

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

**REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS, CITY HALL  
Thursday, July 22, 2021  
7:00 p.m.**

*The Council will convene at 6:00 p.m. and it is expected they will adjourn into Executive Session at 6:01 p.m. to discuss attorney-client privileged matters, personnel matters, and/or labor negotiations.*

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the Regular Meeting of the City Council held June 9, 2021.
4. Update on County Roads.
5. Update on 6-month City Financial results by City Comptroller, Joe Fazzino.
6. Residents may be heard on matters for Council consideration that do not appear on the agenda.
7. Presentation by Stantec of design and plans for DPW Building 5.
8. Resolution to advance to final design and bid for DPW Building 5 with an expected cost of \$6.3 M and referral of plans to the BAR.
9. Update on Capital Projects.
10. Consideration to set a public hearing for August 11, 2021 to amend Chapter 166 “Smoking and Vaping” to the City Code to expand the City’s prohibition to school property and Rye Town Park.
11. Consideration to set a public hearing for August 11, 2021 to prohibit the development of a Compressed Natural Gas (CNG) peaking station within the City limits.
12. Resolution for the City of Rye to participate in the Westchester County Hazard Mitigation Plan (HMP) Update project.
13. Consideration to authorize the City Manager to renew an agreement with the Westchester County Department of Correction to provide transportation from Rye to the Westchester County Jail in Valhalla, New York. This agreement would terminate on December 31, 2022.

14. Adjourn the public hearing until August 11, 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.
15. Appointments to Boards and Commissions, by the Mayor with Council approval.
16. Old Business/New Business.
17. Adjournment

\* \* \* \* \*

The next regular meeting of the City Council will be held on Wednesday, August 11, 2021 at 7:00 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 via Zoom Conference on June 9, 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. Councilwoman Goddard made a motion, seconded by Councilman Stacks, 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 and participation.

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 May 19, 2021.

Councilwoman Souza made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the minutes of May 19, 2021.

3. Purchase Plaza update and potential action on summer plans.

Mayor Cohn asked City Manager Usry to update the Council on the Purchase Plaza plan. He noted that the request by the Chamber of Commerce is to create a series of bump outs for a series of restaurants.

The items requested by the Chamber are as follows:

- Provide approximately 20-25 parking spaces in the CBD for bump out dining. Additional spots may be requested by restaurants that did not initially respond to the Chamber.
- Close Second Street to all traffic.
- Provide approximately six paid parking spaces in Car Park 3 (Rafele). These are paid spots vs the free timed parking on Purchase.

- Direct staff to complete the administrative permit process (no Planning Commission requirements for 2021 only) for all public and private property outdoor dining establishments City-wide.
- Waive all outdoor dining permit fees for 2021 only.
- Limit all outdoor service to 10:00 P.M.
- Maintain the existing sidewalk/ramp configuration for Aurora until the summer plan expires. To remove the sidewalk/ramp structure and replace it with cement blocks will not be an effective use of staff resources.

Councilwoman Tarlow asked City Manager Usry to explain the term “bump out.”

City Manager Usry explained that the idea is to leave the sidewalk in front of a restaurant passable, and across the sidewalk in the adjacent parking spots, the City would put barricades for the restaurants to set up tables for customers. The barricades would protect the diners, but it would leave the two-way traffic moving in a normal way.

Councilwoman Tarlow asked who would set the standard for the design of the barricades and who would monitor their safety for the diners.

City Manager Usry stated that the City would install the barricades that were used for Purchase Plaza last summer. The aesthetic design would be up to the restaurants.

Councilwoman Tarlow asked how many parking spots would be lost to the bump outs.

City Manager Usry stated that 20-25 of the approximately 80 parking spots would be used. He also noted that there are practical constraints for what parking spots may be used.

Councilwoman Goddard asked if there would be a permit fee for the participating restaurants.

City Manager Usry stated that the City staff would issue the permits, and that the recommendation is that they waive the fees.

Councilwoman Souza asked if one of the restaurants had requested to use the private parking in the back of their building.

City Manager Usry stated that he did not believe they had reached an agreement with their landlord.

Councilwoman Souza asked what the total dollar amount would be if the permit fees were waived.

Corporation Council Wilson stated that the total would be nominal.

Councilwoman Tarlow asked if any handicapped parking spots would be used by the bump outs and what the plan was if they were.

City Manager Usry stated that he believed only one spot was in question, and that accommodations would be made to ensure that the handicapped spots were still available.

Councilwoman Tarlow asked if there was a plan to replace the 25 parking spots that will be used by the bump outs.

There was a brief discussion among the Council and the City Manager on parking availability and replacing the 25 parking spots used by the bump outs in the Central Business District. There was also discussion on other municipalities' parking arrangements in the area. There was discussion around using the train station parking to make up for the spots lost to the bump outs.

Tony Coash, Co-President of the Rye Chamber of Commerce, thanked the Council for their consideration of the Purchase Plaza plan.

Councilwoman Souza asked if other streets like Elm Street would be included in Purchase Plaza.

City Manager Usry stated that because the restaurants on Elm Street are in the Central Business District, so they would be included in this plan. He also noted that Aurora and Sunrise Pizza would retain their current configuration until the end of the proposed summer plan.

Mayor Cohn stated that he had received complaints from the residents of the loft apartments by the train station about loud music, public urination, and traffic concerns in regard to the Second Street closure. He noted that the City should make sure that those residents are not troubled by the street closure.

There was discussion regarding the length of time of the Purchase Plaza plan. The Chamber of Commerce recommended that the Purchase Plaza restaurant bump outs be allowed to be in place until October 31, 2021. The Council agreed to reconsider, or modify, the plan if needed.

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

**RESOLVED**, that the City Council of the City of Rye hereby approves the recommendations made by the Rye Chamber of Commerce:

- Provide approximately 20-25 parking spaces in the CBD for bump out dining. Additional spots may be requested by restaurants that did not initially respond to the Chamber.
- Close Second Street to all traffic.
- Provide approximately six paid parking spaces in Car Park 3 (Rafele). These are paid spots vs the free timed parking on Purchase.
- Direct staff to complete the administrative permit process (no Planning Commission requirements for 2021 only) for all public and private property outdoor dining establishments City-wide.
- Waive all outdoor dining permit fees for 2021 only.

