

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

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, August 9, 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 Special Meeting of the City Council held June 30, 2023.
4. Draft unapproved minutes of the Regular Meeting of the City Council held July 12, 2023.
5. Recognition of summer interns.
6. Flooding Update.
7. Resolution to create a Climate Smart Communities Task Force.
8. Resolution to name the members of the Climate Smart Communities Task Force and appoint a Coordinator.
9. Resolution to adopt new winter storage fees for residents and non-residents at the Boat Basin.
Roll Call
10. Review of the City's 5-year Capital Program.
11. Authorization to purchase a new Sewer Pump Truck for \$545,912.28 with monies from the Building and Vehicle Maintenance Fund.
Roll Call

12. Presentation of the 6-month financial results from Comptroller, Joe Fazzino.
13. Open a public hearing to amend Chapter 191, Article III “Parking Regulations” of the Code of the City of Rye, by amending § 191-21 “Parking, Standing or Stopping.” to prohibit parking, standing, or stopping from 100 ft North of Parsons Street to the entrance of Old Post Road on the west side of Boston Post Road.
14. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.
15. Resolution authorizing the City to exercise its authority to take a parcel of property by eminent domain for the repair of the Theodore Fremd Wall.
16. Adoption of the 2023/2024 tax levy and tax rate for the Rye Neck Union Free School District.
Roll Call
17. Appointments to Boards and Commissions by the Mayor with Council approval.
18. Old Business/New Business.
19. Adjournment

The next regular meeting of the City Council will be held on Wednesday, September 13, 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 Special Meeting of the City Council of the City of Rye held in City Hall on June 30, 2023, at 3:00 P.M.

PRESENT:

JOSH COHN, Mayor
LORI FONTANES
CAROLINA JOHNSON
JOSHUA NATHAN
Councilmembers

ABSENT:

BILL HENDERSON
JULIE SOUZA
BENJAMIN STACKS

The Council convened at 3:00 P.M. in person in Rye City Hall for the Special Meeting of the City Council. The meeting was called to order at 3:01.

The meeting was 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.

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

3. Consideration of resolution to approve a waiver of any potential conflict of interest on behalf of the law firms to be retained respectively by the City's Board of Ethics and Corporation Counsel in connection with litigation pending in Supreme Court, Westchester County bearing index NO. 62424/2023.

Mayor Cohn stated that a number of residents asked the petitioners to consider mediation, and the petitioners responded by inviting the Board of Ethics into mediation, extending the time for the BOE to respond by August 16th.

Councilman Nathan addressed that the Board of Ethics had selected counsel for representation in the litigation as well as counsel to work with Corporation Counsel Kristen Wilson because as a member of the Board of Ethics and a party to the lawsuit, and in her unique capacity as Rye counsel, she needs her own representation. In their selection, one of the firms raised an issue of conflict of interest in the firm representing the City in an unrelated matter, so they asked counsel to waive the conflict of interest, which prompted a Resolution that Councilman Nathan read into the record:

RESOLUTION PROVIDING INFORMED CONSENT

WHEREAS, the Board of Ethics has been interviewing law firms that can best represent its interests in the pending matter of Cohn, et. al. v. City of Rye Board of Ethics venued in Westchester County Supreme Court (the “BOE Matter”); and

WHEREAS, based on its interviews and discussions of the issues with potential legal counsel, both the Corporation Counsel and the BOE believe it is in the best interests of the parties to retain two separate firms to handle the issues that will arise in the defense of the BOE’s actions in the BOE Matter; and

WHEREAS, Corporation Counsel, in her official capacity, has provided advice to the City’s executive and legislative branches and has served as a member of and has provided legal advice to the Board of Ethics; and

WHEREAS, attorneys at the law firm of Carter Ledyard and Milburn (CLM) have, and are currently, providing counsel to the City of Rye concerning parkland alienation and the public trust doctrine (the “Parkland Matter”); and

WHEREAS, CLM believes the advice and representation it has provided and any future advice on the Parkland Matter it may provide is unrelated and will not interfere with their competent and diligent representation of interests of its client in the BOE Matter.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby provides informed consent regarding the conflict presented by the Parkland Matter.

There was discussion among the Counsel regarding the use of the word “executive” within the paragraph recognizing that Corporation Counsel worked within all three branches of Rye government which was a conflict of interest. That discussion can be found at minute 05:15.

