

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

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, February 15, 2023
6:30 p.m.**

Residents may email comments regarding the public hearing to:
publichearingcomments@ryeny.gov. All comments must be received by 4:00 pm on the day of the meeting. The subject of the email should reference the hearing topic. Please include your name and address.

Please note: 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 pending litigation, personnel matters and pending contracts.

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the Regular Meeting of the City Council held February 1, 2023, as well as the Special Meeting of the City Council held February 6, 2023.
4. Flooding Update.
5. Open a public hearing to adopt a three-month moratorium in the City of Rye temporarily limiting the removal of trees on any lot without a permit for the duration of this moratorium.
6. Residents may be heard on matters for Council consideration that do not appear on the agenda.
7. Authorization for City Manager to engage Ramboll Engineering for an amount not to exceed \$50,000 from the General Capital Projects account for additional services related to the evaluation of potential flood measures within the Blind Brook Watershed.
8. Old Business/New Business.
9. Adjournment

The next regular meeting of the City Council will be held on Wednesday, March 1, 2023, at 6:30 p.m.

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

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on February 1, 2023, at 6:30
P.M.

PRESENT:

JOSH COHN, Mayor
LORI FONTANES
BILL HENDERSON
CAROLINA JOHNSON
JOSHUA NATHAN
JULIE SOUZA
BENJAMIN STACKS
Councilmembers

The Council convened at 5:30 P.M. and adjourned into Executive Session at 5:31 P.M. to discuss pending litigation, personnel matters, and pending contracts. The Council reconvened for the public meeting at 6:30 p.m. The meeting was held in City Hall and was streamed live at www.ryeny.gov for public viewing.

1. Pledge of Allegiance.

Mayor Cohn led the Council and public in the Pledge of Allegiance.

2. Roll Call.

The City Clerk called the roll and there was a quorum.

3. Draft unapproved minutes of the Regular Meeting of the City Council held January 18, 2023.

Councilman Stacks pointed out that the street names in the narrative describing the proposed new stop signs in Item 10 needed to be corrected. City Clerk D'Andrea reflected those changes.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to adopt the unapproved minutes of the Regular Meeting of the City Council held on January 18, 2023.

4. Presentation of the Mayor John Carey Merit Award to Lisa and Brian Dempsey.

Mayor Cohn presented the 2023 Mayor John Carey Merit award to Lisa and Brian Dempsey for their various contributions to the City's public life. Mayor Cohn gave a summary of the volunteerism and service of the Dempseys for the community. Mr. Dempsey has been on the Traffic and Pedestrian Safety Committee since 1999 and chair of the committee since 2001 and has provided expertise as a traffic engineer. Mrs. Dempsey has been on the Recreation Commission since 2010 and has served as vice chair, and has been a part of many organizations and events that have benefitted the community. Mr. Dempsey has served on many City committees

and task forces. Mayor Cohn presented the award to Lisa and Brian Dempsey for their service. Mr. and Mrs. Dempsey thanked the City Council for the award.

5. Presentation of the Human Rights Commission awards.

Rita Capek, chair of the Human Rights Commission, introduced fellow commission members Meg Cameron, Corey Stark, Hanadi Zakour, and Ruth Murkatz. Ms. Capek said that nominations for the awards were solicited from the community in two categories. The first category was for an individual 18 years or older or an organization whose efforts in 2022 made an important contribution to fostering human rights or relations in Rye City. The 2022 Rye Human Rights Award was presented to Co-President Christine Groves of the Children’s Philanthropy of Rye, which has been part of City’s Woman’s Club for the past four year years. Ms. Capek said that the Children’s Philanthropy of Rye is the only organization in Rye to support families in need, specifically children and students enrolled in Rye schools. Ms. Groves ensures that children in the City who are in need receive support in the form of meals, clothes, and holiday gifts.

Ms. Capek said that the second human rights award category was open to individuals 18 years or younger who live in Rye or attend any of the schools in Rye City or Rye Neck, and who have made an important contribution to human rights. Ms. Capek presented the award for the 2022 Rye Youth Human Rights Award to Rye Neck High School seniors James Fall and Eduardo Ruigomez. Mr. Fall and Mr. Ruigomez cofounded the Rye Neck Students for Racial Unity club in 2022. Their purpose in creating the club was to openly discuss ongoing societal issues and to create an inclusive environment through conversation and member support.

Ms. Capek presented the 2022 Rye Youth Human Rights Award to additional recipient, Rye High School junior A.J. Miller. Mr. Miller cofounded the Bridges Club at Rye High School. The mission of the Bridges Club is to build a welcoming, connected community and culture of acceptance between the special needs students and the Rye High School student population. The Bridges Club now has over 60 members and continues in grow in numbers, awareness, and education.

6. Flooding Update.

Mayor Cohn said he and City Manager Greg Usry along with representatives from the Village of Rye Brook and Purchase College, attended a meeting at Westchester Airport. They met with the management of the airport, which is located at the top of the watershed. There was discussion regarding the airport’s detention basins, which work to try to remediate flooding to the watershed. The airport detention basins are designed to take as much water as possible from the airport facility with the goal of keeping the airport open when a storm allows. The detention basins are designed to release water when that primary mission would be jeopardized by holding water. During Hurricane Ida, the detention basins were overwhelmed. There may be contributing hillsides in Greenwich immediately adjacent to the airport that contribute to the flow in Blind Book. Westchester County Legislator Catherine Parker has been made aware of the import of the meeting and has said that she will help the City try to move the County and the airport in further flood remediation efforts at the airport.

Mayor Cohn said the news that the airport was in fact contributing to flooding was something that was unhelpful in the conversation with Purchase College about the berms project that the Council has been talking about publicly and in speaking to the college about. The berms project would in a very transient way detain water when Blind Brook is at flood on or part of the Purchase College campus. Purchase College has taken the position that it is merely a downhill recipient and uphill contributors to flooding should be made more responsible for the water that their area is shedding, and that the college will have its own engineering study to try to figure out what it can do better on campus with respect to its drainage, but that it does not support the berms project that City officials were hoping it would support, and that is in part the subject of a FEMA application that the City filed a couple of months ago. Mayor Cohn said that the state representatives Shelley Mayer and Steve Otis are aware of the City's disagreement with Purchase College.

Mayor Cohn said the City is working with its engineering firm Ramboll to answer the issues that have been raised by Purchase College with respect to the berms project in the hope the City might be able to convince powers-that-be that it is an appropriate project. Airport officials have put a significant amount of money into isolating where de-icing takes place and capturing de-icing fluid. De-icing is done in an area where the contaminated water goes into the sanitary sewer system rather than into Blind Brook.

Councilwoman Johnson said the airport has built a ditch in between the airport and Brunswick School to alleviate flooding, and that the airport is in the studying stages for dredging one of the detention basins. Mayor Cohn said he discussed with Legislator Parker urging on the airport perhaps some moderation of their release policy and to take up the issue of a third detention basin. Councilman Nathan said he heard two different reports about what happened at the airport. He heard that the water crested, and he heard that it did not. Mr. Usry said the airport officials were studying the watershed starting at the airport south. Mayor Cohn said the third detention basin was removed from Ramboll's study, he thought because the City officials it was not needed.

7. Consideration of proposed policies for the City of Rye Fire Department:
 - Policy # 204 – Annual Planning Master Calendar
 - Policy # 207 - Liability Claims
 - Policy # 212 - Post-Incident Analysis
 - Policy # 311 – Atmospheric Monitoring for Carbon Monoxide
 - Policy # 400 - Fire Inspections
 - Policy # 401 - Permits
 - Policy # 402 - Code Enforcement

Commissioner of Public Safety Mike Kopy said as part of the Fire Department's moving forward to a more structured environment, the City is working establishing policies. The first is approval for a policy regarding an annual master planning calendar. This allows the City to schedule everything that has to happen in the Fire Department over a 12-month period, everything from testing the pumps to sexual harassment training and everything in between.

Commissioner Kopy said the proposed policy on liability claims concerns how the Fire Department handles any liability claims that came into their possession. Post-incident analysis is

an after-action report or discussion for any type of situation that the Fire Department would respond to that would be serious enough to require further discussion, such as a house fire or a serious incident on the throughway.

Commissioner Kopy said that proposed policy on atmospheric monitoring for carbon monoxide establishes policies for how and when to calibrate equipment and to use equipment in a hazardous environment. The proposed policy on fire inspections establishes policies and procedures for how and when to conduct inspections as well as how the fire inspector should act when inspecting a building. The proposed policy on permits establishes a policy for issuing permits that the Fire Department issues, such as a fireworks permit, an oil tank removal, or an inspection permit. The City does not currently have a process for that. The code enforcement policy establishes a process that the Fire Department will enforce City fire and life safety codes during inspections.

Commissioner Kopy further said that the Fire Department is not accredited but that the City would seek accreditation sometime in the future. He said that in order to be accredited, the Fire Department must have rules and standards to follow, and the creation of these policies would provide the Fire Department the guide to become accredited. He said that accreditation is a sign of professionalism. Mr. Kopy said that accreditation aside, the more important thing is that the City's departments are doing the right thing.

8. Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department:

- Policy # 343 – Community Relations

Commissioner Kopy said the City is adding a section with regard to community relations. The purpose of the policy is to provide guidelines for community relationship building and establishing who is responsible for what in that process. Mayor Cohn said that there is a provision in the revision that provides for the creation of a citizens committee, and the City already has a citizens committee created by the City Council.

