

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

**SPECIAL MEETING OF THE CITY
COUNCIL COUNCIL CHAMBERS, CITY
HALL
Wednesday, September 28, 2022
6:30 p.m.**

1. Pledge of Allegiance.
2. Roll Call.
3. Resolution rejecting bid by H&L Contracting, LLC.
4. Resolution authorizing the City Manager to take all necessary steps to sign a contract with H&L Contracting, LLC. to dredge the Federal Channel in 2022 and to dredge the Milton Harbor in 2023 and to transfer money to the general fund to cover such contract costs.
Roll Call
5. Resolution authorizing the City Manager to take all necessary steps to sign a contract with Clean Earth to process and dispose of the Milton Harbor Dredge material in 2023.
Roll Call
6. Resolution superseding the action taken on September 14, 2022 considering a four (4) month extension of the moratorium in the City of Rye temporarily limiting the approval of any new mechanical rock removal, drilling or boring application to fifteen (15) calendar days and prohibiting the review, processing or approval of any blasting applications for the duration of this moratorium and pursuant to Local Law No. 5 of 2022, adopting a resolution extending the moratorium for an additional four (4) months to expire on February 6, 2023.

CONSENT AGENDA

7. Consideration of request from the Rye Free Reading Room to use the Village Green from 8 am - 6 pm for the Rye Children's Book Festival on October 1, 2022.
8. Consideration of a request from the Rye Free Reading Room to have 4 food trucks at the Rye Children's Book Festival on Haviland Lane by the Village Green on October 1, 2022 from 10am - 4pm.

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The next regular meeting of the City Council will be held on Wednesday, October 12, 2022 at 6:30 p.m.

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

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CITY OF RYE
Office of the City Manager

Inter-Office Memorandum

To: Mayor Cohn and Rye City Council

From: Greg Usry, City Manager

Date: September 27, 2022

Re: Federal Channel and Rye Boat Basin Dredge

As a follow up to the September 14 City Council update, City staff has been working with Coastline Consulting on a dredge plan for the Channel and Basin. As you recall, the City received a single bid for the dredge, and identified one location for the upland disposal of the Basin silt. Due to a variety of reasons, it is in the best interest of the City to postpone the Basin dredge until next year.

Over the last two weeks, we have been working with the potential dredge operator to dredge the Federal Channel this year, and we now have an alternative approach that will accomplish the entire dredge over two seasons.

The attached resolutions authorize the use of up to \$1.6mm of Capex reserves for a dredge of the Federal Channel this year (beginning in mid-October). It further transfers approximately \$2.5mm of Boat Basin unrestricted net assets (2021 year-end) and 2022 and 2023 Net Operating Income for a Basin dredge next year.

In total, this results in a potential net savings for the Boat Basin of approximately \$650k vs a full dredge in 2022. It also provides the benefit of another year of revenue to be used for the dredge.

In addition to the transfer of funds, the Council will be authorizing staff to finalize the contracts with the dredge operator and disposal operator.

The attached spreadsheet summarizes the breakdown of expenses, as well as, the Basin pro formas.

Please note that, procedurally, the Council is rejecting the original bid. The Council will then be authorizing the City Manager to enter into a separate contract with a dredger to cover both the Federal Channel in 2022 and the Basin in 2023, as well as, a contract with a disposal operator for the Basin silt in 2023. These contracts are being awarded as a sole source contract (meaning they are exempt from the bidding requirements of General Municipal Law §§ 103(4) and 104) .

CC: Boat Basin Commission

City of Rye
Boat Basin Dredge Project

July 20, 2022

September 6, 2022 Update

September 19, 2022 Update

	20,000	15,000	20,000	15,000	20,000	15,000
Dredge Cubic Yards	20,000	15,000	20,000	15,000	20,000	15,000
\$/Yrds	180	180	214	220	183	190
Gross Dredge Expense(\$)	3,600,000	2,700,000	4,281,600	3,295,800	3,666,951	2,845,833
Basin Fund Balance(\$)	<u>3,510,000</u>	<u>3,510,000</u>	<u>3,050,000</u>	<u>3,050,000</u>	<u>3,540,000</u>	<u>3,540,000</u>
Unfunded Dredge Cost(\$)	<u>(90,000)</u>	N/A	<u>(1,231,600)</u>	<u>(245,800)</u>	<u>(126,951)</u>	<u>N/A</u>
Annual Debt Service(\$)	(18,000)		(246,320)	(49,160)	(25,390)	-
Basin Net Income(\$)	<u>584,000</u>	<u>584,000</u>	<u>490,000</u>	<u>490,000</u>	<u>490,000</u>	<u>490,000</u>
Net Income after D/S(\$)	<u>566,000</u>	<u>584,000</u>	<u>243,680</u>	<u>440,840</u>	<u>464,610</u>	<u>490,000</u>
Pro forma 5 Year Fund Balance (\$)	2,830,000	3,730,000	1,218,400	2,204,200	2,323,049	3,144,167
Pro forma 5 Year Dredge (yrds)	14,150	18,650	5,693.46	10,019.09	12,670	16,572
Annual Silting Amount (yrds)	2,500	2,500	2,500	2,500	2,500	2,500
5 Year New Accumulation (yrds)	12,500	12,500	12,500	12,500	12,500	12,500
Net 5 year Dredge Benefit (yrds)	1,650	6,150	(6,807)	(2,481)	170	4,072
Total Net Benefit (Including '22 Dredge)	21,650	21,150	13,193	12,519	20,170	19,072