The mayor then explained that the Board of Ethics settled on a law firm, and their choice was the law firm, Yankwitt LLP which requires no waivers. Furthermore, the legal action that the Mayor is on, as well as three of the other council members, was brought against the Board of Ethics to test their written opinion. The petitioners were not seeking damages. Corporation Counsel was in the narrative of the petition but no claim was made against her or any individual member of the BOE. The mayor then acknowledged that the City Council was asked to waive a conflict to hire a “white-shoe” Manhattan law firm to separately represent Corporation Counsel, which the mayor maintained made no sense and doubled the fees, also stating that Ms. Wilson had to have a lawyer and it became a new indemnity question that had not been before the Council for due examination. He hoped the Board of Ethics would work expediently with their counsel so the litigants could reach a swift resolution.

There was a further discussion among the Counsel regarding the Board of Ethics’ legal representation selection and well as the request to approve a waiver of conflict of interest. That discussion can be found at 09:26.

Mayor Cohn opened the meeting for public comment. The following individuals made public comment; please see <https://ryeny.new.swagit.com/videos/259812> at the following minute markers:

- Meg Cameron, 5 Martin Butler Court (21:36)
- Christine Ford, 2 Seneca Street (22:30)
- Eric Lane, 7 Eldredge Place (24:21)

Councilwoman Johnson needed to leave the meeting, so Mayor Cohn closed the public comment so that the Council could vote on the resolution.

ROLL CALL

Ayes: Councilmembers Fontanes and Nathan
Nays: Mayor Cohn and Councilwoman Johnson
Absent: Councilmembers Souza, Stacks, Henderson

The motion failed.

The Council heard more public comments.

Please see <https://ryeny.new.swagit.com/videos/259812> starting at 28:48.

- James Alban-Davies, 19 Waters Edge (28:48)
- Cole MacKay, 10 Heritage Lane (30:53)

Mayor Cohn replied to comments by highlighting the timeline of events regarding the tree law in Rye. (To hear the Mayor's statement, please go to minute 34:03)

- Leo Farrenkopf, 780 Forest Avenue (35:46)

4. Adjournment.

Mayor Cohn made the motion, seconded by Councilwoman Fontanes, to adjourn the Special Meeting of the City Council at 3:39 P.M. The meeting was adjourned.

Respectfully submitted,

Kayla Garritano
Interim City Clerk

DRAFT UNAPPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on July 12, 2023, at 6:30 P.M.

PRESENT:

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

ABSENT:

BILL HENDERSON

The Council convened in a public videoconference at 6:31 P.M. The meeting was 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.

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

3. Draft unapproved minutes of the Regular Meeting of the City Council held June 14, 2023 and the Special Meeting of the City Council held June 16, 2023.

Councilwoman Johnson made a motion, seconded by Councilman Nathan, to draft the unapproved minutes of the Regular Meeting held June 14, 2023, and the Special Meeting held June 16, 2023.

Before moving into the agenda, Mayor Cohn addressed the litigation brought by several Council members and the mayor against the Rye Board of Ethics. The public expressed significant concern about Council members using City funds for their legal representation. The petitioners had further discussed the matter and decided to bring a resolution to the Council, which Councilwoman Souza into the record.

BE IT RESOLVED that the text in the Council resolution providing financial support to the legal challenge to the BOE COA (Confidential Advisory Opinion) of February 13, 2023, is deemed stricken, and the resolution otherwise survives.

Councilwoman Souza made the motion, seconded by Councilwoman Johnson, to approve the resolution. Councilman Stacks read the resolution to be stricken:

“AND BE IT FURTHER RESOLVED, that an amount not to exceed forty-five thousand dollars (\$45,000.00) for legal counsel services performed from April 5, 2023 to the conclusion of the legal challenge in the trial court is approved for the city officials who are petitioners of case 62424/2023 filed in Westchester Supreme Court on June 13, 2023 (the “Litigation”) from the City’s Contingency Fund;”

ROLL CALL

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

4. Flooding Update.

Mayor Cohn shared the good news that the City of Rye received a \$5 million grant from the Bridge New York Program for work on the Locust Avenue Bridge, and the City must raise \$5 million to match. FEMA also reimbursed the city \$700,000 for the Rye Rec tennis court damage from Hurricane Ida.

City Manager Greg Usry explained that the governor increased funding for Bridge New York, and Rye received the maximum award of \$5 million, with the exception of Manhattan and Long Island. This was part of a NYDEC watershed study identified the Locust Avenue Bridge as a major contributor to flooding in Rye. Ryan Coyne and Brian Shea worked with grant advisors Millenium to win the tremendous award. Mayor Cohn thanked Shelly Mayer and Steve Otison.

As far as the tennis court repairs, Mr. Ursy said the tennis courts will be removed in the fall, and the City will reconfigure and rebuild the improved courts, including all the drainage and fencing. Lighting will be upgraded to Wi-Fi-controlled LED, and sound-proofed pickleball courts will be added.