- Limit all outdoor service to 10:00 P.M.
- Maintain the existing sidewalk/ramp configuration for Aurora until the summer plan expires. To remove the sidewalk/ramp structure and replace it with cement blocks will not be an effective use of staff resources.
- Waive all parking fees for the central business district lots during the Sidewalk Sale July 29-31, 2021
- End Purchase Plaza on October 31, 2021

#### ROLL CALL

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

Councilmembers Souza and Goddard thanked the co-presidents of the Rye Chamber of Commerce. Mayor Cohn thanked Liz Woods for her service. Councilwoman Goddard thanked the City Staff for their work on Purchase Plaza.

#### 4. Consideration of a new Home Rule Resolution to install stop light cameras at designated stop lights in the City of Rye.

Mayor Cohn thanked High School Senior intern, Lucas Kavulich, on his efforts to obtain background information related to stop light cameras.

City Manager Usry introduced this item and explained that the City of Rye does not maintain a functioning red light camera system. The only mechanism for a driver to be ticketed for running a red light is through an officer witnessing the incident. In the proposed system, red light cameras would automatically take a picture of a violation, documenting the incident, without the need for constant police presence at dangerous intersections. By creating this Home Rule, the City would be requesting legislative approval to install a limited number of stop light cameras on existing traffic light intersections. City Manager Usry emphasized that tonight's action is not to install the cameras, but to ask for legislative approval to move ahead with future installation of stop light cameras.

City Manager Usry stated the locations would be determined with input from the Traffic and Pedestrian Safety Committee (TPS) and the City Council. He added that the TPS provided data on certain intersections that had been historically problematic, and if those intersections currently have traffic lights, the suggestion would be to add the stop light camera there to encourage compliance. He also stated that municipalities usually have a third party to perform the installation, maintenance, and administrative operations of delivering the summons after the police department reviews the photographs.

Councilwoman Souza stated the public safety part of this is the most compelling, with White Plains reporting a 15% decrease in injury crashes at intersections with red light cameras.

Councilwoman Tarlow asked if we needed to obtain a permit from the State or County if equipment would be installed on State or County roads. Additionally, she asked if the Council

thought about the appropriate fee to charge as other municipalities charge an additional public safety fee.

City Manager Usry stated if the home rule was adopted, the next step would be to identify which intersections would be chosen and speak with the proper governing body accordingly to install the equipment.

Corporation Counsel Wilson stated that the maximum stop light camera ticket fee is \$50, with a \$25 late penalty fee, as defined in the Vehicle and Traffic Law under New York State law.

City Manager Usry added that if the City wanted to add a Public Safety fee, as other municipalities have done, it would need to do so by local law.

Councilwoman Tarlow asked if a camera was installed at an area of concern and that area is no longer deemed to be a safety concern in the future, can the City move the red light camera to another location.

Councilman Mecca stated while the camera could be moved, it may not make sense when you consider the amount of time and money it takes to move signage and the electrical details involved. He also stated the City needs to consider when choosing a location how close it will be to residential neighborhoods. He reminded the Council that if the camera takes a photo at night, the flash could affect houses in close proximity of the camera.

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

**RESOLVED** that the City of Rye seeks a new Home Rule to amend the New York State Vehicle and Traffic Law to allow the City to install red light cameras within the City of Rye.

ROLL CALL

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

5. Open a public hearing to establish the assessment for the Kirby Lane South Sewer District.

City Manager Usry provided background to the Council. The Kirby Lane South Sewer district was created in March of 2011. At the time, the homes on the street had individual septic systems and wished to be connected to the City's sanitary sewer system. The City paid for the sewer work which was completed in 2012 but the actual financial assessment per household was never adopted. The City is currently carrying an account receivable totaling \$405,555.11, the cost of the project in 2011. Based upon the project total and the 29 parcels on Kirby Lane South, the cost to each property owner will be a lump sum of \$13,984.66 (or 15 annual installments of \$1,177.18 which includes a 3% interest cost if paid annually).

Councilman Stacks made a motion, seconded by Councilwoman Souza, to open the public hearing to establish the assessment for the Kirby Lane South Sewer District.

There being no one from the public to speak, Councilwoman Tarlow made a motion, seconded by Councilman Mecca, to close the public hearing to establish the assessment for the Kirby Lane South Sewer District.

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

**RESOLVED**, that the Kirby Lane South Sewer District was created in 2011;

**RESOLVED**, that the City has borne the cost of the sewer district repairs, totaling \$405,555.11, the cost of the project in 2011;

**RESOLVED**, pursuant to Chapter 128 of the City Code, the Council hereby establishes the financial assessment, opting to evenly distribute the cost to the 29 homeowners benefitting by the district; and now therefore be it

**RESOLVED**, that the assessment is as follows: the cost to each property owner will be a lump sum of \$13,984.66 (or 15 annual installments of \$1,177.18 which includes a 3% interest cost if paid annually), to be imposed on the 2022 City of Rye tax bills accordingly.

#### ROLL CALL

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

NAYS: None

ABSENT: None

6. Update on Rye TV transition and authorize the City Manager and Corporation Counsel to negotiate and execute a Memorandum of Understanding with both the Rye Free Reading Room and the Rye Arts Center.

City Manager Usry reminded the Council that the staff had been in deliberations with both the Rye Free Reading Room and the Rye Arts Center to discuss assuming the role of the public access television (RyeTV). The delegation of this process to both of these entities is ready to proceed, which will include both legal and practical steps, such as a memorandum of understanding. City Manager Usry recommended that a transition committee be established.

There was discussion about the franchise fees and roles and responsibilities of the parties. Councilwoman Johnson stated that funding of approximately \$35,000 would need to be accounted for in this transition time, for production purposes.

There was general discussion among the Council regarding the franchise fees as a whole, versus the PEG Grant money received for equipment use.

Mayor Cohn stated that he felt there was a consensus among the Council that this was a positive step. After hearing about the needs of the transition, the Council may wish to authorize a \$35,000 to \$40,000 for the production costs of the transition period.



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

**RESOLVED**, that the Rye City Council hereby authorize the City Manager to enter into a Memorandum of Understanding with both the Rye Free Reading Room and the Rye Arts Center to transition the responsibilities of RyeTV and public cable access from the City of Rye to those entities; now therefore be it,

**RESOLVED**, that the City Council authorizes the expenditure of up to \$40,000 for the transition period for the purposes of video production.