Mayor Cohn said he wanted to make sure that it is Mr. Kopy's intention that the committee that would be created pursuant to the policy would in fact dovetail with the mandate that the City Council-created Police Advisory Committee. Mr. Kopy replied that his vision would be that these committees would be one and the same, and that in the event that future City Councils decided not to have that advisory committee, this revision would afford a Public Safety Commissioner the opportunity to create one himself to provide guidance and direction. This policy is creating a mechanism for the Commissioner to select people in the community such as the Council has done, and to have those people provide guidance and direction. Mr. Kopy said he forward to the City Manager language that takes into account the Council's concerns.

Mr. Kopy said the City is preparing for reaccreditation of the Police Department at the end of June of this year, and that is where the state will send inspectors, and they will go through all of the City's files to ensure that the policies that it has are being adhered to. He said he expects that the City will pass that inspection successfully and that the City is doing its own in-house assessment with the same objective.

Councilman Nathan said that he did not see in the policy anything talking about interactions with youth and adults who have special needs or who are on the spectrum. Mr. Kopy said that language could be part of the policy and that he was sure it was elsewhere. He said he spoke to a woman recently who brought similar concerns to his attention, and that she is researching training the City can give to the officers. Councilwoman Souza said she was aware that training in this area is happening. Mr. Kopy said that it is an area the Police Department does want to focus on.

Mr. Usry said that he met with Laura Slack shortly after she was named Chairperson of the South East Consortium. Interaction with special-needs youth and adults was one of the things that she wanted to have some interaction with and some input and some suggestions on. After that meeting, Mr. Kopy met with her. Mr. Kopy said his department is looking to input her suggestions.

Councilman Henderson asked how the citizens of Rye could feel good that a situation would not happen in the City like what happened with the police in the city of Memphis. Mr. Kopy replied that there is a high level of supervision in the City. He said the City does not have similar units that it is responsible for and that is it individuals who are allowed to continue for a period of time unchecked by supervision. There is a policy in the Police Department that the Department has a supervisor on duty 24/7. He said his instructions to the supervisors are that they are out there at the scenes to ensure that similar incidents do not happen. He said he likes to think that the profession is moving away from that. He believes that change starts with hiring and a change in culture.

Councilman Henderson asked if the Police Department had cameras. Mr. Kopy replied that there are cameras on the officers and cameras in the cars. He said that his department implemented a policy where the patrol lieutenant randomly selects five officers and five cars once a month to review the tapes, to ensure that the tapes are working well, and that if there are any discrepancies, that they are addressed at that time.

9. Resolution to adopt new Rye Recreation fees (resident and non-resident) to rent out the amphitheater. Roll Call.

Rye Recreation Superintendent Erin Mantz said that on the commission level, they discussed and came up with the proposed Rye Recreation fees for the amphitheater. There are two different tiers to the resident rate, one for under 75 people, and one for over 75 people. She said the commission wants to be conscious of different-sized groups to ensure accessibility for everybody to the amphitheater. The commission looked at indoor fees and outdoor pavilion fees and came up with the proposed fee structure. She said the commission will continue to monitor as reservations come in and make any adjustments that need to be made. There are no venues competitive to the amphitheater.

Mr. Usry said for comparison, Ms. Mantz's department was looking at events at Rye Town Park, Crawford Park, and other parks in the area. Mr. Usry said there needs to be an attendant, and so there is an hourly expense with having an attendant at the amphitheater. There are cleanup costs along with costs for setup and breakdown. The city is trying to make the amphitheater cost-effective for people to use the facility seven days a week. Councilman Henderson asked if there

could be an insurance liability with having a big crowd at the amphitheater. Mr. Usry replied that his department made the City’s broker aware and it was part of the City’s renewal policy this year.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to authorize the adoption of new Rye Recreation fees (resident and non-resident) to rent out the amphitheater as follows:

<u>Rate</u>	<u>Resident Hourly Rate</u>	<u>Non-resident Hourly</u>
Amphitheater <75 people	\$150.00	\$300.00
Amphitheater <75 people	\$250.00	\$400.00

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Fontanes, Henderson, Johnson, Nathan, Souza, Stacks
Nays: None
Absent: None

10. Resolution to amend the City of Rye’s Investment Policy.

Deputy Comptroller Joseph Fazzino said that following up on the last Council meeting with the addition of a New York Liquid Asset Fund to the City’s approved list of banks and institutions, his department into looked into the City’s financial policy in terms of investments a little closer. His department wants to make a few adjustments to the policy. The main change to the policy is to update the investment thresholds pertaining to cooperative investment programs such as the New York Liquid Asset Fund. With the addition of New York Liquid Asset Fund, the City has another type of program, which is called New York Class, New York Liquid Asset Security System. He said his department is trying to increase the overall limit for the programs to 75% but no more than 40% in either institution, with the objective of diversification.

Mayor Cohn asked if the City was maintaining the ratings requirements. Mr. Fazzino replied that the City’s rating is still AAA. Mr. Fazzino said that interest rates for these two options for the city are about 1% more than their current banks. He said that most of the city’s money has been in money market accounts over the last 15 years since those have provided the best rates. Mayor Cohn suggested a language change in the resolution to reflect funds that are not banks and trust companies. Councilman Stacks said he believed that HSBC sold all their branches to Citizens Bank, and that the language in the resolution should be changed to reflect that.

Councilman Stacks made a motion, seconded by Councilwoman Johnson, to amend the City of Rye’s investment policy. The Council unanimously agreed.

11. Declaration of intent to be lead agency under SEQRA and resolution to refer the Forest Avenue Sidewalks project to the Planning Commission for advisory LWRP review and the NYSDOT for preliminary design review approval.

City Engineer Ryan Coyne said there was not necessarily a substantive decision to be made this evening, and that the declaration was more of a referral of the project. Mayor Cohn said that the concerns that the Council heard at the last public sessions on this project are concerns ultimately to be considered under SEQRA by the Planning Commission and in the further design phase of the project. Councilwoman Johnson said the Council will be designating who is going to be leading that process.

Councilwoman Fontanes asked if Stantec did a safety evaluation as part of their original proposal. Mr. Coyne replied that they did. He said that Creighton Manning is the engineering firm of record and that they do safety analyses internally to get to where they are. The project would be reviewed by the Department of Transportation in their preliminary design review, which is part of this resolution. He said the referral is to the Planning Commission for LWRP. The design parameters that an engineer would use align with those safety analyses. If the crossing were not deemed safe by Creighton Manning, it would not come to the City's engineering department to begin with. The DOT has the final say on the design. He said the City expects comments from the DOT through the design process.

Mr. Coyne said the proposed locations are not final and there is opportunity to relocate those within safety parameters. He said there have been comments received through the City's website, which is the main repository for the engineering department. There is public input through the Planning Commission's review and input through the DOT. The engineering department will keep that line of communication open with the public as far as their submission of comments. Mr. Coyne said the purpose of the grant that the City received through the DOT is to create interconnected facilities.

Councilman Nathan said from walking the area, he found that the proposed crosswalk at Davis has a hill that limits visibility of motorists. He asked about putting the sidewalk on the other side of the street to prevent people crossing over that hill. He encouraged Mr. Coyne to meet with neighborhood residents about the sidewalk. Councilman Nathan said that on Forest, people zigzag with the path of the sidewalk. People seem to drive down Forest faster than the City speed limit. Mr. Coyne said his department can relay Councilman Nathan's concerns to the design engineers. He said he knows that the engineers are looking further into the Davis crosswalk based on the last meeting.

Councilman Henderson asked if pursuant to recent state legislation, if the City was looking into amending the City speed limit to 25 miles an hour. Traffic and Pedestrian Safety Chairman Brian Dempsey replied that the committee was preparing a memo on that. Mayor Cohn said that such a speed limit change would need to be for the whole city. Councilman Nathan said he hoped that the engineering department and the design engineers look at measures to get motorists to drive more slowly. Councilwoman Souza said that public safety should be paramount in the project. Councilman Nathan said the speeding may be a separate issue.

Corporation Counsel Kristen Wilson said she would add to the resolution that this is an unlisted action and that the Council is circulating its intent to be lead, referring it to Planning Commission for LWRP and to DOT for preliminary design review approval.

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

RESOLUTION

Declaring the City Council’s Intent to be Lead Agency under SEQRA and referral of the Forest Avenue sidewalks project to the Planning Commission for advisory LWRP review and the NYSDOT for preliminary design review approval.

WHEREAS, on September 18, 2019, the Rye City Council adopted a resolution accepting a grant to implement the Forest Avenue Corridor Accessibility Improvement Project in the City of Rye, Westchester County, PIN 8762.52 (the “Project”); and

WHEREAS, the Project involves the construction of new sidewalks and other pedestrian improvements on Forest Avenue and Manursing Avenues between Apawamis and Davis Avenues; and

WHEREAS, in October 2022, the City’s engineering consultant, Creighton Manning, completed draft plans for the Project, which were subject to public review and comment in a November 16, 2022 meeting with neighbors immediately adjacent to or on the opposite side of the proposed sidewalk; and

WHEREAS, at its January 18, 2023 meeting, the City Council conducted a public meeting to hear comments on the Project and draft plans;

NOW, THEREFORE, BE IT RESOLVED, that the Rye City Council, declares its intent to be Lead Agency with respect to the State Environmental Quality Review (SEQR) of the Project; and

BE IT FURTHER RESOLVED, the City Council has reviewed the Environmental Assessment Form (EAF) and determines that the proposed action is consider an Unlisted Action; and

BE IT FURTHER RESOLVED, that the Rye City Council hereby refers the Project to the Rye City Planning Commission for its advisory coastal consistency review as required by Chapter 73, *Coastal Zone Management Waterfront Consistency Review*, of the Rye City Code; and

BE IT FURTHER RESOLVED, that the Rye City Council authorizes the submission of the preliminary design report for the Project to the New York State Department of Transportation (NYSDOT) for their review and approval.