Councilwoman Fontanes considered all the serious environmental and climate conditions that affect Rye. She noted New Rochelle started a climate-ready program, and asked if there should be a committee in Rye to facilitate discussion among community members. Mayor Cohn thought such a committee would be well-housed within Sustainability.

5. Acknowledgement of City Staff for 10, 15, 20, 25-year work anniversaries in 2023 with the City of Rye.

Mr. Usry highlighted that 25% of City employees had been with the City for 25 years or more, which was a tremendous statement about their dedication and the community for which they served. There were 14 key anniversaries in 2023, including Joe Fazzino who marked his 20th year as Rye’s Comptroller. Mayor Cohn shared the Council’s deep appreciation for the devoted service of City employees.

6. Update on Friends of Rye Nature Center by Executive Director Christine Siller.

Christine Siller joined the meeting to share Friends of Rye Nature Center’s annual report of impact, strategic goals, and finances, a nonprofit steward of the 47-acre preserve owned by the City with a mission to encourage conservation, provide environmental education, and support year-round access to nature. Ms. Siller discussed the history of the FRNC stewardship, the growth of its programs and partnerships, the new strategic plan through 2025 adopted by the FRNC Board, goals the Center has as far as preserving ecosystems, and future plans on improving its facilities. (To hear Ms. Siller’s full presentation, please visit <https://ryeny.new.swagit.com/videos/265589> at minute 14:54).

Ms. Miller shared a financial summary for FRNC. There was modest growth over the last two years, and the organization was in great financial shape. The intangible value of the passionate staff, volunteers, board, and community made the organization even more valuable. Ms. Miller dedicated her presentation to FRNC heroes Michael Penziner, his late wife Judy, and Henry King, for their inspirational commitment and love for the Nature Center.

Mayor Cohn commended Ms. Miller and the FRNC for their wonderful growth and impact and asked how it was achieved. Ms. Miller replied that she was fortunate to have a board that loved the Nature Center and supported the combined vision of the previous board, Lisa Sandler, and Ms. Miller. Trails were made more user-friendly and playgrounds were added. The successful preschool program filled an unmet need for parents. Most importantly, the FRNC continued to ask what Rye citizens wanted.

7. Presentation of the 2022 City Financial results by Jonathan Gibbs of the auditing firm BST & Co, LLP.

Jonathan Gibbs reported that the 2022 audit was in draft format and will be final by the end of the month. Mr. Gibbs gave a brief presentation about the overview of the audit as well as highlighting changes compared to previous financial audits. The auditors issued an unmodified opinion on the City’s financial statements, which was the highest level of assurance, and the opinion will be submitted in accordance with the filing deadline. The areas of focus of the audit included all material City accounts. Mr. Gibbs summarized the auditing process, reviewed two new protocols for 2022 audits, and discussed the General Fund balance. Overall, no material weaknesses or significant deficiencies were found. (To hear Mr. Siller’s full presentation, please visit <https://ryeny.new.swagit.com/videos/265589> at minute 29:11).

Mr. Gibbs appreciated working with the responsive City of Rye staff. All documentation requested by auditors was provided and deemed error-free. No unusual transactions were identified. All accounting estimates were found to be accurate and in accordance with generally accepted accounting principles. Mr. Gibbs confirmed for Mayor Cohn the auditors closely examined the procurement and disposition of City assets. Councilman Stacks, a member of the Audit Committee, thanked Mr. Usry, Mr. Fazzino, and the rest of the contributing City staff for the fantastic job with the clean audit.

8. Authorization to transfer \$110,000 from Contingency to the Legal Account for the remainder of 2023.

Mr. Usry explained that every year City staff did their best to predict legal expenses for the budget, but sometimes additions were necessary. The Contingency Fund held \$350,000 for the purpose of unanticipated legal expenses. Mr. Usry reminded the Council that in 2022 they transferred money to cover overages in fuel and diesel prices given the price hike. The legal department estimated that \$110,000 will cover the remainder of 2023 for legal matters beyond the scope of the Corporation Counsel’s retainer agreement.

Councilwoman Johnson made the motion, seconded by Councilman Stacks, to transfer \$110,000 from Contingency to the Legal Account for the remainder of 2023.

ROLL CALL

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

9. Set a public hearing for August 9, 2023, to amend Chapter 191, Article III “Parking Regulations” of the Code of the City of Rye, by amending § 191-21 “Parking, Standing or Stopping.” to prohibit parking, standing, or stopping from 100 ft North of Parsons Street to the entrance of Old Post Road on the west side of Boston Post Road.

