account Type: (check one) <input type="checkbox"/> Checking <input type="checkbox"/> Savings
11. Bank Account Number:		12. Bank Account Title:
13. Bank Contact Person Name:		Telephone Number:
14. FINANCIAL INSTITUTION CERTIFICATION (required <b>ONLY</b> if directing funds into a Savings Account <b>OR</b> if a voided check is not attached to this form): <i>I certify that the account number and type of account is maintained in the name of the vendor named above. As a representative of the named financial Institution, I certify that this financial Institution is ACH capable and agrees to receive and deposit payments to the account shown.</i>		
_____ Authorized Signature	_____ Print Name / Title	_____ Date

**(Leave Blank - to be completed by Westchester County) - Vendor number assigned**

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## Electronic Funds Transfer (EFT) Vendor Direct Payment Authorization Form

### GENERAL INSTRUCTIONS

Please complete both sections of the Vendor Direct Payment Authorization Form and forward the completed form (along with a voided check for the account to which you want your payments credited) to: Westchester County Department of Finance, 148 Martine Ave, Room 720, White Plains, NY 10601, Attention: Vendor Direct. Please see item 14 below regarding attachment of a voided check.

### Section I - VENDOR INFORMATION

1. Provide the name of the vendor as it appears on the W-9 form.
2. Enter the vendor's Taxpayer ID number or Social Security Number as it appears on the W-9 form.
3. Enter the vendor's complete primary address (not a P.O. Box).
4. Provide the name and telephone number of the vendor's contact person.
5. Enter the business e-mail address for the remittance notification. THIS IS VERY IMPORTANT. This is the e-mail address that we will use to send you notification and remittance information two days prior to the payment being credited to your bank account. We suggest that you provide a group mailbox (if applicable) for your e-mail address. You may also designate multiple e-mail addresses.
6. Please have an authorized Payee/Company official sign and date the form and include his/her title.

### Section II - FINANCIAL INSTITUTION INFORMATION

7. Provide bank's name.
8. Provide the complete address of your bank.
9. Enter your bank's 9 digit routing transit number.
10. Indicate the type of account (check one box only).
11. Enter the vendor's bank account number.
12. Enter the title of the vendor's account.
13. Provide the name and telephone number of your bank contact person.
14. If you are directing your payments to a Savings Account OR you can not attach a voided check for your checking account, this line needs to be completed and signed by an authorized bank official. IF YOU DO ATTACH A VOIDED CHECK FOR A CHECKING ACCOUNT, YOU MAY LEAVE THIS LINE BLANK.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 12, 2021

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:** Authorization for the City Manager to enter into a contract with attorney Joel R. Dichter, Esq. of Dichter Law LLC by an amount not to exceed \$10,000 for professional fees and services.

**FOR THE MEETING OF:**

January 20, 2021

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council authorize the City Manager to enter the agreement.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The City engaged attorney Joel R. Dichter, Esq. of Dichter Law LLC in March of 2019 to represent the City in the proceedings before the New York Public Service Commission on the petitions of United Water Westchester to raise rates and possibly merge rates within the United Water New Rochelle district. The Villages of Port Chester and Rye Brook joined the City of Rye in these proceedings. The case was ultimately settled and now the four year rate-step increase will require over 18 reports to be submitted by each municipality on a quarterly and/or annual basis to support the four-year rate plan. Joel will ensure the reports meet the requirements of the PSC settlement.



# CITY COUNCIL AGENDA

DEPT.: Department of Public Works

DATE: January 12, 2021

CONTACT: Ryan Coyne, Superintendent of Public Works

**AGENDA ITEM:** Resolution to declare certain City equipment as surplus.

**FOR THE MEETING OF:**

January 20, 2021

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the City Council adopt the following resolution:

**WHEREAS**, the City has been provided with a list of City equipment identified as being obsolete or has become obsolete during 2020, and,

**WHEREAS**, the Department of Public Works has recommended that said equipment be declared surplus, now, therefore, be it

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

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

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other

**BACKGROUND:** Ryan Coyne, the Superintendent of Public Works has provided a list of vehicles and motorized equipment that have become obsolete to DPW. He is recommending the City Council declare the items as surplus so he can dispose of them in accordance with City Policy.

**CITY OF RYE, NY**  
**Department of Public Works**  
**Memorandum**

DATE: January 15, 2021

TO: Greg Usry, Interim City Manager

FROM: Ryan Coyne, City Engineer

RE: Surplus Vehicles and Equipment

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As discussed, we have developed a list of vehicles and motorized equipment that are no longer useful to the Public Works, Police, and Fire Departments. We are requesting that the council deem these items as “surplus” so that we can proceed to auction.

Should you need additional information, please feel free to call me.

- 2005 Ford Crown Vic, Vin # 2FAHP71W15X167282, Mileage 11,2903 old car 20 (PD)
- 2006 Chevy Tahoe (Red), Vin # 1GNEK13Z46R116989, Mileage 98,996 old CAR 2423 (FD)
- 2002 Chevy G3500 Van, Vin # 1GCHG39R721182486, Mileage N/A (REC)
- Sand-Pro 5020 with groomer (REC)
- Aera-Vator model AE-60 (tow behind) (REC)
- Ryan Renovaire model R96-2 (tow behind) (REC)
- Toro Cyclone 1000 leaf blower attachment (REC)
- Encore power thatch (REC)
- Toro turf sweeper 4800 HL Sir- 44055 (REC)
- Troy Bilt Econo horse – tilling machine (REC)
- Briggs and Stratton tow behind wood chipper (REC)
- Kawasaki FC 290V lawn mower Sir # 4F91142
- Lesco Aerator 30 Briggs & Stratton (REC)
- Walk behind paint sprayer Briggs & Stratton (REC)
- Lok Box / Hot Box LB2T (REC)
- Redexim Verti-Drain 7521 (REC)
- Small outboard motor – no cover (DPW)
- MTD yard machine snow blower 10 HP 26 inch (DPW)
- Honda HS 1132 snow blower red (DPW)
- (2) Mercury Optimax 200 HP outboard motors (DPW)
- 1988 Case W20C wheel loader Sir # 0019355 (DPW)
- Case Loader CX90 (REC)

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*Public Works*  
141 Oakland Beach Avenue  
Rye, NY 10580

(914) 967-7464 phone

(914) 967-4107 fax