(The resolution was unanimously carried).

Jeremy Friedman of 41 Manursing Ave. thanked the Councilmembers for taking the time to walk through the neighborhood. He said the engineers on this project have never met with the homeowners and have never made an attempt to meet with the homeowners. He requested that

the engineers try to meet with the people who live in the area. Councilwoman Johnson said she was under the impression that there was a meeting of neighbors and consultants. Mr. Usry replied that there was an information session with the neighbors a couple of months ago. Mr. Friedman said that he was not informed of that session. Mr. Usry said that Mr. Coyne is the interaction between the members of the community, the neighbors, and the design team and that residents will have plenty of opportunity to make their concerns known. Mr. Usry said the design process will take another nine months and will come back to the Council for an award of a bid. He encouraged Mr. Friedman to reach out to him and to Mr. Coyne to discuss his concerns. Councilwoman Souza urged Mr. Friedman to sign up for the listserv to be notified of sessions.

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

No residents had signed up to speak on matters not on the agenda.

13. Open a public hearing to adopt a local law amending Chapter 191, Article II “Traffic Regulations” of the Code of the City of Rye, by amending § 191-12 “Stop intersections.” to add three new stop signs at Forest Avenue at Van Wagenen Avenue, Highland Road westbound at Club Road and Van Rensselaer Road at Kirby Lane.

Traffic and Pedestrian Safety Committee Chair Brian Dempsey said that for each intersection, his committee was approached by different residents from the neighborhoods. The committee went out to each location at different times and different days of the week and looked at the crash history at each of the intersections and the impact on emergency vehicles. The committee prepared its reports and sent them to the City Engineer and City Manager’s office. Mr. Dempsey said that Commissioner Kopy had the same recommendations as the committee after reviewing the reports.

Mr. Dempsey said that Forest Avenue at Van Wagenen used to be an L-intersection with only one or two houses on Parsonage Point. There are three other driveways at the intersection. He said the biggest issue is that most people make a right onto Van Wagenen going towards the clubs, or that people are coming from Van Wagenen making a left onto Forest Avenue. Over the years, the Van Wagenen stop bar has gotten pushed back because of the driveway into Parsonage Point. The bushes at the intersection have significantly grown in height and girth, blocking visibility when turning left. Mr. Dempsey said his committee is recommending a stop sign to be installed at the end of Forest Avenue with supplemental information such as a stop-ahead sign, stop bar, and a reflective strip on the stop sign pole. There was a recent crash in which a motorist drove through the intersection through the bushes and into a resident’s yard, so a stop sign could have helped prevent such an incident.

Councilman Stacks if anything would be done about the encroaching vegetation. Mr. Dempsey replied that his committee is recommending the vegetation be cut back while still trying to maintain some greenery for the property. He said city staff is looking at where the right-of-way and what is on the right of way and what is not. Councilman Stacks said that even the Van Wagenen street sign is obscured. Councilwoman Fontanes said that the intersection is very tricky and there are a lot of people walking or bicycling there.

Mr. Dempsey said the intersection at Highland Road used to be an L-intersection. Over the years, Apawamis Club's driveway connected to it, and then Club Road connected to it. The driveway is a private driveway, and Club Road is a private road. The City put up a sign that said traffic from the left does not stop on Highland coming from Harrison. Mr. Dempsey said people who are not familiar with the intersection have difficulty with it because they are expecting people coming up from the train station to stop. Mr. Dempsey said the biggest issue with the intersection was people coming up from the train station driving straight into Apawamis, even though it is an exit only. The committee recommended that the club change its do not enter signs or have a directional sign saying entrance with an arrow pointing to Club Road.

Councilman Henderson said then making a left onto Club Road, a lot of drivers coming from Harrison do not stop, and so there have been a lot of near-misses at the intersection. Mr. Dempsey said people from Indian Village had talked about the pedestrian crossing there. They found it hard to cross to get to Apawamis Club at the intersection, and so they feel a stop sign will help that situation. Councilman Henderson asked Mr. Dempsey if his committee had talked to people at the club about a do not enter sign. Mr. Dempsey said his committee has not spoken with them yet. Councilman Henderson said he was not sure if club personnel would like having the street signs right at the entrance. Mr. Dempsey replied that this is a safety issue for the club because of the risk of collisions. He said that the Club Road stop sign is a small wooden sign that keeps getting covered by vegetation. He said the signs at Club Road are not regulation signs, they do not reflect at night, and that is when some of these issues arise.

Mr. Dempsey said the intersection at Van Rensselaer, Kirby Lane, and Island Drive officially does not need a stop sign because it is a T-intersection, and the minor street from Van Rensselaer is essentially the driveway to the club. Someone put in a stop sign on his or her own on the opposite side of the road. It is not an official city sign. Councilman Nathan asked if the stop sign would be for both sides. Mr. Dempsey replied that it would only be on Van Rensselaer. Mr. Dempsey also recommended the bushes at the intersection getting cut back. Councilman Stacks asked who owns the land at the intersection. Mr. Usry replied that he believed the club owns it. Mr. Dempsey said the fake sign would go away.

Councilwoman Souza made a motion, seconded by Councilman Stacks, to open a public hearing. The Council unanimously agreed.

No one from the public had signed up to speak on this matter. Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to close the public hearing. The Council unanimously agreed.

Councilwoman Souza made a motion, seconded by Councilman Henderson, to adopt a local law amending Chapter 191, Article II "Traffic Regulations" of the Code of the City of Rye, by amending § 191-12 "Stop intersections." to add three new stop signs at Forest Avenue at Van Wagenen Avenue, Highland Road westbound at Club Road and Van Rensselaer Road at Kirby Lane as follows:

LOCAL LAW NO. 2 2023

A Local Law to amend Chapter 191, Article II “Traffic Regulations” of the Code of the City of Rye, by amending § 191-12 “Stop intersections” to add three new stop signs at Forest Avenue at Van Wagenen Avenue, Highland Road westbound at Club Road and Van Rensselaer Road at Kirby Lane.

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

Section 1. Chapter 191, titled “Vehicles and Traffic,” Article II titled Traffic Regulations” is hereby amended in the Rye City Code as follows:

Article II

Traffic Regulations

§ 191-12 Stop intersections.

Pursuant to § 1603 of the Vehicle and Traffic Law of the State of New York, the City Manager is hereby authorized to designate, subject to the approval of the City Council, full-stop locations. The following locations are designated full-stop locations, and a stop sign shall be installed at the designated location:

Name of Street	Location
Anchor Drive	At Rye Road
Avon driveway	At Peck Avenue
Boulder Road	At Stoneycrest Road
Bradford Avenue	At Florence Avenue
Brevoort Lane	At Captains Lane
Brevoort Lane	At Greenhaven Road
Brevoort Lane	At Rye Road
Brown Avenue	At Apawamis Avenue
Brown Avenue	At Orchard Lane
Captains Lane	At Rye Road
Cedar Place	At Manursing Avenue
Cedar Place	At Sylvan Place
Central Avenue	At Maple Avenue
Central Avenue	At Summit Avenue
Centre Street	At Brown Avenue
Chester Drive	At Harbor Lane

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Name of Street	Location
Chestnut Street	At Central Avenue
Claremont Avenue	At Morehead Drive
Clinton Avenue	At Central Avenue
Colby Avenue	At Morehead Drive
Coolidge Avenue	At Glen Oaks Drive
Coolidge Avenue	At Harding Drive
Coolidge Avenue	At Osborn Road
Coolidge Avenue	At Park Avenue
Coolidge Avenue	At Wilson Drive
Cowles Avenue	At Apawamis Avenue
Cowles Avenue	At Intervale Place
Dalphin Drive	At Hix Avenue
Davis Avenue	At Manursing Avenue
Elizabeth Street	At Grandview Avenue
Evergreen Avenue	At Elizabeth Street
Evergreen Avenue	Where the north fork meets the south fork
Fairway Avenue	At Green Avenue
Fairway Avenue	At Hewlett Avenue
First Street	At Purdy Avenue
First Street	At Smith Street
Florence Avenue	At Bradford Avenue
Florence Avenue	At Glen Oaks Drive
Florence Avenue	At Harding Drive
Florence Avenue	At Park Avenue
Forest Avenue	At Van Wagenen Avenue
Fulton Avenue	At Parkway Drive
Glendale Road	At Locust Avenue
Glen Oaks Drive	At Coolidge Avenue
Grandview Avenue	
Grandview Avenue	At Cedar Street
Grupal Street	At Palisade Road
Green Avenue	At Fairway Avenue
Greenhaven Road	At Rye Road
Halls Lane	At Stuyvesant Avenue
Harbor Lane	At Barlow Lane