Mr. Usry reminded City Council that they voted on the exact matter at the last meeting. An administrative error caused the notice to not appear in the newspaper, which meant the public hearing could not open in the meeting at hand. The Council needed to set a public hearing for the August meeting to address the matter before school opened in the fall. The amendment would prevent the unsafe practice of kids running from their parents’ cars across Boston Post Road to get to school. The request was made by the Rye Police Department and Commissioner Mike Kopy.

Councilwoman Souza made the motion, seconded by Councilwoman Johnson, to set the public hearing for the City Council meeting on August 9th. The Council was in favor.

10. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.

At Councilwoman Johnson’s request, to benefit members of the public who arrived late, Mayor Cohn repeated the earlier resolution about not using City funds to pay for legal expenses incurred by the suit brought by the mayor and other councilmembers against the Board of Ethics. He read correspondence from his party’s counsel to the BOE to be sent the following day.

“The following construct is designed to update and bring into the 21st Century the City’s Code of Ethics while creating a pathway to conclude the pending Article 78 proceeding at no additional cost to City taxpayers. The hope is that the City Council and Board of Ethics will partner on a review and improvement of the current City ethics code with an eye on resolving issues that have emerged from the pending litigation. The construct that the petitioner City Councilmembers are prepared to put forward and abide by is as follows:

The City Council will put forward a resolution creating a three-person ad hoc committee to review the current ethics code, make recommendations for improvement, including examination of the issues raised in the litigation, with one end goal that the pending litigation was deemed resolved considering the committee's work. The current chair of the BOE would serve as one member of the committee. One of the litigation petitioners other than the mayor would serve as a member of the committee, and the third member of the committee would be an unbiased member with experience in government ethics, not related to the litigation controversy.

The law firms serving as counsel to the petitioners and respondent would immediately cease further work in their respective engagements. No additional attorneys would be hired. Upon passage of the City Council resolution creating the committee, the court in the litigation would be advised, and a request for an adjournment of the pending litigation would be made in order to allow the committee to complete its work. Once the committee completed its work the City Council would review and consider the recommended changes to the City Code of Ethics, and both petitioner and respondent enter into this construct with the understanding and expectation that the work of the committee and implementation of recommendations would allow for the litigation to be terminated with prejudice, and a stipulation of discontinuance to be executed and filed.”

Mayor Cohn stated that the goal was to update the Rye's antique Code of Ethics to provide and establish fundamental fairness in the Board of Ethics' practice.

Members of the public spoke on matters for Council consideration not appearing on the agenda. Please see <https://ryeny.new.swagit.com/videos/265589> starting at 45:43.

- Bob Zahm, 7 Ridgewood Drive (45:37)
- Erin Pymm, 93 Overlook Place (50:32)
- Gerry Seitz, 141 Kirby Lane (53:56)
- Suki Van Dijk, 62 Garden Drive (58:30 & 1:18:23)
- Meg Cameron, 5 Martin Butler Court (1:01:38)
- Lisa Tannenbaum, 12 Roosevelt Avenue (1:04:30 & 1:20:36)
- Richard Slack, 365 Grace Church Street (1:08:16)
- Dan Adler, 62 Elmwood Avenue (1:11:55)
- Hanadi Zakour, 10 Bulkley Manor (1:14:02)

11. Overview of the 2023 CFA and related grants.

Assistant City Manager Brian Shea gave an overview of four grant proposals to be submitted to the State during the 2023 summer grant cycle. Grant applications were prioritized based on needs identified by the City Council and City staff. Rye will submit two Consolidated Funding Application (CFA) grants: one under the Water Quality Improvement Program (WQIP) for the purchase of a combination vacuum/sweeper truck which requires a 25% local match of the \$315,368.57 cost, and the OPRHP Environmental Protection Fund: Parks, Preservation, and Heritage grants program which requires 50% local match of the approximately \$275,000 needed for Gagliardo Park improvements, notably the installation of the City's first ADA-accessible playground structures.

Mr. Shea highlighted two other grant applications with upcoming deadlines, including the NYS EFC WIIA Program for design, bidding, and construction services (soft costs) for manhole repairs, sanitary service dig and replace repairs as well as other sanitary sewer improvements, which require 75% local match of \$1,296,400. Mr. Usry acknowledged the amount was an extraordinary amount, but this is something we are legally mandated to do, so any offset to the necessary cost was helpful. Mr. Shea noted that the repairs will satisfy all remaining items on the Consent Order with the DEC. The last grant is the NYS DEC UCF Tree Planting and Maintenance Program, which would fund tree plantings throughout the City of Rye and required a 25% local match of \$100,000.

There was a conversation regarding the grants between Counsel, Mr. Ursy, Mr. Shea, and James Ward, Chair of the Rye Sustainability Committee. To listen to the discussion, please see <https://ryeny.new.swagit.com/videos/265589> at 1:29:07.