ROLL CALL

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

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

Christina Fee, 3 Ormond Place, expressed concern over the teardown of the house on the property located at 15 Hayward. She inquired if it was subject to the building moratorium. City Manager Usry offered to put Ms. Fee in touch with the building department to answer her questions.

8. Consideration of a resolution to transfer \$75,000 from General Unassigned Fund balance to fund Fireman's Circle Memory Statue repair.

City Manager Usry stated that there had been a very bad traffic incident in 2020, resulting in the damage of the original statue at the Fireman's Circle (located at the intersection of Grace Church Street, Milton Road and Boston Post Road). At this time, the City would like to repair the statue. The repair of the statue is approximated to be \$45,000, but staff recommends authorizing for the worst case scenario, or approximately \$75,000. At this time the repair cost of the pedestal is unknown. The City is continuing conversations with its insurance carrier to try and recover these costs.

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

**RESOLVED**, that the City Council authorize the transfer \$75,000 from General Unassigned Fund balance to fund Fireman's Circle Memory Statue repair.

ROLL CALL

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

9. Consideration of a resolution to approve a permit fee of \$50 to have a food truck at Rye Rec Park.

City Manager Usry explained that as staff now has the right to approve requests to hold food trucks at Rye Rec Park, a fee for the permit needs to be assessed and set by the Council.

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

**RESOLVED**, that the City Council approve a permit fee of \$50, added to the Annual Fees and Charges Schedule, to have a food truck at Rye Recreation Park.

ROLL CALL

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

NAYS: None

ABSENT: None

10. Zoning Revisions Committee with respect to moratorium issues.

(To avoid a potential conflict, Councilwoman Goddard recused herself from this agenda item).

Mayor Cohn introduced the topic and stated that it was the priority during the current building moratorium to create a committee to publicly discuss the issues at hand and to come up with a recommendation for the future of the zoning code. Councilwoman Johnson would be the chairperson of the committee. He asked for the Council's approval or nod regarding his establishment of this advisory committee.

Councilwoman Tarlow expressed that she felt it was not transparent to have created a committee prior to the Council meeting and stated it was not authorized by the City Charter. There was general discussion among the Council regarding the process of the creation of the committee.

After much discussion regarding process, a majority of the Council approved the establishment of the Zoning Revisions Committee with respect to the building moratorium issues.

11. Authorization for the City of Rye School District to use the City streets from Station Plaza to Rye High School on June 13, 2021 beginning at 11 am for a graduation vehicle parade to acknowledge and celebrate the Class of 2021.

Councilwoman Souza made a motion, seconded by Councilman Mecca and unanimously carried, to approve a request from City of Rye School District to use the City streets from Station Plaza to Rye High School on June 13, 2021 beginning at 11:00am for a graduation vehicle parade to acknowledge and celebrate the Class of 2021.

12. Adjourn until July 14, 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](mailto:publichearingcomments@ryeny.gov) with “Osborn Zoning Change” as the subject no later than 3:00 pm on the day of the hearing.

The Council adjourned 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](mailto:publichearingcomments@ryeny.gov) with “Osborn Zoning Change” as the subject no later than 3:00 pm on the day of the hearing to July 14, 2021.

13. Consideration of a request from SHP Beds Charity to use the City Hall parking lot on Saturday, September 18, 2021 from 8:30 – 3:00 pm to build beds for children in need. Rain date would be Saturday, September 25, 2021.

Councilwoman Souza made a motion, seconded by Councilman Mecca and unanimously carried, to approve a request from SHP Beds Charity to use the City Hall parking lot on Saturday, September 18, 2021 from 8:30 – 3:00 pm to build beds for children in need. Rain date would be Saturday, September 25, 2021.

14. Consideration of a request from Lucy Berkoff to retroactively waive parking restrictions held on June 4th from 10am-4pm, and June 5th from 10am-2pm on Adelaide and Rosemere Streets as part of the Greenwich Botanical Center Garden Tour fundraiser.

Councilwoman Goddard made a motion, seconded by Councilman Stacks and unanimously carried, to retroactively waive parking restrictions held on June 4th from 10am-4pm, and June 5th from 10am-2pm on Adelaide and Rosemere Streets as part of the Greenwich Botanical Center Garden Tour fundraiser.

15. Old Business/New Business.

Councilwoman Goddard asked about the status of future in-person meetings; Mayor Cohn responded that the Executive Order has been pushed to July, and that the Council and staff await that guidance.

16. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to adjourn the regular meeting of the City Council at 8:33 P.M.

Respectfully submitted,  
Carolyn D’Andrea  
Rye City Clerk



# CITY COUNCIL AGENDA

DEPT.: Mayor

DATE: July 7, 2021

CONTACT: Josh Cohn

**AGENDA ITEM:** Update on County Roads.

**FOR THE MEETING OF:**

July 22, 2021

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council hear the update.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

## Infrastructure Projects District 7

### Projects Completed in 2021

#### **RB178 Park Avenue, CR 38, Harrison/Rye**

\$1,650,000

- Rehabilitation of approximately 0.64 miles of roadway from Harrison Avenue to Boston Post Road
- Complete

#### **RB183 Union Avenue, CR 94, Harrison**

\$2,400,000

- Rehabilitation of approximately 1.12 miles of roadway from West Street to Route 127
- Complete next week (7/12)

### Construction Summer/ Fall

#### **RB131 Theodore Fremd Avenue, CR 54, Rye**

\$2,265,000

- Rehabilitation of approximately 0.72 miles of roadway from 300 Feet East of North Avenue to Purchase Street
- Bid Advertisement 7/9/21; Bids Due 7/28/2021
- Fall 2021

#### **RB172 Mamaroneck Avenue, CR8/8D, Mamaroneck**

\$4,165,000

- Rehabilitation of approximately 1.39 miles of roadway from the Mamaroneck Avenue Bridge to Mt. Pleasant Avenue
- Project combined with RB173 Mamaroneck Avenue, CR8A/8B, Harrison, and RB174 Mamaroneck Avenue, CR8C, White Plains
- Construction contract awarded 7/1/21
- Construction to begin August 2021

### In Design

#### **RB136 Midland Avenue, CR 72, Rye**

\$4,410,000 (Construction expected to begin 4<sup>th</sup> quarter of 2022)

- Rehabilitation of approximately 1.76 miles of roadway from Playland Parkway to the Port Chester/Rye Line
- In design by consultant- 60% complete

#### **RB04B Boston Post Road Bridge over Playland Parkway, Rye (BIN 2000050)**

\$10,150,000 (Design began 3<sup>rd</sup> quarter 2021)