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Name of Street	Location
Harding Drive	At Coolidge Avenue
Hewlett Avenue crosswalk	Opposite the southerly entrance of the driveway which runs along the easterly side of Milton School, when school is in session (A portable stop sign shall be maintained at that location.)
Highland Road, westbound	At Club Road
Hillside Road	At Grandview Avenue, 4-way
Lake Road	At Brevoort Lane
Lindbergh Avenue	At Chamberlain Street
Lindbergh Avenue	At Hix Avenue
Loewen Court	At Central Avenue
Lynden Street	At Brown Avenue
Macy Road	At Sunnyside Avenue
Maple Avenue	At Central Avenue
Maple Avenue	At High Street
Maple Avenue	At Locust Avenue
Milton Road	At the driveway exit from 520 Milton Road
Norman Drive	At Rye Road
North Island Drive	At Van Rensselaer Road
Oakland Beach Avenue	At the driveway exit from 520 Milton Road
Old Post Road, at turnoff	From Post Road
Old Post Road, eastbound	At Triangle
Ormond Place	At Halstead Place
Ormond Place	At Overlook Place
Overdale Road	At Greenhaven Road
Playland Access Drive	At Old Post Road
Redfield Street	Old Rye Beach Avenue
Reymont Avenue	At Morehead Drive
Ridge Street	At High Street
Rye Country Day School exiting driveways	
Rye Road	At Captains Lane
Rye Road	At Greenhaven Road
Rye Road	At Norman Drive
Rye Road	At Sound Road
Rye Road, westbound	At Brevoort Lane

Name of Street	Location
Station Plaza	At Peck Avenue
Station Plaza	At Third Street
Stuyvesant Avenue	At Milton Road
Stuyvesant Avenue	At Van Wagenen Avenue
Summit Avenue	At Central Avenue
Summit Avenue	At Locust Avenue
Sylvan Place	At Davis Avenue
Theall Road	At Osborn Road
Theall Road	At Playland Access Drive
Third Street	At Purdy Avenue
Thruway Access Drive	At Old Post Road
Van Rensselaer Road	At Kirby Lane
Van Wagenen Avenue	At Stuyvesant Avenue
Walden Lane	At Brevoort Lane
Walnut Street	At Central Avenue
Wappanocca Avenue	At Natoma Street
Wappanocca Avenue	At Blind Brook Lane
Wilson Drive	At Coolidge Avenue
Woodland Drive	At Rye Road

Section 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 3: Effective Date.

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

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Fontanes, Henderson, Johnson, Nathan, Souza,
Stacks
Nays: None
Absent: None

14. Open a public hearing to adopt a local law amending Chapter 191, Article III “Parking Regulations” of the Code of the City of Rye, by amending § 191-19 “No Parking Anytime.” to prohibit parking on the north side of Central Avenue between Maple Avenue and Summit Avenue.

Councilwoman Souza made a motion, seconded by Councilman Stacks, to open a public hearing. The Council unanimously agreed.

Mr. Dempsey said the section of Central Avenue between Maple Avenue and Summit Avenue goes up towards Harrison is the last block on Central Avenue. He said his committee was approached by several neighbors there who were asking for no parking on one side of the street. Over the years, the City has done some changes in the area in terms of no parking here to corner. He said from the Theodore Fremd Avenue intersection to Summit Avenue, there was only parking permitted on one side of the street. Years ago, this section got changed back to having parking on both sides. He said one of the resident’s concerns was in terms of Fire Department and emergency service impacts. Mr. Dempsey said he had the fire engines go the area at different times, but they were able to get through. However, the fire engines never experienced driving through the area with cars parked on both sides and another car traveling on the road.

The section of the road is about 27 ft. wide. If there is a car on each side taking up 8 ft. on each side, that leaves about 10 ft., so that is only room for one direction of traffic at a time. If someone is driving in the opposite direction, a driver will have to pull over and let the other driver go through. Mr. Dempsey said there are no sidewalks on this section of the street, as opposed to the rest of Central Avenue from Maple Avenue to Theodore Fremd Avenue. The area residents’ main concern is that when people are walking, or their children are walking, there is no sidewalk from them, so they are walking in the street with parked cars on each side. People come off of Locust Avenue onto Summit Avenue and use Central Avenue as a cut-through.

Mr. Dempsey said his committee wants to make sure that people can have enough parking because there is various multi-family housing in the area. People in the area are able to follow the winter rules and park off the street. Prohibiting parking on one side would leave enough parking on the other side for any residents who want to park on the street itself.

Councilwoman Sousa asked, presuming the amendment passes, if there would be notice to people in the area so they would not be ticketed right away. Mr. Dempsey replied that a public hearing was necessary for this purpose. Councilman Henderson asked if Mr. Dempsey was confident that everyone in the area knew that the City is contemplating this change. Mr. Dempsey replied that the proposed amendment has been noticed.

No one from the public signed up to speak on the matter. Councilman Stacks made a motion, seconded by Councilwoman Johnson, to close the public hearing. The Council unanimously agreed.

Councilwoman Souza made a motion, seconded by Councilman Stacks, to adopt a local law amending Chapter 191, Article III “Parking Regulations” of the Code of the City of Rye, by

amending § 191-19 “No Parking Anytime.” to prohibit parking on the north side of Central Avenue between Maple Avenue and Summit Avenue, as follows:

LOCAL LAW NO. 3 2023

A Local Law to amend Chapter 191, Article III “Parking Regulations” of the Code of the City of Rye, by amending § 191-19 “No Parking Anytime.” to prohibit parking on the north side of Central Avenue between Maple Avenue and Summit Avenue.

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

Section 1. Chapter 191, titled “Vehicles and Traffic,” Article III titled “Parking Regulations” is hereby amended in the Rye City Code as follows:

Article III

Parking Regulations

§ 191-19 No parking any time.

The parking of vehicles is hereby prohibited in all of the following locations:

Name of Street	Side	Location
<i>*Promulgated by City Manager with approval of City Council.</i>		
Apawamis Avenue	North	From Milton Road to Midland Avenue
Apawamis Avenue	South	Extending 40 feet east and west of Cowles Avenue
Blind Brook Lane	South	
Boston Post Road	East	From northeast corner of Parsons Street to Mamaroneck line
Boston Post Road	East	From Rectory Street to Port Chester boundary line
*Boston Post Road	West	From Port Chester line to Mamaroneck line
Boston Post Road	West	From Rectory Street to Port Chester boundary line
*Cedar Street	North	From Purchase Street to Post Road
Central Avenue	Both	From Clinton Avenue to Theodore Fremd Avenue
Central Avenue	North	From Maple Avenue to Clinton Avenue
Central Avenue	North	From Maple Avenue to Summit Avenue

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Name of Street	Side	Location
Central Avenue [Added 12-2-1981; repealed 10-20-1982]		
*Chestnut Street	West	From Orchard Avenue to Central Avenue
*Clinton Avenue	West	From High Street to Central Avenue
*Cottage Street	Both	From Midland Avenue to the Port Chester line
Davis Avenue	East	From Manursing Avenue to Sylvan Place
Elizabeth Street	South	
Evergreen Avenue	All	On all three sides of the triangle abutting Grandview Avenue and Evergreen Avenue
*First Street	Both, except within designated parking area	
*First Street	Both	From Purdy Avenue to Station Plaza
*First Street	West	From loading zone from Purdy Avenue to Smith Street
*Forest Avenue	East	From Cornell Place to Playland Parkway
Gramercy Avenue	Both	
Grandview Avenue	East	From High Street to Cedar Street
Grandview Avenue	West	From the northern property boundary of Rye Country Day School property on the west side of Grandview Avenue to Cedar Street
Grapal Street	Both	From Grace Church Street to a point 30 feet southwest of its intersection with Grace Church Street
Hammond Road	Both	
Harbor Terrace Drive	East	To Westbank Road
Harbor Terrace Drive	South	From Westbank Road to Hix Avenue
*Haviland Lane		Parking lot side of main firehouse — "Firemen Only"
Hewlett Avenue	East	From the crosswalk opposite the southerly entrance of the driveway which runs along the easterly side of Milton School for a distance of 50 feet northerly
Hewlett Avenue	East	From Forest Avenue to a point 50 feet north of the southerly crosswalk to Milton School at the exit of their driveway

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Name of Street	Side	Location
Hewlett Avenue [Repealed 6-17-1992]		
*Highland Road	South	From Mendota Avenue to Purchase Street
*Highland Road	West	Harrison line to Club Road
*High Street	North	From Summit Avenue to Clinton Avenue
Hillside Road	Both	From Purchase Street to Boston Post Road
*LaSalle Avenue	East	At the terminus for a distance of 50 feet
*LaSalle Avenue	West	At the terminus for a distance of 35 feet
*Locust Avenue	Both	From Purchase Street to the easterly corner of Mead Place
Locust Avenue	Both	From Theodore Fremd Avenue to Harrison boundary line
Locust Avenue	North	From the easterly end of Mead Place to Theodore Fremd Avenue
*Manursing Avenue	North	From Davis Avenue to Midland Avenue
*Manursing Avenue	South	From Davis Avenue east to Forest Avenue
*Maple Avenue	East	From North Street to Locust Avenue
Maple Avenue	West	From North Street to Locust Avenue
*Mead Place	South	
*Mead Place	West	Across from side of YMCA Locust Avenue to curve in road
*Midland Avenue [Added 12-2-1981; repealed 8-16-1995]		
Midland Avenue	East	Ellis Court to Grace Church Street
*Midland Avenue	East	From a point 20 feet north of northerly entrance to Midland School circle from 8:15 a.m. to 8:45 and from 2:30 p.m. to 3:30 p.m. Monday through Friday
Midland Avenue	East	From entrance ramp of New England Thruway to Cottage Street
*Midland Avenue	West	From Cottage Street to Peck Avenue
*Milton Road	East	Palisade Road to Halstead Lane then from Hewlett Avenue to Stuyvesant Avenue
*Milton Road	West	Parsons Street to Brookdale Place
Natoma Street	South	
*North Street	Both	From Old Post Road to Harrison line
*Oakland Beach Avenue	Both	From Post Road to Milton Road