12. Consider a resolution to authorize the City Manager to submit a WIAA Clean Water Grant Program application for funding to enable repairs to the City’s sewer system.

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RYE AUTHORIZING
THE FILING OF THE WIIA GRANT AND IDENTIFYING THE SOURCE OF
FUNDS FOR THE PROJECTS IDENTIFIED IN THE CITY OF RYE’S WIIA
GRANT APPLICATION**

RESOLVED, that the City Council authorizes the City Manager, in line with his powers and duties, to sign the requisite Application Form in order to apply for funding through the WIAA Clean Water Grant Program from the New York State Environmental Facilities Corporation ("EFC") to enable repairs to the City’s sewer system.

RESOLVED, that the City has identified the following funding sources and amounts for the requisite 75% match as indicated in the City of Rye’s WIAA Grant application are as follows:

Design, Bidding, & Construction Phase Services for Manhole Defect Repairs:-
\$220,500 – General Capital Projects Account

Design, Bidding, and Construction Phase Services for Sanitary Sewer Dig and Replace Repairs- \$532,050 - General Capital Projects Account

Design, Bidding, and Construction Phase Services for Sanitary Sewer Improvements
- \$219,750 – General Capital Projects Account

ROLL CALL

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

13. Resolution to declare certain City equipment as surplus.

Mr. Usry provided a list of City surplus items. Two boats at the Boat Basin were legally abandoned and would be removed and sold at auction if the surplus is approved by Council. There were also two lists of Public Works and technology equipment deemed broken, obsolete, or in need of disposal, and the City would try to collect any value through sale or auction. Corporation Counsel Kristen Wilson explained the process of declaring items abandoned. Owners were identified and given notice with proper legal follow-through.

Councilwoman Souza made a motion, seconded by Mayor Cohn, to approve the following resolution:

WHEREAS, the City has been provided with a list of City equipment identified as being obsolete or will become obsolete during 2023, and,

WHEREAS, the Department Heads at the Boat Basin IT, and DPW have recommended that said equipment be declared surplus, now, therefore, be it

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

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

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Fontanes, Johnson, Nathan, Souza, Stacks

Nays: None

Absent: Councilman Henderson

14. Old Business/New Business.

Councilwomen Souza and Johnson and Mr. Usry reminded the Council about upcoming events in Rye:

- Chamber of Commerce Sidewalk Sale, July 20-22
- Rye Police Department's First Night Out, August 1
- Food trucks and free concerts at Rye Rec on Friday nights

15. Adjournment.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to adjourn the City Council meeting at 8:11 P.M. The Council was in favor and the meeting was adjourned.

Respectfully submitted,

Kayla Garritano
Interim City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Recognition of summer interns.

FOR THE MEETING OF:

August 9, 2023

RECOMMENDATION: That the Council recognize the interns.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Beginning in the summer of 2022, the City formalized a summer intern program whereby one rising junior or senior from Rye High School and one from Rye Country Day School would spend 6 weeks at City Hall learning about municipal government and working on various projects. This year, we asked administrators at each school to select a student who would be a good fit based on their interests, development goals and academic success.

The students are exposed to multiple departments including the Building Department, Assessor's Office, Clerk's Office, Rye Golf Club and Rye Recreation. Projects have included providing, scanning and sorting property cards, digitizing the BAR logs, creating the Rye Golf Club newsletter, updating/organizing Building Department files and researching municipal fees (for various activities) across several like communities. Students earn community service hours for their work and gain valuable experience and knowledge of the public sector.



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Flooding update.

FOR THE MEETING OF:

August 9, 2023

RECOMMENDATION: That the City Council hear the update.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Resolution to create a Climate Smart Communities Task Force.

FOR THE MEETING OF:

August 9, 2023

RECOMMENDATION: That the Council adopt the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached memo and resolution.



CITY OF RYE

MEMORANDUM

TO: Greg Usry, City Manager
FROM: Brian Shea, Assistant City Manager
DATE: August 3, 2023
RE: Climate Smart Communities

BACKGROUND

On July 8, 2015, the Rye City Council passed a Resolution to adopt the Climate Smart Communities Pledge. The City of Rye is one of 367 registered “Climate Smart Communities” in New York State.

Importantly, communities can set their own priorities and choose which initiatives they want to pursue.

CERTIFICATION

The next step in the Climate Smart Communities Program is Certification. Certification will provide additional points on certain State grant applications and make other State Aid Grant Applications more competitive by demonstrating support toward key State objectives related to climate change, sustainability, and resiliency.