- The feasibility of rehabilitating the existing bridge as an option will be investigated first
- Replacement of the existing structure with a precast rigid frame if necessary
- In design by consultant (started this month)

## **Upcoming Projects**

### **P0032 Playland Parkway, CR 152, Rye**

\$3,350,000 (scheduled for 2023)

- Rehabilitation of approximately 1.14 miles of roadway from Playland Parkway Access Road (CR 147)/Thruway Access Road (CR 148) to Forest Avenue and the Boston Post Road Access Ramp

### **RB04I Murray Avenue Bridge over Community Park, Mamaroneck (BIN 3348250)**

\$8,700,000 (Scheduled for 2023/2024)

- Rehabilitation of the existing structure

### **RB215 Murray Avenue, CR 74, Mamaroneck**

\$1,175,000 (2024)

- Rehabilitation of approximately 0.35 miles of roadway from Myrtle Boulevard to Edgewood Avenue and from Homer Avenue to Bryson Street
- Project to be coordinated with RB04I Murray Avenue Bridge over Community Park, Mamaroneck (BIN 3348250)



# CITY COUNCIL AGENDA

DEPT.: Comptroller

DATE: July 14, 2021

CONTACT: Joe Fazzino, Comptroller

**AGENDA ITEM:** Financial update by City Deputy Comptroller, Joe Fazzino.

**FOR THE MEETING OF:**

July 22, 2021

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council hear the update.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

See attached



# CITY COUNCIL AGENDA

DEPT.: Engineering

DATE: July 22, 2021

CONTACT: Ryan Coyne, City Engineer

**AGENDA ITEM:** Presentation by Stantec of design and plans for DPW Building 5.

**FOR THE MEETING OF:**

July 22, 2021

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

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**





# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: July 7, 2021

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:**

Resolution to advance to final design and bid for DPW Building 5 with an expected cost of \$6.3 M and referral of plans to the BAR.

**FOR THE MEETING OF:**

July 22, 2021

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council adopt the resolution and refer plans to the BAR.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

See attached resolution.

## RESOLUTION

### **Authorizing the completion of final design for bidding for the replacement of Building 5 at Disbrow Park and referral to the Board of Architectural Review**

WHEREAS, the City's Capital Improvement Plan includes the replacement of Building 5 at Disbrow Park for use by the City of Rye Department of Public Works; and

WHEREAS, the anticipated cost, including construction inspection costs and oversight, is approximately \$6,300,000.00 (Six Million Three Hundred Thousand Dollars); and

WHEREAS, the improvements include demolishing the existing DPW Garage (Building 5) and rebuilding a new Building 5 in approximately the same location; and

WHEREAS, the City Council determines that the proposed action is considered a Type I Action under the the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT RESOLVED, that the City Council directs City staff to take any necessary additional steps to comply with the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED, that the City Council directs staff to take the necessary steps to complete the final design of Building 5 for bidding; and

BE IT FURTHER RESOLVED, that the City Council requests that the Board of Architectural Review consider this proposal at its next regularly scheduled meeting to provide any advisory comments back to City staff on the design of proposed buildings and structures.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: July 7, 2021

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:** Update on Capital Projects.

**FOR THE MEETING OF:**

July 22, 2021

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council hear the update.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** See attached

## Priority Capital Improvement Projects

(July 2021)

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### Department of Public Works

#### DPW Building 5

\$6.3M

<i>Project Description:</i> This project involves replacing the existing DPW Garage building.	
Tasks	Status
30% Design	Completed
60% Design	Completed
City Council Review/BAR Referral/SEQR	July 2021 [ <i>CC Action Required</i> ]
100% Design	October 2021
Bid Specifications	November 2021
Bid	January 2022 [ <i>CC Action Required</i> ]
Build	Spring/Summer 2022
<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

\$400K

<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.	
Tasks	Status
90% Design	Completed
Hazardous Materials and Abatement	Completed
City Council Review/BAR Referral/SEQR	Completed
100% Design	Completed
Bid	Completed
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

Project Description: This project involves constructing a new salt shed at DPW. The design would also incorporate area for a relocated City recycling center. The City was successful in securing a \$400,000 SAM grant, however final authorization requires development of a detailed cost estimate, which is on-going.	
Tasks	Status
1. Preliminary Design and Cost Estimate	August 2021
2. Selection of Preferred Alternative	September 2021
3. SAM Grant Authorization	Unknown period from end of task 2
4. 30% Design (including SEQR)	1 month from end of task 3
5. 60% Design	1 month from the end of task 4
6. 100% Design	1 month from the end of task 5
7. NYSDEC Review	Unknown
8. City Council Review/BAR Referral/SEQR	1 month from the end of task 6 <b>[CC Action Required]</b>
9. Bid	1 month from the end of task 7 <b>[CC Action Required]</b>
10. Construction (start)	2 months from the end of task 9
<i>Comments:</i> City obtaining cost estimates for a fabric and wood salt shed.	

**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.	
Tasks	Status
Design	August 2021
Bid	September 2021 <b>[CC Action Required]</b>
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	Pending (anticipated August 2021)
Bidding	October 2021 <b>[CC Action Required]</b>
Construction	January 2022 – June 2022
<i>Comments:</i>	

### Breevort Force Main

\$670 K (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	October 2021 <b>[CC Action Required]</b>
Construction	Winter 2021/Spring 2022
<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	Pending (anticipated August 2021)
Bidding	October 2021 <b>[CC Action Required]</b>
Construction	January 2022 – June 2022
<i>Comments:</i>	

**Midland Avenue Sewer Replacement**

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

*Project Description:* This project involves the replacement of 370 linear feet of 8- and 12-inch sewer along Midland Avenue at the intersection of Grace Church Street and Manursing Avenue.

<b>Tasks</b>	<b>Status</b>
Survey	Complete
Design	90% Complete
Regulatory Review	Pending WCDOH Approval
Bidding	September 2021 <i>[CC Action Required]</i>
Construction (start)	November 2021
Construction (end)	March 2021
<i>Comments:</i>	

**Sewer Manhole and Line Rehab**

\$3.97MM (City Share: \$1.5MM)

*Project Description:* Rehabilitation and lining of sewer lines and manholes in the City. This project includes the lining of 350 feet of existing sewer located in Highland Road.