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Name of Street	Side	Location
*Orchard Avenue	South	Entire length
Osborn Road	North	Between Theall Road and the Harrison line
Osborn Road	South	Between Boston Post Road and the Harrison line
Osborn Road	North	From Boston Post Road to the entrance driveway to the Osborn School
*Palisade Road	Both	From a point 153 feet east of the intersection with Richard Place to a point 158 feet west of the intersection with Midland Avenue
*Palisade Road	North	From a point 153 feet east of the intersection with Richard Place to a point 158 feet west of the intersection with Midland Avenue
*Palisade Road	South	From a point 153 feet east of the intersection with Richard Place to Midland Avenue
Parsons Street	North	Milton Road to Post Road, except Sundays
Pondview Road	Both	From northerly driveway to Theodore Fremd Avenue
Purdy Avenue	Both	From Purchase Street to First Street
Purdy Avenue	North	From Boston Post Road to east side of post office property
Purdy Avenue	North	From Third Street to a point 50 feet west thereof
Purdy Avenue	South	From School Street to Boston Post Road
*Rectory Street	North	Entire length, except Sundays
*Rye Beach Avenue		
Rye Beach Avenue	South	From Forest Avenue to Old Rye Beach Avenue
School Street	East	
Second Street	Both	
Smith Street	Both	
*Summit Avenue	East	From High Street to Locust Avenue
Theodore Fremd Avenue	Both	From Purchase Street to entrance of Car Park No. 2
*Walnut Street	West	From Orchard Avenue to Central Avenue
West Purdy Avenue	Both	

Section 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 3: Effective Date.

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

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Fontanes, Henderson, Johnson, Nathan, Souza, Stacks
Nays: None
Absent: None

15. Continue the public hearing to consider an application from Airosmith Development engaged with AT&T to modify an existing facility located at 66 Milton Rd that does not substantially change the physical dimensions of the current facility.

Martin McGee from Airosmith Development represented AT&T, also known as New Cingular Wireless. Mr. McGee appeared before the Council at the November 9, 2022 meeting and was authorized to go to the Board of Architectural Review. On January 9, 2023, the Board of Architectural Review approved the application. Mr. McGee said he could answer any questions about the antenna swap.

No one from the public signed up to speak on the matter. Councilwoman Souza made a motion, seconded by Councilman Stacks, to close the public hearing. The Council unanimously agreed.

Councilman Henderson made a motion, seconded by Councilwoman Johnson, to approve the application from Airosmith Development engaged with AT&T to modify an existing facility located at 66 Milton Rd that does not substantially change the physical dimensions of the current facility. The Council unanimously agreed.

16. Open a public hearing for consideration of an application from AT&T to upgrade an existing public utility wireless communications services facility at 350 Theodore Fremd Ave.

Councilwoman Souza made a motion, seconded by Councilman Stacks, to open a public hearing for consideration of an application from AT&T to upgrade an existing public utility wireless communications services facility at 350 Theodore Fremd Ave. The Council unanimously agreed.

Attorney Maximillian Mahalek from the law firm of Cuddy & Feder appeared on behalf of AT&T. He said this application is a request for an upgrade to an existing wireless facility at 350 Theodore Fremd Ave. It is a straightforward update to the existing facility, replacing six of the antennas currently on the site, along with installing three new antennas and relocating one antenna.

None of the actual dimensions of the facility are going to change. This project is considered an eligible facilities request under federal law and regulations. Under that, there is a 60-day shot clock by which a municipality must approve a request for a minor modification such as this.

Mr. Mahalek said that AT&T is undertaking these modifications in part to expand service for AT&T's customers in the region and in particular to enhance what is called AT&T's First Net network, which specifically services emergency first responders. AT&T wants to enhance safety in the community by expanding access for emergency responders. Mr. Mahalek said there were no zoning, building, or storm water comments in the memorandum from LaBella. Following the referral from the City Council at the previous City Council meeting, this matter was considered by the Architectural Review Board, which did approve this project.

Councilwoman Souza asked if the City received anything from BAR in terms of aesthetics. Ms. Wilson replied that the project was approved as submitted. Councilman Nathan asked Mr. Mahalek if he had pictures of the project. Mr. Mahalek replied that there were pictures in the original submission and that he has a flash drive and hard copies of the some photos. Mr. Mahalek passed the hard copies to the City Council for review. The sectors mostly front onto I-95 and railroad frontage. There is a significant amount of landscaping and existing vegetation along Theodore Fremd Avenue itself, along with garages for residences immediately east to the parcel, which face directly onto the premises. There is a fence separating the residential properties from the frontage along Theodore Fremd Avenue. The project calls for adding three antennas, but they are within the existing framework on existing mounds, so there would not be any noticeable change. The photos that Mr. Mahalek circulated were all of the existing property.

Councilwoman Fontanes attended the BAR meeting as the City Council liaison. She said they were very satisfied with the presentation at the time that there was not a meaningful distinction. From an aesthetic point of view, the BAR did not have any concerns with the proposed changes.

Councilwoman Souza made a motion, seconded by Councilman Stacks, to close the public hearing. The Council unanimously agreed.

Councilman Henderson made a motion, seconded by Councilwoman Souza, to approve the application from AT&T to upgrade an existing public utility wireless communications services facility at 350 Theodore Fremd Ave. The Council unanimously agreed.

17. Consideration of a resolution to appropriate \$1.7 million from the Capital Projects Reserve account to complete the reconstruction of the flood damaged retaining wall on Blind Brook at Theodore Fremd. Roll Call.

City Engineer Ryan Coyne said that eight years prior to the commencement of the Forest Avenue sidewalks and five years prior to his employment with the city, the wall on Theodore Fremd was damaged in 2007 in a back-to-back flooding event in March and April. Through a series of plan iterations and inter-governmental agency trials and tribulations, the engineering department is at the point where it is getting ready to finish with New York State Department of Transportation review. The engineering department has worked through easements and issues

with the MTA real estate division. The wall abuts the MTA property. A Con Edison transmission runs under the wall. The engineering department is getting ready to be able to construct the wall upon approval and bidding.

The engineering department is requesting a resolution to authorize funding of \$1.7 million. The project has reimbursement funds coming from the Federal Highway Authority administered through the New York State Department of Transportation of approximately \$500,000 remaining. It is an 80/20 matching grant. It started at about \$1 million. The engineering department spent a few hundred thousand dollars on engineering and design costs, which leaves 600 in change, and 80% of that is about 500,000. Mr. Coyne said that the city would be on the hook for about \$1.7 million in construction costs estimates. However, the final bid award number would be the be-all end-all to that.

Mr. Usry said the cost of the project is reasonable based on what the City knows. He said even though the state has been administrating and working with the engineering department on this project, it is now the federal administrator that is coming in and effectively saying either advance the project or we will move along with the other portion of the grant funding. The City needs to demonstrate that it has the intention of completing the wall and doing it as soon as possible. The project will come back to the Council for a bid award. Nothing the Council does at today's meeting forces the Council to do or not to do something when that bid award comes back. Mr. Usry said this project has been in the capex plan for some time. It was included at this cost estimate, and based on all of the City's funding sources, as late as September. Mr. Coyne said the last construction cost estimate was at the end of 2021.

Councilman Henderson asked what was the purpose of the project. Mr. Coyne replied that the wall was a rubble stone wall that partially washed away, so about half of it is there now. The wall has deteriorated through more recent storms. If the wall is not replaced, it will continue to erode the parking lot and into Theodore Fremd. Mayor Cohn said that Hurricane Ida took out Theodore Fremd at the location.

Councilwoman Johnson asked if the City received any FEMA funds because the wall first came down in 2007. Mr. Coyne replied that in 2007 or 2008, due to the roadway classification of Theodore Fremd and Central Avenue, the Central Avenue bridge project and the Theodore Fremd retaining wall were not reimbursed by FEMA the same way other projects were on lesser-classified roadways. That classification pushed the city into Federal Highway Administration funds, which are administered through the DOT. The projects were actually combined into one project and one cost estimate done in 2007. The City then replaced the Central Avenue bridge in 2013. A big chunk of those funds were taken for that project, and the City only has what is remaining for Theodore Fremd.

Councilwoman Johnson asked if the county would get involved in the project since Theodore Fremd is a county road. Mr. Usry said that for the last two years, the City has done everything it could to engage the county, engage Con Ed, engage MTA, and engage Transco who owns the gas line in making the argument that the wall is important to all of their infrastructure, and it is a county road, to no avail.