City of Rye
2022-23 Dredge Project

Dredge Expense Breakdown (9/19/22)

	Basin Dredge		Channel Dredge
	20,000	15,000	21,000
Equipment Mobilization	26.10	29.72	26.10
Dredge (\$/y3)	56.00	56.00	45.00
Disposal (\$/y3)	93.00	93.00	
Docks/Pilings Removal (\$165k)	8.25	11.00	
Total \$/y3	<u>183.35</u>	<u>189.72</u>	<u>71.10</u>
Total \$mm	<u><u>3,666,951</u></u>	<u><u>2,845,833</u></u>	<u><u>1,493,049</u></u>

Dredge Expense Breakdown (9/6/22)

	Basin Dredge		Channel Dredge
	20,000	15,000	21,000
Equipment Mobilization	20.83	23.72	20.80
Dredge (\$/y3)	90.00	90.00	45.00
Disposal (\$/y3)	95.00	95.00	
Docks/Pilings Removal (\$165k)	8.25	11.00	
Total \$/y3	<u>214.08</u>	<u>219.72</u>	<u>65.80</u>
Total \$mm	<u><u>4,281,600</u></u>	<u><u>3,295,800</u></u>	<u><u>1,381,800</u></u>



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: September 26, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Resolution rejecting bid by H&L Contracting, LLC.

FOR THE SPECIAL MEETING OF:

September 28, 2022

RECOMMENDATION: That the Council adopt the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY OF RYE

RESOLUTION OF THE RYE CITY COUNCIL TO REJECT THE BID FROM H&L CONTRACTING, LLC TO DREDGE THE FEDERAL CHANNEL AND MILTON HARBOR

WHEREAS, the City of Rye City owns and operates the De Pauw Municipal Boat Basin in Milton Harbor; and

WHEREAS, the City Council of the City of Rye (the “City Council”) sought to advertise for bid pursuant to General Municipal Law dredging and

WHEREAS, the bid documents were made available on bidnet starting on August 3, 2022 at 10:00 AM; and

WHEREAS, the deadline to submit a bid was August 24, 2022 and extended to August 31, 2022 and the only bid received was from H&L Contracting, LLC.

NOW, THEREFORE, BE IT RESOLVED, that City Council rejects the bid by H&L Contracting, LLC to dredge the Federal Channel and Milton Harbor.

Roll Call:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: September 26, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Resolution authorizing the City Manager to take all necessary steps to sign a contract with H&L Contracting, LLC. to dredge the Federal Channel in 2022 and to dredge the Milton Harbor in 2023 and to transfer money to the general fund to cover such contract costs.

FOR THE SPECIAL MEETING OF:

September 28, 2022

RECOMMENDATION: That the Council adopt the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY OF RYE

RESOLUTION OF THE RYE CITY COUNCIL AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO SIGN A CONTRACT WITH H&L CONTRACTING, LLC TO DREDGE THE FEDERAL CHANNEL IN 2022 AND TO DREDGE THE MILTON HARBOR IN 2023 AND TO TRANSFER MONEY TO THE GENERAL FUND TO COVER SUCH CONTRACT COSTS

WHEREAS, the City of Rye City owns and operates the De Pauw Municipal Boat Basin in Milton Harbor; and

WHEREAS, in spring 2022, the City was notified by the United States Coast Guard that the Federal Channel markers designating the safe passage for vessels from the Channel into Milton Harbor were going to be removed as there was insufficient depth for the safe passage of vessels during certain times; and

WHEREAS, the silting in of the Basin has been an ongoing concern as the silt builds up yearly causing more vessels to run aground and limiting the access times to/from the Federal Channel and the Milton Harbor; and

WHEREAS, the City's Police Marine Patrol accesses Long Island Sound from the Basin; and