<b>Tasks</b>	<b>Status</b>
Survey	Complete
Design	Summer 2021
Regulatory Review	Fall 2021
Bidding	December 2021 <i>[CC Action Required]</i>
Construction (start)	January 2021
Construction (end)	January 2022

**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	Completed
BAR and Landmarks Review	July 2021
Completion of Construction Documents	September 2021
Estimator Review/Bid Adjustments	October 2021
Bid	November 2021 <i>[CC Action Required]</i>
Build	Winter 2021 – Spring 2022
<i>Comments:</i> City Hall and surrounding property is landmarked as a protected structure pursuant to Chapter 117 of the Rye City Code and will require BAR and advisory Landmarks review. The project design has been modified so that smaller ground mounted HVAC units will used rather than the previously proposed larger roof-top mounted units.	

**Temporary Court**

\$600K

<i>Project Description:</i> The proposed improvements to the Police/Court building require the relocation of the Court staff and operations during the estimated 18-month construction process. The City continues to investigate alternative locations for a temporary court facility, however in the event the City is unable to secure a suitable alternative location, temporary trailers and related ADA and security improvements will be installed at Car Park 5 to serve as a temporary court at an estimated cost of \$600,000.	
<b>Tasks</b>	<b>Status</b>
Alternative Temp. Court Site Assessment	On-going
Preparation of Car Park 5 Plans	30% Complete
Review by Court Staff and OCA	2021
60% Design	July 2021
OCA Review and approval	Unknown
100% Design	Dec. 2021
Bid	Feb. 2022 <i>[CC Action Required]</i>
Construction	April 2022
<i>Comments:</i>	



**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	Nov. 2021
Bid	Feb. 2022 <i>[CC Action Required]</i>
Construction	April 2022
<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 partially funded by the NYSDOT.	
<b>Tasks</b>	<b>Status</b>
Receipt of PE Consultant RFQs	October 2020
Consultant selection Committee	December 2020
Select Consultant	Aug/Sept 2021
Design	Nov. 2021
Regulatory Review	June 2022
Bid	December 2022 <i>[CC Action Required]</i>
Build	June 2023
<i>Comments:</i> This schedule is likely aggressive. A more accurate timeline will be developed upon consultant selection.	

<b>Theodore Fremd Wall</b>		<i>\$1.5M</i>
<i>Project Description:</i> Replacement of damaged wall on Blind Brook at Theodore Fremd.		
<b>Tasks</b>	<b>Status</b>	
Design	Completed	
Regulatory Review	Summer 2021	
Bid	Fall 2021 <b>[CC Action Required]</b>	
Construction	Fall/Winter 2021/22	
<i>Comments:</i>		

<b>Car Park 1 Stormwater Quality Improvements</b>		<i>\$150K</i>
<i>Project Description:</i> Stormwater quality improvements to Car Park 1 pursuant to Save the Sound settlement agreement.		
<b>Tasks</b>	<b>Status</b>	
Preparation of Plans	October 2021	
Regulatory Review	November 2021	
Bid	December 2021 <b>[CC Action Required]</b>	
Construction	Winter/Spring 2022	
<i>Comments:</i>		



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: July 7, 2021

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:**

Set a public hearing for August 11, 2021 to amend Chapter 166 "Smoking and Vaping" to the City Code to expand the City's prohibition to school property and Rye Town Park.

**FOR THE MEETING OF:**

July 22, 2021

**RECOMMENDATION:** That the Council set the public hearing.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND**

The City Council passed local law Chapter 166 "Smoking and Vaping" on May 19, 2021 to create a smoking and vaping ban in certain public areas to preserve the health and safety of citizens. The attached amendemnts will expand the City's prohibitions to school property as well as Rye Town Park.

See attached.

**CITY OF RYE**

**LOCAL LAW NO. \_\_ 2021**

**A local law to add a new Chapter 166 “Smoking and Vaping” of the Code of the City of Rye to create a ban in certain public areas to preserve the health and safety of citizens as follows:**

**Section 1: Chapter 166, SMOKING AND VAPING**

**§ 166-1 Purpose.**

The City Council declares that the intent and purpose of this chapter is to preserve and improve the public’s health by improving the air quality in certain public areas. The City Council hereby finds that the effects of secondary effects of smoking and vaping pose a threat to the health, safety, and well-being of the City’s residents.

**§ 166-2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

ELECTRONIC CIGARETTE or E-CIGARETTE means an electronic device that delivers vapor which is inhaled by an individual user and shall include any refill cartridge and any other component of such device.

SMOKING shall mean the inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe containing tobacco, cannabis or any other matter or substance.

VAPING shall mean the use of an electronic cigarette or e-cigarette containing a cartridge or pod in which a vapor can be inhaled and exhaled.

**§ 166-3 Prohibition of Smoking and Vaping in Outdoor Areas Owned by the City of Rye.**

A. The following City owned or City controlled public places are hereby established as non-smoking and non-vaping areas:

- (1) Rye Recreation Facilities, including, but not limited to:
  - (a) Damiano Recreation Center;
  - (b) Disbrow Park, including Feeley Field, Founders Field, Grainger Field, Sterling Field, and all associated parking facilities;
  - (c) Gagliardo Park, including basketball court, baseball field, picnic areas, playground, and all associated parking facilities;
  - (d) Rye Nursery Field; including athletic field and all associated parking facilities;
  - (e) Rye Recreation Park, including tennis courts, baseball field, basketball court, bocce court, picnic area, skate park, athletic field, softball field, volleyball court, and all associated parking facilities.

- (2) Rye Nature Center;
- (3) Village Green;
- (4) Public cemeteries;
- (5) Public trails; and
- (6) Accessory parking lot across from Rye High School along Boston Post Road (the Snow Field)

B. The sidewalks immediately adjoining but not traversing Rye Recreation Facilities, Rye Nature Center, Village Green, public cemeteries and public trails are excluded from the smoking and vaping prohibition contained herein.

**C. The entire Rye Town Park, including the parking lot and pathways surrounding the grass fields and duck pond.**

**D. All Rye City School District grounds.**

E. The City Council may, upon Resolution, establish a temporary non-smoking and non-vaping area.

F. It shall be unlawful for any person to smoke or vape in any non-smoking and any non-vaping area.

**§ 166-4 Penalties for offenses.**

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250.