Councilwoman Johnson asked if the water taking parking lot spaces was accounted for in the design. Mr. Coyne replied that the wall is required to be replaced in kind. There are hydraulic analyses that were done and had to be approved by the DOT ensuring that no further restriction of water be allowed. Mr. Coyne said he believes the City will be able to convey a slightly greater amount of flow through the culvert, but there will not be a 5-ft. tall wall that is going to stop that. It is not a flood mitigation project. The wall would allow more flow through, so it will help on paper. Mr. Coyne said that the wall will be concrete, steel piles with poured concrete in between the buttresses.

Councilman Stacks made a motion, seconded by Councilwoman Souza, to approve a resolution to appropriate \$1.7 million from the Capital Projects Reserve account to complete the reconstruction of the flood damaged retaining wall on Blind Brook at Theodore Fremd.

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Fontanes, Henderson, Johnson, Nathan, Souza, Stacks
Nays: None
Absent: None

18. Consideration of a resolution to appropriate \$116,671 from the Capital Projects Reserve account for the Rye Town Park 2022 capital supplement. Roll Call.

Councilman Henderson made a motion, seconded by Councilwoman Johnson, to approve a resolution to appropriate \$116,671 from the Capital Projects Reserve account for the Rye Town Park 2022 capital supplement.

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Fontanes, Henderson, Johnson, Nathan, Stacks
Nays: None
Abstain: Souza

19. Resolution authorizing the City Manager to retain Dichter Law LLC for an amount not to exceed \$9,000 for professional fees and services regarding water rate increases. Roll Call

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to approve a resolution authorizing the City Manager to retain Dichter Law LLC for an amount not to exceed \$9,000 for professional fees and services regarding water rate increases.

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Fontanes, Henderson, Johnson, Nathan, Souza, Stacks
Nays: None
Absent: None

20. Authorization for the City Manager to engage Hodgson Russ, LLP for consulting services. Roll Call.

Councilman Nathan made a motion, seconded by Councilwoman Souza, to approve an authorization for the City Manager to engage Hodgson Russ, LLP for consulting services.

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Fontanes, Henderson, Johnson, Nathan, Souza, Stacks
Nays: None
Absent: None

21. Consideration to amend the 2023 City Council Meetings calendar to allow the budget presentation to take place on the Wednesday following the November 7th election. The second November Council Meeting and Budget Workshops will be adjusted accordingly. (See proposed calendar).

Councilman Nathan made a motion, seconded by Councilwoman Johnson, to approve a consideration to amend the 2023 City Council Meetings calendar to allow the budget presentation to take place on the Wednesday following the November 7th election. The Council unanimously agreed.

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

Mayor Cohn said he is renewing Anna Maria LaMonte (term expiring December 31, 2025) and Tony DiGiacomo on Traffic and Pedestrian Safety and thanking Suki van Dijk for her service. (Mr. DiGiacomo is continuing his service of his current term which expires on December 31, 2023).

23. Old Business/New Business.

There were no old or new business items to discuss.

24. Adjournment.

Councilwoman Souza made a motion to adjourn, seconded by Councilman Stacks, to adjourn the meeting at 8:19 P.M. The Council unanimously agreed.

Respectfully submitted,

Carolyn D'Andrea
City Clerk

DRAFT UNAPPROVED MINUTES of the
Special Meeting of the City Council of the City of
Rye held in City Hall on February 6, 2023, at 6:30
P.M.

PRESENT:

JOSH COHN, Mayor
CAROLINA JOHNSON
BENJAMIN STACKS
JULIE SOUZA
Councilmembers

ABSENT:

LORI FONTANES
BILL HENDERSON
JOSHUA NATHAN
Councilmembers

The Council convened at 6:32 P.M. The meeting was held in person and streamed live at www.ryeny.gov for public viewing.

1. Pledge of Allegiance.

Mayor Cohn led the Council in the Pledge of Allegiance.

2. Roll Call.

Assistant City Manager, Brian Shea, called the roll. Councilmembers Fontanes, Henderson and Nathan were absent, but there was a quorum present to conduct official City business.

3. Consider setting a public hearing to adopt a three-month moratorium in the City of Rye temporarily prohibiting the clear-cutting of trees on any lot without a permit for the duration of this moratorium.

Mayor Cohn started the discussion by explaining the purpose of this item is to set a public hearing to adopt a three month moratorium as it relates to the removal of trees. Councilwoman Souza asked if they could discuss the verbiage prior to setting the public hearing to which Mayor Cohn agreed. With much discussion, the draft language was amended to the updated draft language that will accompany the agenda for the February 15th meeting.

Councilwoman Johnson thanked Corporation Counsel Wilson for drafting the language in such a quick manner.

Mayor Cohn invited the public to speak if they had any comments.

Katherine Briggs, 1 Walnut St., asked the Council to consider how construction can affect the root system of a healthy tree several years after the project is complete. She suggested a

program where removed trees must be replaced or money is provided towards the city planting and maintaining trees on public land around the city. She also felt holding back a building permit for 15 months is too long of a timeframe if a mistake was made by the builder.

Lucy Berkoff, 387 Forest Ave., provided the Council with photos of a large beech tree that was unnecessarily removed from the corner of Forest Avenue and Manursing Avenue, which supported the need of revising the current law. She stated the removal of invasive species should be considered and to include language for the preference of native trees. She provided additional photos of invasive trees that remained and native trees that were unnecessarily cut down within the city.

Todd Smith, 241 Forest Ave., spoke in support of the consideration of the moratorium. He hopes the city will consider how excavation can affect wide rooted trees and how damaging severe trimming can be.

Lisa Chen, 296 Milton Rd., suggested larger caliper trees, such as 20 inches or more as codified by Scarsdale and Harrison, automatically become subject to a 3 month moratorium, with the exception of emergency removal. She added that the arborist needs to be an impartial arborist retained by the city and paid by the applicant, not an applicant that can retain and sway an arborist to their interest. The Council agreed and asked Corporation Counsel to make the amendments to the draft law.

Terry McQuade-Kao, 45 Fairway Ave., spoke in support of the proposed moratorium. She stated she would support increasing taxes to have a full time employee to address the issue of trees. She added her disappointment of an interior lot in her neighborhood being cleared in one business day and how a revised tree law has been needed in this community for years.

Tony Kao, 45 Fairway Ave., spoke in support of the proposed moratorium. He stated the city should consider where the water goes when a tree is cut down and felt the cost to cut down a street should be at maximum to deter applicants from applying. He stated he supported additional special meetings, like this evening, so the law can be codified as quickly as possible.

Jeremy King, 33 Fairway Ave., spoke in support of the proposed moratorium. He felt a 3 month moratorium is a good timeframe to complete the proposed law. He added that the one year penalty was not enough of a financial penalty to the developer and should be increased. Lastly, he felt action items should be reviewed of those who cut down trees from the time the public was notified of this special meeting.

Daniel Greto, 56 Sonn Dr., resident and owner of Central Tree Service in Rye, introduced himself as a Certified Arborist by the ISA (International Society of Arboriculture) and clarified that there is no such title as New York State Certified Arborist. He felt two trees per property is too restrictive, especially after a catastrophic event, and since the city has various size lots such as quarter acre lots and 57 acre lots, like the Osborn. He added invasive species should be taken off the list and they must consider scenarios such as homeowners insurance policy that will not be written unless a particular tree is removed because it is too close to the home. He pointed out the language suggests a measurement of 48 inches above ground, but the industry standard is 54

inches, and felt a certified arborist and/or professional should be hired to assist in the language of the law, not a landscape architect. He felt the city was rushing on the 3 month moratorium that could stretch upwards to a year and should have further discussion with professionals.

Kristin Bosacco, 33 Valleyview Ave, spoke in support of the proposed moratorium, especially since a recent lot was cleared of trees with no removal plan and hoped the new law would consider environmental reviews on the impact of removed trees to surrounding properties.

Emily, George & Charlie Hurd, 21 Green Ave, spoke in support of the proposed moratorium. Ms. Hurd felt the city should have discretion on what trees are removed and how it impacts a neighborhood beyond what the current code states. She, George, and Charlie spoke about the importance and various facts of trees.

Sanaz Raczynski, 790 Forest Ave, expressed her frustration of the lot in her neighborhood in which many trees were taken down. She felt an ecological review should be done for trees prior to its removal and should mirror the Brazilian forest law that dictates not one single tree can be removed without a permit and one tree must be planted for every one tree removed.

Kassandra Souply, 47 Centre St., spoke in support of the proposed moratorium, especially after seeing a neighboring property remove trees that were not scheduled to be removed, per the Board of Architectural Review plan. She also felt the monetary fine needed to be steeper. She added that the neighboring construction directly affects her trees' root systems and architectural plans should be amended so they do not damage existing trees, instead of removing them.

Ms. Souply asked about the timeframe of the moratorium and Mayor Cohn clarified that hearing would be held at the February 15th meeting, and if it passes, it would be effective upon filing with the Secretary of State, which would be the next day, February 16, 2023. He added this special meeting was a result of the clear cutting that occurred suddenly and also so they can address these time sensitive concerns, by taking action of a moratorium at the next regularly scheduled meeting.

Mr. Greto returned to answer a question asked regarding the standard measuring height of other municipalities to which he confirmed was 54 inches, the industry standard. He felt keeping it consistent would be best.

There was general discussion on the monetary fine if someone cut down a tree during the moratorium. Corporation Counsel Wilson suggested there could be a correlation of the tree removed and the cost of what a similar replacement would be. The Council agreed that the verbiage should be amended to provide a range instead of a set amount.