WHEREAS, the City Council has determined that the contaminated silt from the Milton Harbor cannot be disposed of in water and must be disposed of at a properly permitted facility upland and due to time constraints and permit delays, among other issues, the Milton Harbor dredge cannot occur until 2023; and

WHEREAS, due to the above-described circumstances, the City Council of the City of Rye (the "City Council") has further determined that it is in the best interests of the City to move forward with dredging at least the federal channel in 2022; and

WHEREAS, GML §§ 103(4) and 104 statutorily exempt certain types of contracts from the public bidding process and there are several well-established common law exemptions; and

WHEREAS, one of the common law exemptions is for sole sources; and

WHEREAS, given the unique circumstances, including but not limited to, the City's need to dredge contaminated material out of the Milton Harbor and provide for certain curing processes to take place, the little depth of water and the need for smaller equipment and infrastructure to access the Basin, the issues surrounding the Federal Channel including the removal of the buoys,

the need of the City's marine patrol to access the Long Island Sound and surrounding waters, has created a situation where H&L Contracting, LLC ("H&L") is the sole source to complete this type of dredging project; and

WHEREAS, H&L is able to dredge, transport and dispose of approximately 21,000 cubic yards in water from the Federal Channel for 2022. Furthermore, H&L is able to dredge and transport from 12,000 to 20,000 cubic yards from the Milton Harbor in 2023; and

WHEREAS, dredging progress and activity is measured by the amount of sedimentation that is removed and this measurement is based on comparing a pre-dredge survey to a post-dredge survey and, as such, the total amount of sediment removed will not be verified until the post-dredge survey is performed; and

WHEREAS, the City believes that approximately \$5.3 Million will cover the total cost to dredge the Federal Channel and the Milton Harbor but due to the potential variation in the amount of sediment removed, the Council may have to authorize additional monies to cover the total amount of sediment removed based on the post-dredge survey.

NOW, THEREFORE, BE IT RESOLVED, that once City staff has completed the necessary due diligence, the City Manager is authorized to execute a contract with H&L Contracting, LLC to dredge the Federal Channel in 2022 and the Milton Harbor in 2023; and

BE IT FURTHER RESOLVED, that the City Manager is authorized to transfer One Million Six Hundred Thousand (\$1,600,000) from the Capital Expenditures Reserve Fund for the Federal Channel Dredge Project to pay for the dredging of the Federal Channel in 2022; and

BE IT FURTHER RESOLVED, that the City Manager is further authorized to: 1) appropriate \$2.5 Million dollars in the Boat Basin Enterprise Fund for the Milton Harbor dredge; 2) appropriate any net operating income received by the Boat Basin at the end of 2022 as authorized by the Boat Basin Commission on September 7, 2022; and 3) appropriate any net operating income received by the Boat Basin in 2023 to pay for the costs associated with dredging Milton Harbor; and

BE IT FURTHER RESOLVED, that the City Manager is authorized to transfer any excess money back to the appropriate funds should the money not be needed to cover the dredging costs.

Roll Call:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: September 26, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Resolution authorizing the City Manager to take all necessary steps to sign a contract with Clean Earth to process and dispose of the Milton Harbor Dredge material in 2023.

FOR THE SPECIAL MEETING OF:

September 28, 2022

RECOMMENDATION: That the Council adopt the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY OF RYE

RESOLUTION OF THE RYE CITY COUNCIL AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO SIGN A CONTRACT WITH CLEAN EARTH TO PROCESS AND DISPOSE OF THE MILTON HARBOR DREDGE MATERIAL IN 2023

WHEREAS, the City of Rye City owns and operates the De Pauw Municipal Boat Basin in Milton Harbor; and

WHEREAS, the City Council of the City of Rye (the “City Council”) has determined that it is in the best interests of the City to dredge the Milton Harbor in 2023 after the Federal Channel has been dredged; and

WHEREAS, the City has received a proposal from Clean Earth dated September 14, 2022 Proposal No. 21-004-19 to transport and dispose of the contaminated dredge material at a properly permitted facility in the fall of 2023;

NOW, THEREFORE, BE IT RESOLVED, that once City staff has completed the necessary due diligence, the City Manager is authorized to execute a contract with Clean Earth to process and dispose of 12,000 to 20,000 cubic yards of sediment material at an upland facility in 2023 at costs as set forth in Proposal No. 21-004-19; and

BE IT FURTHER RESOLVED, that the City Manager is authorized to pay for such costs from the Boat Basin Dredge project in the Boat Basin Enterprise Fund, including, but not limited to: 1) those funds appropriated by the City Council of approximately \$2,500,000 and as authorized by the Boat Basin on September 7, 2022; 2) any net operating income remaining at year end in the Boat Basin Enterprise Fund of 2022 (estimated to be \$450,000); and 3) any estimated net operating income collected by the Boat Basin during fiscal year 2023.