**Section 2. Severability**

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

**Section 3:** This local law will take effect immediately on filing in the office of the Secretary of State.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: July 7, 2021

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:** Set a public hearing for August 11, 2021 to prohibit the development of a Compressed Natural Gas (CNG) peaking station within the City limits.

**FOR THE MEETING OF:**

July 22, 2021  
**RYE CITY CODE,**

**RECOMMENDATION:** That the Council set the public hearing.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** In May of 2020, the City Council adopted a twelve-month moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any application related to the storage and dissemination of compressed natural gas or other type of energy or fuel transfer or energy or fuel generating facility. That moratorium was extended in April of 2021 and is set to expire at the end of this month.

The moratorium allowed the City Council to review the City's existing regulations relating to the storage and use of hazardous substances to ensure that such activity would not negatively impact the City, including without limitation, the public health and safety, and quality of life of its residents and businesses and to study whether there is a more environmentally sustainable alternative. The Rye City Code currently lacks specific regulation of compressed natural gas (CNG) facilities because this new kind of facility was never contemplated by existing laws and regulations.

See attached law.

**CITY OF RYE**

**LOCAL LAW NO. \_\_ 2021**

**A local law to amend Chapter 197-1 “Definitions” and Chapter 197-22 “Uses prohibited in all districts” to add a definition of “Peaking Station” and to prohibit the use of property for compressed natural gas peaking stations as follows:**

**Section 1. Chapter 197-1 “Definitions”**

**§ 197-1. Definitions.**

PEAKING STATION – a system consisting of a number of semi-truck trailers or other buildings or containers housing large quantities of natural gas at high pressure.

**Section 2. Chapter 197-22. “Uses prohibited in all districts”**

B. The following shall be prohibited in all districts as being inconsistent with the public health, safety and welfare:

- (3) Peaking Stations.

**Section 3. Severability.**

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

**Section 4.**

This local law will take effect immediately on filing in the office of the Secretary of State.



# CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: July 14, 2021

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:** Resolution to authorize the City of Rye to participate in the Westchester County Hazard Mitigation Plan (HMP) Update project.

**FOR THE MEETING OF:**

July 22, 2021

**RYE CITY CODE,**

CHAPTER

SECTION

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

RESOLVED that the City Council authorizes the adoption of the 2020 Westchester County Hazard Mitigation Plan by having the City Manager sign the letter of intent to participate.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Westchester County has again invited the City of Rye to participate in the update of the Westchester County Hazard Mitigation Plan. Per Federal regulation, all local governments must have a FEMA approved Hazard Mitigation Plan (HMP) in order to be eligible for Federal mitigation grant funding for public and private mitigation projects. These plans must be formally updated on a five-year cycle. The County has been awarded a grant to update the County plan as a full multi-jurisdictional HMP to include all municipalities.

The City Manager previously signed the letter of intent in February of 2020. Due to the pandemic, the project was stalled. The County is requesting each municipality re-confirm their interest in participation by resubmitting the attached letter of intent. The Council is asked to authorize the City Manager to sign the letter again acknowledging the City's intent to participate and agreeing to the plan requirements.





## CITY OF RYE

Date: June 17, 2021

Director Dennis Delborgo  
Westchester County Department of Emergency Services  
Office of Emergency Management  
200 Bradhurst Avenue  
Hawthorne, NY 10532

Subject: Westchester County Multi-jurisdictional Hazard Mitigation Plan Update  
Authorization and Letter of Intent to Participate – City of Rye

Dear Mr. Delborgo:

Per your letter, dated February 13, 2020 the City of Rye is committed to participating in the Westchester County Hazard Mitigation Plan (HMP) Update project. By way of this letter, the City of Rye:

1. Authorizes the Westchester County Hazard Mitigation Steering Committee (“Steering Committee”), to guide and direct this planning process, perform certain parts of the planning process, and prepare certain parts of the plan documents on our behalf.
2. Agrees to meet the minimum requirements of municipal participation (a.k.a. the Planning Partner Expectations), specifically:
  - Execute and return this “Authorization and Acknowledgement” letter to the Westchester County Department of Emergency Services, attention: Dennis Delborgo, Director-Emergency Management.
  - Designate municipal representatives to serve as the planning points of contact (POC), below. These individuals will be responsible for representing the municipality and assuring that these participation expectations are met by the municipality.
  - Involve the local NFIP Floodplain Administrator in the planning process.
  - Provide representation at municipal Planning Committee meetings (~ 3 meetings over 3 months, in addition to a Kick-Off Meeting and a Mitigation Strategy Workshop).
  - Assist with the identification of stakeholders within the community that should be informed and potentially involved with the planning process.
  - Coordinate local planning activities with the Steering Committee selected to oversee the development of this plan.
  - Identify specific mitigation actions and potential funding sources to address each of the natural hazards posing significant [or high or medium] risk to the municipality.

- Provide data and information about the municipality in a timely manner as requested by the Steering Committee and/or the contract consultant, including:
  - Mitigation project activity in the municipality in the last five years, including progress on previously identified mitigation actions
  - Structure and facility inventory data including identified Critical Facilities
  - Planned new development and anticipated development projects
  - Natural hazard risk areas including FEMA Special Flood Hazard Areas
  - Natural hazard events and losses that have impacted the municipality in the last five years
  - Plans, studies, reports and ordinances addressing natural hazard risk
  - Disaster evacuation routes, procedures, and shelter plans
  - Potential sites for placement of temporary housing for residents displaced by disasters.
- Support public outreach efforts in the municipality which may include:
  - Providing notices of the planning project on your municipal website with links to a County project website
  - Providing notice of the planning project, the availability of Plan documents, and notice of public meetings via available local media (e.g. newsletters, flyers, email blasts, social media, etc.)
  - Advertising and supporting public meetings in the municipality and area
  - Supporting outreach to National Flood Insurance Program (NFIP) Repetitive Loss and Severe Repetitive Loss property owners in the municipality.
- Review draft Plan sections when requested and provide comment and input as appropriate within established time schedules.
- Facilitate the process to adopt the Plan by resolution of the municipal governing body after FEMA conditional approval.
- Track and periodically provide the Steering Committee with reports of municipal staff and volunteer labor spent on the planning process for the purpose of meeting the non-Federal grant match.

3. Assigns the following persons to be the Points of Contact for the municipality. We understand that these POCs are responsible for assuring municipal representation at municipal Planning Committee meetings, and assuring that the other minimum requirements of jurisdictional participation, as detailed in the Planning Partner Expectations above, are met.