Mr. Smith felt language should be added for when a tree is removed, a tree should be replaced with like kind or of a minimum size, replacement quantity, or type of trees. Mr. Greto advised the Council they must consider the initial intent of what was planted and the landscape plan, instead of dictating what must be planted.

Councilwoman Johnson clarified that all these considerations will occur during the drafting of the law and this current agenda item is to set the public hearing.

Councilwoman Souza stated that the tree moratorium is what the city needs and felt her colleagues that did not show up was a disappointing political statement.

Councilwoman Souza made a motion, seconded by Councilman Stacks, to set a public hearing to adopt a three-month moratorium in the City of Rye temporarily prohibiting the removal of trees on any lot without a permit for the duration of this moratorium.

4. Adjournment

The meeting was adjourned at 7:55pm.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: February 1, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Flooding Update.

FOR THE MEETING OF:

February 15, 2023

RECOMMENDATION: That the City Council hear the update.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: February 7, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Open a public hearing to adopt a three-month moratorium in the City of Rye temporarily limiting the removal of trees on any lot without a permit for the duration of this moratorium.

FOR THE MEETING OF:

February 15, 2023

RECOMMENDATION:

That the Council open the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Public hearing was set at a Special Meeting on February 6, 2023.

CITY OF RYE

LOCAL LAW NO. __ OF 2023

A Local Law adopting a three-month moratorium in the City of Rye temporarily ~~prohibiting-limiting~~ the ~~clear-cuttingremoval~~ of trees on any lot without a permit for the duration of this moratorium.

WHEREAS, in recent years, the City of Rye’s remaining undeveloped lots have been clear-cut of trees prior to any building permit or other discretionary approval being applied for and/or granted; and

WHEREAS, the City Council would like to address substantive changes to the City of Rye’s Chapter 187 “Trees”, including, but not limited to requiring a permit or other approval prior to the removal of trees on property regardless of whether other discretionary or non-discretionary approvals are needed; and

WHEREAS, the City Council finds that ~~clear-cuttingremoving trees-properties~~ dramatically changes the character of a neighborhood, raises privacy issues, may negatively impact the surrounding properties’ values and alters drainage patterns; and

WHEREAS, the City Council further finds that conservation of native specimen trees is a priority as the benefits for our environment include, but are not limited to, protecting some of the fauna; and

WHEREAS, the City Council has determined that it is appropriate to review the City’s existing Chapter 187 and other land use regulations regulating trees and has been working on redrafting the provisions but is desirous of preserving trees that are in danger of being removed immediately without this new legislation in place; and

WHEREAS, the City expects that it may require up to three months to consider the aforementioned issues and prepare any necessary legislative amendments.

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

Section 1. Findings and Purpose.

The City Council wishes to review the existing land use regulations, and the lack thereof, permitting the ~~clear-cuttingremoval~~ of trees without any review by the City’s land use boards and professionals. The goals of the City Council include, but are not limited to, the overall preservation of existing mature trees in the City, protecting sensitive environmental features of property, impeding soil erosion, aiding water absorption, reducing storm water runoff, ensuring that the appropriate landscaping plans can be

incorporated with new development, and maintaining the health, welfare and safety of its residents while allowing for reasonable and appropriate development.

Section 2. Enactment of Moratorium. Prohibited Actions.

For purposes of this moratorium, the following actions are prohibited in the City:

~~A.~~ ~~Cutting down~~Removing more than ~~three-two (2)(3)~~ trees of over ~~108~~-inch caliper as measured at a point ~~48-54~~ inches above ground level at the base of the tree on any parcel.

~~A.B.~~ Removing any tree of 20-inch or greater caliper as measured at a point 54 inches above ground level at the base of the tree on any parcel.

~~Any building permits for new construction or structures that require a foundation shall include a tree inventory of the property including specimens and measurements. Such tree inventory shall be submitted to the building department or any other land use board or committee that has jurisdiction over the proposed action and such department, board or committee shall review such inventory and take into consideration what trees, if any, shall be preserved as it relates to its authority and jurisdiction over the project.~~

B. Section 3. Exceptions to Moratorium.

~~C.A.~~ This moratorium excludes the need to remove unhealthy, ~~and~~ diseased ~~or~~ damaged trees. In these circumstances, if there are more than ~~three-two (2)(3)~~ trees of over ~~108~~-inch caliper as measured at a point ~~48-54~~ inches above ground level at the base of the tree on any parcel, the property owner or his/her agent shall contact the City's retained ~~submit a report by a~~International Society of Arboriculture certified arborist and request a report ~~assessing the trees to be removed. Such report shall New York State certified arborist be submitted to the City's Bbuilding Ddepartment for review and approval. The cost of any such report shall be the applicant's responsibility.~~ Based on this report and any other supporting evidence, the Bbuilding Ddepartment shall permit, shall permit with conditions, or deny permission to remove the identified alleged unhealthy, ~~and~~ diseased ~~or~~ damaged trees.

B. This moratorium excludes trees located in a public right-of-way.

~~D.C.~~ In the event of an emergency and the property owner is unable to contact the City's ISA arborist as soon as needed, the property owner may seek approval to remove any tree from the tree foreman. If a utility company proposes to remove any tree, permission must be obtained from the building department, except in the event of an emergency situation. Trimming of branches for routine utility work shall be permitted.

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~~E.~~ If work is performed during this moratorium period that results in the removal of trees in violation of these regulations, there is the rebuttable presumption that the work was intended to circumvent the moratorium and no building permit for any structure (or expansion thereof) shall be granted for one year year from the date of the violation. In addition, a fine of \$2,500 may be assessed for each tree removed in violation of this moratorium.

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~~F.D.~~ After an extreme weather event, as declared by the ~~Mayor~~ or City ~~Manager~~ Engineer, removal of damaged trees may be ~~removed without a permit~~ allowed. In such circumstances, the property owner shall maintain documentation showing the need for removal.

~~E.~~ If a tree(s) were authorized to be removed as part of an approval granted by any City Department or Board, including the Board of Architectural Review, Planning Commission, ~~or~~ Board of Appeals, and City Council prior to the effective date of this moratorium, such tree(s) are permitted to be removed.

Section 4. Enforcement.

~~A.~~ If work is performed during this moratorium period that results in the removal of trees in violation of these regulations, there is the rebuttable presumption that the work was intended to circumvent the moratorium and no building permit for any structure (or expansion thereof) shall be granted for one year from the date of the violation. In addition, a fine ranging between \$2,500 and \$10,000 may be assessed to the property owner and/or the contractor/company performing the work for each tree removed in violation of this moratorium, depending on the size and maturity of the tree(s) illegally removed.

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Section ~~35~~. Appeals/waiver.

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

1. Unnecessary hardship to the petitioner, which hardship is substantially greater than any harm to the general public welfare that would result from the granting of the waiver. The property owner shall have the burden of demonstrating to the City Council that a waiver is warranted due to substantial hardship and that

such substantial hardship was not the result of an act or omission by the applicant or property owner. In considering this factor, the City Council may request information regarding alternatives to the proposed tree removal and/or whether there are additional long-term plans; and

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

~~3.2.~~ Whether the application for which the relief is requested is consistent with any recommendations, or conclusions which may be drawn at the time of the public hearing from the aforementioned City Council review and study; and

~~4.3.~~ Whether the applicant is in compliance with all other City Code requirements with respect to the City's land use regulations; and

~~5.4.~~ Whether the application for which the relief is requested is consistent with any proposed regulations, if and as such may exist at the time of the public hearing.

B. Waiver procedure. Such petition shall be the subject of a public hearing before the City Council. Upon submittal of a written petition to the Building Department by the property owner or applicant seeking a waiver of this moratorium and supported by such documentation as the applicant deems relevant, the City Council shall, within thirty (30) days of receipt of such petition, conduct a public hearing on said petition upon five (5) days public notification in the official newspaper of the City. The City Council shall, within ten (10) days of the close of the hearing, render its decision in writing, either granting or denying the petition.

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

Section ~~46.~~ Length of Time. Early Termination or Extension of this Local Law.

This moratorium shall be in effect for three (3) months from the effective date. In the event any new Local Law which addresses the substantive issues set forth herein, should be enacted and adopted by the City Council prior to the date that the moratorium imposed by this Local Law expires, then in that event, the moratorium imposed by this Local Law shall expire on the date such new Local Law takes effect in accordance with § 27 of the Municipal Home Rule Law.

In like manner, if more than three (3) months have passed since the implementation of this Local Law, and it shall be determined by a finding of the City Council that an extension of this moratorium is required, then the City Council by resolution, may extend this moratorium for such a period of time as it deems necessary in order to further the purposes of this law up to and including an additional 270 days from the date of the original expiration of this Local Law.

Section 57. Conflicts with State Statutes and Authority to Supersede.

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

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

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

Section 68. 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 79. Effective Date.

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



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: February 9, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Authorization for City Manager to engage Ramboll Engineering for an amount not to exceed \$50,000 from the General Capital Projects account for additional services related to the evaluation of potential flood measures within the Blind Brook Watershed.

FOR THE MEETING OF:

February 15, 2023

RECOMMENDATION: That the Mayor and Council authorize the City Manager to further engage Ramboll Engineering for the proposed services.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The City of Rye has experienced periodic flooding and resulting significant damage caused by heavy rainfall events. The City has been seeking to identify viable flood mitigation measures and as well as Federal funding assistance for these measures. The City initially engaged Ramboll in February of 2022. Attached is a proposal for additional engineering services by Ramboll related to the evaluation of potential flood resiliency measures within the Blind Brook watershed. Ramboll has assisted Rye since 2016 and has extensive knowledge of the watershed.