Certification currently has two levels: Bronze and Silver. Each certification level requires completion of certain mandatory and priority action items. The City of Rye and the Rye Sustainability Committee have completed several priority action items already, including a Government Greenhouse Gas Inventory and a Community Greenhouse Gas Inventory.

The two mandatory actions related to Certification are:

1. Establish a Climate Smart Communities Task Force
2. Name a Climate Smart Communities Coordinator

RECOMMENDATION

The proposed Resolution establishes a Climate Smart Communities Task Force and Coordinator. The Task Force would be comprised of current members of the Rye Sustainability Committee, myself functioning as the official liaison to the City, and a student representative from Rye High School. The Task Force Coordinator designated in the Resolution is also a member of the Rye Sustainability Committee.

As written, the charge of this Task Force is consistent with work already underway by these stakeholders. Formally establishing this Task Force will allow the City of Rye to achieve Certification and enhance our grant efforts related to sustainability and resiliency.

Resolution Establishing Climate Smart Communities Task Force and Coordinator

Whereas, the City Council has formally adopted a Climate Smart Communities pledge, recognizing the threat of climate change to our City;

Whereas, participation in this program will help the City continue efforts already underway to reduce greenhouse gas emissions, adapt to the changing climate, and build resilience and sustainability in our community;

Whereas, it is the best interests of the City to reduce its carbon footprint, reduce its waste, and maximize its use of renewable energy sources in an effort to protect the environment and human health;

Now, therefore, be it resolved, that the City Council hereby shall create the Climate Smart Communities Task Force (“the CSC Task Force”), whose charge will include the following:

- advising the City Council as to environmentally sustainable policies and practices
- suggesting programs to the City Council that contribute to and encourage sustainability policies, thereby lessening the City’s ecological impact on the environment.

Be It Further Resolved that the Climate Smart Communities Task Force shall be comprised of the following and that members shall be appointed for a two-year term:

- The Assistant City Manager;
- Up to three members of the Rye Sustainability Committee; and
- One interested student from Rye High School.

Be It Further Resolved, the mission of the CSC Task Force will be to help develop strategies to implement sustainability goals and programs, and to work on climate change mitigation activities.



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Resolution to name the members of the Climate Smart Communities Task Force and appoint a Coordinator.

FOR THE MEETING OF:

August 9, 2023

RECOMMENDATION: That the Council adopt the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached resolution.

Resolution Appointing Members to the Newly Created Climate Smart Communities Task Force

WHEREAS, in furtherance of the newly created Climate Smart Communities Task Force, the Mayor, with consent of the City Council members hereby appoint the following people to the Task Force:

- Assistant City Manager (Brian Shea)
- Three current Rye Sustainability Members (Hilary Garland, Donna Providenti, James Ward)

NOW THEREFORE BE IT RESOLVED, that each of the above named individuals/positions are hereby appointed effective on August 10, 2023 and these initial terms shall run through December 31, 2025; and

BE IT FURTHER RESOLVED that effective January 1, 2026, all subsequent terms shall be for two years beginning on January 1 of the first year and ending on December 31 of the second year; and

BE IT FURTHER RESOLVED Hilary Garland, Rye Sustainability Committee Member, is appointed as the Coordinator of the CSC Task Force, and will serve as the point of contact for the CSC program and facilitate project implementation.



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Resolution to adopt new winter storage fees for residents and non-residents at the Boat Basin.

FOR THE MEETING OF:

August 9, 2023

RECOMMENDATION: That the Council adopt the resolution to increase winter storage fees.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See attached memo.

Rodrigo Paulino
Boat Basin Supervisor
650 Milton Rd
Rye, New York 10580



Tel: (914) 967-2011
E-mail:Rpaulino@ryeny.gov
<http://www.ryeny.gov>

Boat Basin

Memorandum

To: Greg Usry, City Manager
From: Rodrigo Paulino, Harbor Master
Date: 7/25/2023
Re: 2023 Winter Fee's

The Boat Basin Commission is requesting that the City Council amend the following 2023 Adopted Fees and Charges for the Boat Basin Enterprise Fund:

- Winter Storage on Land Non-Resident – \$52/ft – New Fee \$58/ft
- Winter Storage on Land Resident – \$40/ft – New Fee \$45/ft
- Winter Storage on Land Non-Resident/Non-Slip Holder - \$55/ft – New Fee \$62/ft
- Winter Storage on Land Resident/Non-Slip Holder - \$42/ft – New Fee \$48/ft

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CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Review of City's 5-year Capital Program.

FOR THE MEETING OF:

August 9, 2023

RECOMMENDATION: That the Council hear the review of the program.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

§C21-8 of the City Charter requires the City Manager to submit to the Council a capital program at least three months prior to the final date for the submission of the budget, listing the proposed capital improvements with appropriate supporting information, indicating the cost estimates, method of financing and recommended time schedules for each improvement.