Primary POC: <b>Christian Miller</b>	Position/Department: City Planner
Phone Number: 914-967-7167	Email Address: cmiller@ryeny.gov
Alternate/Secondary POC: <b>Commissioner Robert Falk</b>	Position/Department: Public Safety
Phone Number: 914-967-6125	Email Address: rfalk@ryepd.ryeny.gov

4. Our designated local Floodplain Administrator (FPA) under the NFIP is:

<b>Christian Miller</b>	City Planner
Phone Number: 914-967-7167	cmiller@ryeny.gov

5. Recognizes that failure to meet the minimum participation expectations and deadlines, as determined by the Steering Committee will result in the municipality being excluded from the planning process.

Sincerely,

Greg Usry  
Interim City Manager

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RYE  
AUTHORIZING THE ADOPTION OF THE  
2020 WESTCHESTER COUNTY, NY  
HAZARD MITIGATION PLAN UPDATE**

**WHEREAS**, all jurisdictions within Westchester County have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy; and

**WHEREAS**; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

**WHEREAS**, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

**WHEREAS**; a coalition of Westchester County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Westchester County; and

**WHEREAS**, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Rye:

- 1) Adopts in its entirety, the 2020 Westchester County Hazard Mitigation Plan (the “Plan”) as the jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.



# CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: June 10, 2021

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:** Consideration to authorize the City Manager to renew an agreement with the Westchester County Department of Correction to provide transportation from Rye to the Westchester County Jail in Valhalla, New York. This agreement would terminate on December 31, 2021.

**FOR THE MEETING OF:**

July 22, 2021

**RECOMMENDATION:** That the City Council approve the request.

RESOLVED that the City Council authorizes the City Manager to renew the agreement.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** See attached.

**PRISONER TRANSPORTATION--ZONE RATE**

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2021

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")

and

**The City of Rye**, a municipality of the State of New York having its office and place of business at **1051 Boston Post Road, Rye, New York 10580**

(hereinafter referred to as the "Municipality")

WHEREAS, pursuant to Sections 500-c and 500-d of the Corrections law prisoners are required to be transported from local municipalities to the Westchester County Jail in Valhalla, New York; and

WHEREAS, the County and the Municipality agree to cooperate in providing such prisoner transportation.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the County and the Municipality agree as follows:

1. **PRISONER TRANSPORTATION**: Except for prisoners arrested by the Westchester County Department of Public Safety, the Municipality shall provide round trip prisoner transportation using its own police department personnel and vehicles between the Municipality and the Westchester County Department of Correction for all prisoners remanded to the Westchester County Jail by court order or required to appear before the local

court within the Municipality. The County will reimburse the Municipality for the actual number of round trips. All municipalities, where possible, shall hold prisoners for one daily trip to the Department of Correction.

2. **REIMBURSEMENT**: The Municipality shall be reimbursed by the County for prisoner transportation services at the rate plus mileage per round trip indicated in the Zone Rate Plan attached hereto as Appendix "A" and made a part hereof. The rate will be paid as follows:

For transportation to County Jail subsequent to arrest - 1 round trip plus mileage;

For Transportation from County Jail to local court; no return - 1 round trip plus mileage;

For Transportation from County Jail to local court; remand to County Jail, where the time expended does not exceed three (3) hours - 2 round trips plus mileage;

Only in the following circumstances will an hourly rate and mileage fee be paid, as an alternative to the zone rate set forth above:

- a. Transportation of female prisoners (1 officer and 1 matron). A minimum of four (4) hours will be reimbursed for a matron; or
- b. Transportation of seven (7) or more prisoners (requiring an additional officer); or
- c. Transportation of prisoners charged with Class A felonies OR classified by Department of Correction as an "A" or "AA" prisoner considered to present danger may warrant (requiring an additional officer); or
- d. Transportation from County Jail to local court and remand to County Jail where time expended exceeds three (3) hours.

In the event that any one of conditions "a" through "d" above are met, then the actual per hour personnel costs incurred by the Municipality will be paid at the hourly wage

and fringe benefit cost as determined in the applicable collective bargaining agreement between the Municipality and the Municipal Police Association for police officers and/or matrons plus a mileage.

Reimbursement for mileage shall be at the rate of fifty-six cents (\$.56) per mile, or at the then current Internal Revenue Service mileage rate, multiplied by the mileage indicated in Appendix "A".

3. **MEALS**: The County shall reimburse the Municipality for meals provided to post-arraignment prisoners for the actual and reasonable costs incurred and receipts submitted as part of the municipality's monthly voucher submitted to the Department of Correction.

4. **TERM**: This Agreement shall commence on January 1, 2021 and shall terminate on December 31, 2022. The County may, upon thirty (30) days written notice to the Municipality, terminate this Agreement in whole or in part when it 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 rendered prior to the effective date of termination.

5. **PAYMENT**: Requests for reimbursement shall be submitted by the Municipality on a monthly basis on properly executed County claim forms and paid after approval by the Commissioner of Correction. The number of round trips made, prisoners transported and dates should be listed on the claim forms submitted to the Department of Correction. Reimbursement request shall be subject to audit by the County, and the Municipality shall keep and make available to the County such detailed books and records as are reasonably necessary to substantiate the basis for reimbursement. The Municipality shall not be entitled to reimbursement for any prisoner transportation expense not specifically provided for herein.

The total aggregate cost to the County under this Agreement and the agreements with the other municipalities for zone rate prisoner transportation pursuant to the Act No of the Westchester County Board of Legislators approved on , 2021, shall not



exceed \$1,391,126. This Agreement shall be deemed executory only to the extent of the monies appropriated and available for the purpose of this Agreement and no liability on account hereof shall be incurred by the County beyond the amount of such monies.

6. **INSURANCE AND INDEMNIFICATION**: All personnel and vehicles engaged in prisoner transportation duties shall at all times remain and be deemed the employees and property of the Municipality. In addition to, and not in limitation of the insurance provisions contained in Schedule "B" of this Agreement, the Municipality agrees to indemnify, defend and hold the County, its officers, employees and agents harmless from and against any and all liability, loss, damage or expense the County may suffer as a result of any and all claims, demands, causes of action or judgments arising directly or indirectly out of the transportation of prisoners for which reimbursement is sought hereunder for losses arising out of the negligent acts or omissions of the Municipality, its agents or employees.