See attached proposal.



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

Flood Mitigation Consulting Services

FILE: 1143027/BD

Dear Mr. Usry,

Date December 27, 2022

Ramboll Americas Engineering Solutions, Inc. (Ramboll) is pleased to present this proposal for consulting services related to the flood mitigation initiatives undertaken by the City of Rye.

This proposal includes the following sections:

- Project Background
- Scope of Work
- Assumptions
- Schedule and Fee

Ramboll
303 W. Washington St
Syracuse, NY 13202
USA

T 315-956-100
<https://ramboll.com>

1. PROJECT BACKGROUND

The Blind Brook watershed (United States Geological Survey (USGS) Hydrologic Unit Code (HUC) 12-011000060405), a tributary to the Long Island Sound, is located in southeastern New York and southwestern Connecticut and contains portions of the Town of Greenwich, Connecticut, the City of Rye, the Town/Village of Harrison, and the Villages of Rye Brook and Portchester, New York.

The portion of the Blind Brook that runs through the City of Rye has experienced significant flooding associated with periodic heavy rainfall events (*e.g.*, nor'easters and hurricanes) that resulted in loss of life and significant damages to properties and economic activity. Several studies have been conducted to date regarding the flooding along Blind Brook, mainly focusing on providing recommendations for how to reduce the impact of flooding on the local community. Since 2016 Ramboll has been assisting the City of Rye with implementation of flood mitigations measures within the Blind Brook watershed and through this work Ramboll has developed in-depth understanding of the

watershed. Ramboll’s expertise includes hydrologic evaluations (hydrologic modeling) of Blind Brook, site knowledge developed through involvement in project delivery (site visits), and review of prior studies conducted by others. Among other projects, Ramboll is currently involved in implementation of the Blind Brook monitoring system through its contract with the Dormitory Authority of the State of New York (DASNY), that will allow for near-real-time collection of water surface elevation data at two locations along Blind Brook. Ramboll has also recently completed a comprehensive evaluation of potential flood mitigation measures that identified economically viable projects that may provide measurable benefits to the watershed community and have been selected to be prioritized for implementation.

Among the identified projects, the SUNY Berms concept is considered a priority project because of its potential flood-mitigation benefits as well as relatively low cost (when compared to alternative projects resulting in comparable benefits). The City of Rye is currently pursuing implementation of this project by engaging in a range of activities including identification of potential funding sources; application for funding; coordination with stakeholders including municipalities, landowners, state and federal entities; and performing public outreach. This outreach process often needs to be supported by in-depth technical knowledge. The City of Rye has requested a proposal from Ramboll to provide continued technical support during the process of the SUNY Berms project implementation.

2. SCOPE OF WORK

Ramboll’s assistance will include four primary components that are discussed below:

TASK 1 – TREE INVENTORY SITE VISIT

One of the primary considerations of the SUNY Berms project is to minimize negative effects of the proposed berms on the environmental conditions on site (e.g., tree health, environmental habitat).

Additionally, it is expected that some changes to the frequency and extents of flooding conditions on site may be observed after the project is completed. Those changes may affect conditions on site (e.g., soil saturation, nutrient transport, soil compaction).

To further characterize potential impact of the proposed project on the existing forest, a site visit is proposed. The purpose of the site visit is to conduct a preliminary tree inventory and to observe and qualitatively evaluate existing site conditions to better understand the density, health and character of the existing Blind Brook riparian zone within the limits of disturbance of the proposed project.

It is proposed that up to two Ramboll employees (ecologists with expertise in ecological site assessment) will perform a one-day site visit. Ramboll employees conducting the site visit will perform the following:

- Identification of dominant tree species
- Estimation of the average and range of diameters at breast height (DBH) of dominant species
- Qualitative evaluation of tree health
- Photography of representative conditions.

Ramboll will develop a summary report that includes a general description of the site vegetative communities and discuss if flooding conditions, and the proposed project are expected to affect existing communities.

Following the site visit, the preliminary alignment of the berms shown in the 15% design drawings developed by Ramboll may further be adjusted both in location, size and shape to optimize the function of the system while preserving the natural environment on site. Revisions to the existing 15% design drawings are not proposed as part of this scope of work and are proposed to be implemented during detailed design phase.

TASK 2 – ASSISTANCE WITH EXTERNAL EXPERT COORDINATION

Since Ramboll assisted the City of Rye with development of the SUNY Berms concept, the City of Rye requested that additional evaluation of the proposed SUNY Berms project be conducted by an independent and external subject matter expert with documented (via peer-reviewed), published work in the field of ecology. The expert would be tasked with review of the proposed project, existing site conditions, and discuss potential changes to the flooding limits and frequency and provide a written opinion regarding the anticipated effects on the project on the existing site. To ensure independent and objective review of the project, the selected expert would be required to provide their opinion voluntarily and no changes to the outcomes of the expert’s opinion would be made by the City of Rye or Ramboll. Compensation paid to the expert is proposed to be a lump sum (\$10,000) intended to cover the time required to prepare the opinion). In addition to compensation to the expert, the City of Rye would agree to cover the cost of Ramboll’s assistance with communication with the expert and to reimburse in full any costs associated with the expert’s travel to the site (if requested). Ramboll will present the expert for the City of Rye’s consideration and approval of services.

TASK 3 – ECOLOGICAL ENHANCEMENT – CONCEPT DEVELOPMENT

The current 15% design level of the SUNY Berms project focuses on placement of the proposed berms to maximize the hydrologic benefits with relation to flooding conditions (e.g., reduction of water surface elevation along Blind Brook). To this point no significant consideration has been included in the project scope for potential for ecological enhancement of the existing site. The current site conditions will further be characterized as part of the site visit (TASK 1). Based on the outcomes of the site visit, and review of similar projects (review of literature, project documentation, completion reports, etc.), Ramboll will develop a summary of potential ecological enhancements that may be considered for inclusion in the overall SUNY Berms project scope. The goal of ecological enhancement would be to improve ecosystem conditions that may result in expanded habitat for known species (both fauna and flora), improved floodplain function, and improved accessibility of the site to local residents and the SUNY campus community, while providing flood mitigation to the Blind Brook community. Ramboll will develop a summary of potential ecological enhancement components. Implementation of those components into the project design is not included in this scope of work.

TASK 4– CONTINUED TECHNICAL AND CONSULTING ASSISTANCE

Ramboll has been assisting the City of Rye with development and implementation of their flood mitigation strategy since 2016. During this time Ramboll developed an in-depth understanding of the conditions contributing to observed flooding along Blind Brook and assisted with evaluation and implementation of a range of potential flood mitigation projects. The City of Rye requested Ramboll’s technical assistance in a broad range of flood related project initiatives. Task 4 of this scope of work is presented to facilitate continued assistance on an as-needed basis until the associated fees with this task are spent.

3. ASSUMPTIONS

The proposed work and the associated fee are based on the following assumptions:

- The TASK 1 tree inventory will be generally qualitative, with tree counts conducted as time allows, in representative areas. The inventory area will be based on site accessibility and time allowed (one day). Pending project progress into the detailed design phase, additional quantitative tree inventories may be required pursuant to local tree regulations prior to project implementation.
- Ramboll has engaged in communication with external experts but their willingness and availability to assist with the project is not guaranteed. If an expert willing to assist with this project is not found, Ramboll will be compensated for all costs associated with said coordination, regardless of the outcome.
- The expert opinion will be provided voluntarily and will only be compensated for the time required to prepare his opinion and summary report to ensure no influence by any involved parties. As such, the content of the opinion will be accepted in its entirety (without addition or exclusions by Ramboll or the City of Rye).
- A lump sum of \$10,000 is included in the project fee to cover direct payment to the selected expert.
- Ramboll will not be involved in direct lobbying on behalf of the City of Rye.

4. SCHEDULE AND FEE

Schedule Milestones:

1. The site visit (TASK 1) is expected to be completed within two months from project authorization and the actual date will be coordinated with the City of Rye.
2. It is proposed that all efforts associated with the search by the expert (Task 2) conclude no later than one month from project authorization. The expert will be expected to complete their evaluation of the project within one month from the time the expert is identified.
3. Ecological enhancement report (TASK 3) is proposed to be completed within two months after the site visit (TASK 1) is completed.

The Ramboll team proposes the above services are provided for a time and materials fee of **\$36,500 plus a \$10,000 lump sum fee for the expert (\$46,500 total)**.

A cost summary is provided in the attached Fee Estimate Worksheet (**Attachment 1**). Work would be performed in accordance with Ramboll's standard terms and conditions (**Attachment 2**).

Ramboll appreciates the opportunity to provide this proposal to you and looks forward to assisting you with this project. Should you have any questions regarding this proposal or care to revise its contents, please do not hesitate to contact Chris Calkins (315-247-5471) at your convenience. Should you find this proposal acceptable, please countersign this proposal on the line below.



Yours sincerely,

Chris Calkins
DIVISION DIRECTOR

D 315-956-6548

M 315-247-5471

christopher.calkins@ramboll.com

cc: Anthony Eallonardo, PhD (Ramboll)
Piotr Domaszczynski, PhD (Ramboll)