Roll Call:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: September 27, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Resolution superseding the action taken on September 14, 2022 considering a four (4) month extension of the moratorium in the City of Rye temporarily limiting the approval of any new mechanical rock removal, drilling or boring application to fifteen (15) calendar days and prohibiting the review, processing or approval of any blasting applications for the duration of this moratorium and pursuant to Local Law No. 5 of 2022, adopting a resolution extending the moratorium for an additional four (4) months to expire on February 6, 2023.

FOR THE MEETING OF:

September 28, 2022

RECOMMENDATION: That the Council adopt the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached resolution



CITY OF RYE

**RESOLUTION SUPERSEDING THE ACTION TAKEN ON SEPTEMBER 14, 2022
CONSIDERING A FOUR (4) MONTH EXTENSION OF THE MORATORIUM IN THE CITY
OF RYE TEMPORARILY LIMITING THE APPROVAL OF ANY NEW MECHANICAL ROCK
REMOVAL, DRILLING OR BORING APPLICATION TO FIFTEEN (15) CALENDAR DAYS
AND PROHIBITING THE REVIEW, PROCESSING OR APPROVAL OF ANY BLASTING
APPLICATIONS FOR THE DURATION OF THIS MORATORIUM AND PURSUANT TO
LOCAL LAW NO. 5 OF 2022, ADOPTING A RESOLUTION EXTENDING THE
MORATORIUM FOR AN ADDITIONAL FOUR (4) MONTHS TO EXPIRE ON FEBRUARY 6,
2023**

WHEREAS, on April 6, 2022, the City Council adopted Local Law No. 5 of 2022 entitled, “A Local Law adopting a six-month moratorium in the City of Rye temporarily limiting the approval of any new mechanical rock removal, drilling or boring application to fifteen (15) calendar days and prohibiting the review, processing or approval of any blasting applications for the duration of this moratorium”; and

WHEREAS, the original six (6) month period for the moratorium will expire on October 6, 2022; and

WHEREAS, pursuant to Local Law No. 5 of 2022, the City was granted the authority to extend the moratorium up to six (6) months by a resolution of the City Council; and

WHEREAS, on September 14, 2022, the City Council considered a motion to extend the moratorium, which motion was in improper form; and

WHEREAS, the City has determined that an extension of the moratorium is required;

NOW, THEREFORE, BE IT RESOLVED, that the action taken by the City Council on September 14, 2022 is hereby rescinded and superseded; and

BE IT FURTHER RESOLVED, that the moratorium temporarily limiting the approval of any new mechanical rock removal, drilling or boring application to fifteen (15) calendar days and prohibiting the review, processing or approval of any blasting applications shall be extended an additional four (4) months, and shall expire on February 6, 2023.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: September 28, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of request from the Rye Free Reading Room to use the Village Green from 8 am – 6 pm for the Rye Children's Book Festival on October 1, 2022.

FOR THE MEETING OF:
October 12, 2022

RECOMMENDATION: That the Council approved the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See attached request.



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: September 28, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request from the Rye Free Reading Room to have 4 food trucks at the Rye Children's Book Festival on Haviland Lane by the Village Green on October 1, 2022 from 10am - 4pm.

FOR THE MEETING OF:

October 12, 2022

RECOMMENDATION: That the City Council approve the request.

IMPACT: Environmental Fiscal Neighborhood Other:
Waive § 144-8D and G of the City Code.

BACKGROUND: The City Manager's Office received a request from the Recreation Department asking for the Rye Free Reading Room to have 4 food trucks at the Rye Children's Book Festival on Sunday, October 1, 2022 from 10am - 4pm. The Council will have to waive § 144-8D and G which states;

§144-8 Restrictions states that licensed hawker, peddler or solicitor shall:

D. Not stand nor permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.

G. Not create or maintain any booth or stand, or place any barrels, boxes, crates or other obstructions, upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

See attached.



September 23, 2022

Honorable Joshua Cohn, Mayor
Rye City Council

Dear Mayor Cohn:

The Rye Free Reading Room respectfully requests the use of the Village Saturday, October 1, 2022 to host the Rye Children's Book Festival. In order to allow time for setup and cleanup, we would like to request permission to use the Green and Haviland Lane from 8 am to 6 pm. We also respectfully requests permission to host four food trucks on October 1 as part of the book festival.

The trucks would sell food during the run of the event, 10 am to 4 pm, and would be located on Haviland Lane. No amplified sound will be used by the vehicles.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Shoemaker', with a long horizontal flourish extending to the right.

Chris Shoemaker
Library Director