Greg Usry
City Manager
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Rye, New York 10580



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CITY OF RYE
Office of the City Manager

Inter-Office Memorandum

To: Mayor Cohn and Rye City Council

From: Greg Usry, City Manager

Date: August 4, 2023

Re: 2023 City of Rye Capital Improvement Program

INTRODUCTION

Section C21-8 of the City Charter requires the Manager to annually submit to the Council a listing of proposed capital improvements, with appropriate supporting information and cost. This must be completed within 90 days prior to the submission of the Manager's Annual Budget. In past years, this requirement was met by way of the five-year Capital Improvement Program (CIP) presentation each August. This memo, with incorporated documents and presentation materials, meets the requirements for the 2023 CIP submission. It further serves as background for the City Council presentation on August 9 and details the status of various City Council directed projects. Finally, it highlights the financial implications of the CIP and the comprehensive plans underway to fund the projects. ***There is no action required by the City Council related to the CIP at this time. Rather, this is a planning document for the 2024 Proposed Budget, and beyond. The budget presented in November will include certain budget recommendations that are informed by this document.***

Since 2019, this Mayor and City Council, with the assistance of senior City staff, has identified priority projects for the City. As directed, staff along with our consultants have undertaken significant design and project development. This list includes projects that have been ordered by a court, regulatory or oversight body, as well as those necessary to assure the community of continued essential services.

In furtherance of the CIP, the Council established certain financial goals and policies which led to significant accumulated financial resources. In addition, our aggressive pursuit of grants and the increased level of State and Federal assistance have resulted in significant additional financial assistance and the ability to fund an even larger group of projects.

For the first time since 2019, we are returning to the five-year CIP. In the following pages, I will highlight six categories of capital program needs and a potential approach to funding. The format and approach reflect a concise and focused look both in terms of projects and potential funding opportunities. As in the past, we are including the City's vehicle fleet. With almost 150 vehicles, ranging from administrative cars to Fire Department and DPW vehicles, the City must continue to make a significant investment in its fleet.

The CIP is a multi-year plan, not a multi-year budget. It is not a commitment to fund all requested projects, but rather a schedule of necessary and/or desired improvements and possible funding sources. In reviewing this CIP, it is important to focus on the cost and possible funding, priority, importance, and the impact of undertaking or not undertaking the projects. The existence and condition of infrastructure, City vehicles/equipment, and major capital assets have a direct bearing on the City's ability to provide services and facilities needed or desired by the community, and the perception of the community on its quality of life.

The CIP is the culmination of a process that seeks the input of City Departments to identify what projects are needed to maintain a level of service expected by the community. The process includes establishing priorities, developing cost estimates, and determining possible funding sources. ***As with any plan, especially one covering a multi-year period, the projects, their requirements, and resources, and even the need for the projects may change substantially over time.*** These changes are the impetus to update and redevelop the CIP on an annual basis. The 2023 Comprehensive list of projects, estimated cost and potential funding options are attached. The following is the total cost summary by category.

2023 Five Year CIP	
Building Projects	\$ 20,700,000
Transportation Projects	30,160,000
Sewer Projects	16,050,000
Drainage Projects	3,100,000
Recreation Projects	7,525,000
Vehicles and Equipment	<u>9,050,000</u>
Total - Excluding RGC and Boat Basin	86,585,000
Rye Golf Club	6,640,000
Boat Basin	<u>5,615,000</u>
Total	<u>\$ 98,840,000</u>

CIP PRIORITY PROJECTS

The City's priority CIP totals an estimated \$44 million and is the result of staff recommendations and City Council direction. This total cost is based upon the best available and current information, but in some cases reflects dated designs and will need further update and refinement (e.g., Police/Court Facilities). A number of these projects will be underway over the next 12 months. It is important to note that the Channel dredge was completed in Fall of 2022 (with some minor refinements to take place this fall). Furthermore, work is underway on the Salt Shed and DPW Building 7. The street resurfacing total included here includes the \$1.5 million cost in 2023 and an estimated annual expense of \$1.2 million through 2028.