7. **ENTIRE AGREEMENT**: This Agreement constitutes the entire and integrated agreement between and among the parties hereto and supersedes any and all prior negotiations, agreements and conditions, whether written or oral. Any modification or amendment to this Agreement shall be void unless it is in writing and subscribed by the party to be charged.

8. **APPLICABLE LAW**: This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

9. **APPROVALS**: This Agreement is subject to the approval of the Westchester County Board of Legislators, the Westchester County Board of Acquisition and Contract and the governing legislative body of the Municipality.

**IN WITNESS WHEREOF**, the County and the Municipality have executed this Agreement on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**THE COUNTY OF WESTCHESTER**

By: \_\_\_\_\_  
Joseph K. Spano  
Commissioner of Correction

By: \_\_\_\_\_  
(Name)  
(Title)

Approved by the Westchester County Board of Legislators by Act No. 2021 - \_\_\_\_\_ on the  
day of \_\_\_\_\_, 2021.

Approved by the \_\_\_\_\_ of the \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Approved as to form and  
manner of execution:

Approved as to form and  
manner of execution:

\_\_\_\_\_  
Assistant County Attorney  
The County of Westchester  
l/dcr/Zone Rate Agmt. 21

\_\_\_\_\_

**MUNICIPALITY'S ACKNOWLEDGEMENT**

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me personally came  
\_\_\_\_\_, to me known, and known to me to be the  
\_\_\_\_\_ of \_\_\_\_\_,  
the municipal corporation described in and which executed the within instrument, who being by me  
duly sworn did depose and say that he, the said \_\_\_\_\_ resides at  
\_\_\_\_\_  
and that he is \_\_\_\_\_ of said municipal corporation.

\_\_\_\_\_  
Notary Public        County

CERTIFICATE OF AUTHORITY  
(Municipality)

I, \_\_\_\_\_,  
(Officer other than officer signing contract)  
certify that I am the \_\_\_\_\_ of the \_\_\_\_\_  
(Title)  
\_\_\_\_\_  
(Name of Municipality)

(the "Municipality") a corporation duly organized in good standing under the

\_\_\_\_\_  
(Law under which organized, e.g., the New York Village  
Law, Town Law, General Municipal Law)

named in the foregoing agreement that \_\_\_\_\_  
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution  
\_\_\_\_\_ of the Municipality,  
(Title of such person),

that said agreement was duly signed for on behalf of said Municipality by authority of its  
\_\_\_\_\_  
(Town Board, Village Board, City Council)

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 this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me personally came \_\_\_\_\_  
\_\_\_\_\_ whose signature appears above, to me known, and know to be the  
\_\_\_\_\_ of \_\_\_\_\_,  
(title)

the municipal corporation described in and which executed the above certificate, who being by  
me duly sworn did depose and say that he, the said \_\_\_\_\_  
resides at \_\_\_\_\_, and that he is  
the \_\_\_\_\_ of said municipal corporation.  
(title)

\_\_\_\_\_  
Notary Public            County

**APPENDIX A**

**ZONE PLAN REIMBURSEMENT RATES  
WITH DISTANCE TRAVELED TO AND FROM**

**WESTCHESTER COUNTY DEPARTMENT OF CORRECTION**

**(Effective Term: January 1, 2021 through December 31, 2022)**

**POLICE AGENCY**

<b>ZONE #1 (1 - 10 Miles)</b>	<b>ROUND TRIP REIMBURSEMENT</b>
1/1/21 - 12/31/22	\$219.38
Elmsford, Village	6 miles
Pleasantville, Village	8 miles
Sleepy Hollow, Village	8 miles
Tarrytown, Village	10 miles

<b>ZONE #2 (11 - 20 Miles)</b>	<b>ROUND TRIP REIMBURSEMENT</b>
1/1/21 - 12/31/22	\$230.37
Ardsley, Village	18 miles
Briarcliff Manor, Village	14 miles
Dobbs Ferry, Village	17 miles
Hastings-on-Hudson, Village	20 miles
Irvington, Village	12 miles
New Castle, Town	16 miles
North Castle	16 miles
Ossining, Village	20 miles
Scarsdale, Village	19 miles

**ROUND TRIP DISTANCE**

<b>ZONE #3 (21 - 30 Miles)</b>	<b>ROUND TRIP REIMBURSEMENT</b>
1/1/21 - 12/31/22	\$241.31
Port Chester, Village	28 miles
Mamaroneck, Village	30 miles
Pelham Village	30 miles
Rye Brook, Village	23 miles
Tuckahoe, Village	25 miles
Rye, City	25 miles
Eastchester, Town	25 miles

<b>ZONE #4 (31 - 40 Miles)</b>	<b>ROUND TRIP REIMBURSEMENT</b>
1/1/21 - 12/31/22	\$252.32
Pelham Manor	35 miles

The above Zone Rates will be reimbursed plus mileage to be reimbursed at \$.56 (or the then current IRS mileage rate) times distance.

## **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.





# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: July 14, 2021

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:** Adjourn the public hearing until August 11, 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.

**FOR THE MEETING OF:**

July 22, 2021

**RECOMMENDATION:** That the City Council adjourn the public hearing.

RESOLVED that the City Council adjourns the public hearing until August 11, 2021.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

## BACKGROUND:

The City Council has received a petition from Miriam Osborn Memorial Home Association (“The Osborn”) to amend Chapter 197, *Zoning*, of the City Code to allow “Senior Living Facilities” (“SLF”) in the City’s R-2, *Single-Family Residence*, District. The petition submitted by The Osborn seeks to amend the text of the City Zoning Code to allow SLF in the City’s R-2 District. The proposed amendment would allow SLF as a new permitted use in the R-2 Residence District on those properties with 50 or more contiguous acres. The proposed amendment also includes new restrictions and requirements regarding maximum floor area, building setbacks, lot coverage and other development standards.

As currently proposed, the amendment would only apply to property currently owned by The Osborn. This property is the only property currently located in the R-2 District that meets the proposed 50-acre minimum lot area requirement. Currently, The Osborn is regulated outside of the City Zoning Code by way of a Declaration of Covenants and Restrictions, dated October 15, 1993.

The proposed amendment would regulate land use at The Osborn to include new standards that would allow The Osborn to make improvements to its campus that the current Covenants and Restrictions do not allow.

The latest submission (February 19, 2021), which includes findings from a traffic and sewer evaluation is attached. For prior submissions and other related information, please visit: [Osborn Zoning](#) on our website.