Priority Project Expenses	
<i>Department of Public Works</i>	
Building 7	\$ 400,000
Salt Shed	2,200,000
Building 5	7,000,000
Fuel Depot	<u>350,000</u>
	9,950,000
<i>Miscellaneous Projects</i>	
City Hall HVAC	2,400,000
Forest Avenue Sidewalks	2,800,000
Police/Court Facilities	3,700,000
T. Fremd Wall	2,010,000
STS Annual+EBP	900,000
RTP-City Contribution	<u>100,000</u>
	11,910,000
Sanitary Sewer Improvements	14,400,000
Street Resurfacing (6 years)	<u>7,750,000</u>
Total Project Expenses	<u><u>\$ 44,010,000</u></u>

2023 NEW PRIORITY PROJECTS

Building upon the work in 2019, and the resulting planning and design for the Priority Projects, City staff has further refined an estimated \$14.4 million of additional needs. The projects highlighted below, largely reflect City fleet, transportation, sewer, and stormwater needs. Departing from past CIP plans, several aspects of these priorities reflect annual costs spread over the next 4-6 years (annual drainage improvements, flood resiliency, Sluice Gate monitoring). More impactful is the inclusion of expected fleet costs. As noted in the 2022 and 2023 budget presentations, our City fleet requires approximately \$1.2-1.5 million of annual investment based upon our fleet management program. This includes annual expenses such as Police vehicles, as well as the funding of depreciating large assets such as fire trucks, garbage trucks etc. There is currently \$400k annually included in the property tax rate, leaving a significant annual shortfall. The \$8.25 million noted below highlights those vehicles which are in likely need of funding/replacement over the next five years.

Projects in the CIP, but not reflected in this priority list, are critical but require further refinement and work. In some cases, this relates to potential funding sources. In no way does this diminish the importance. Included in this list are several projects for Rye Rec. In some cases, there is Recreation fund balance and donor opportunities to fund a portion of these costs. Please note that the Rye Rec Courts 7/8 rebuild is being funded from FEMA Ida reimbursement.

2023 New Priority Projects (2024-28)

City Buildings

Building/Facility Assessment	\$	100,000	
Building Upgrades		1,350,000	
			1,450,000

Transportation

Purchase/Fremd/Purdy		350,000	
Purchase/Highland/Cedar		250,000	
Thistle/BPR Crosswalk		100,000	
McCullough Place Parking Lot		200,000	
			900,000

Sewer System

Styuvesant Ave Pump Station		250,000	
Kirby Land North Pump Station		250,000	
Peck Ave Pump Station		250,000	
			750,000

Stormwater System

Annual Drainage Improvements		1,000,000	
Milton Cemetary Streambank Restoration		100,000	
			1,100,000

Recreation

Rye Rec Courts 7/8		550,000	
Rye Rec Pickeball		150,000	
			700,000

City Fleet (2024-28)

Annual PD Vehicles		1,500,000	
FD Ladder		1,750,000	
FD Engine		900,000	
FD Misc		600,000	
DPW Sewer Vacuum Truck		550,000	
Annual DPW Vehicles		2,950,000	
			8,250,000

Flood Resiliency

Annual		875,000	
Sluice Gate Monitoring		375,000	
			1,250,000

\$ 14,400,000

ENTERPRISE FUNDS

The CIP includes projects for the Rye Golf Club and Boat Basin. These operations are enterprise funds that pay for their operating expenses from user fee revenues. Generally, enterprise funds pay for their capital needs; however, larger projects may exceed their available revenue and reserves. In those cases, there may be requests to use the City's general fund or the City's bonding authority to fund capital projects. Following the dredge of the Channel in 2022, there will be a dredge of the Basin this fall. This cost is being borne by the accumulated fund balance of the Boat Basin enterprise fund. The 2024-28 Boat Basin CIP includes an annual investment for future Basin dredges. A similar annual expense is being assumed for City's obligation to dredge the Channel.

Included in the CIP is an engineering assessment and review of the RGC pool and Whitby Castle. We reasonably expect that the 2024 CIP will include projects related to Whitby Castle. It is also likely that the RGC and City will need to begin significant planning related to the pool and its likely replacement.

Enterprise Fund Projects	
Rye Golf Club	
Irrigation	\$ 4,000,000
Bunkers	1,750,000
Parking Lot Paving	300,000
Drainage	500,000
Hitting Cage	40,000
Whitby Castle Assessment	25,000
Pool Assessment	25,000
	<u>\$ 6,640,000</u>
Boat Basin	
Basin Dredge (2023)	\$ 3,300,000
Future Dredge	1,500,000
Dock Replacement	500,000
Wifi/Security Cameras	15,000
Parking Lot Repaving	200,000
Facility Upgrades	50,000
Dock Entrance/Walkway	50,000
	<u>\$ 5,615,000</u>

FLOOD MITIGATION AND RESILIENCY

As you are aware, significant time and focus has been spent since Ida on projects to mitigate the impacts of the Blind Brook watershed. Through the engagement of engineering firms and consultants, we have identified potential projects. In all of these cases, the costs far exceed the financial resources of the City. We continue to work with our State and Federal delegations, and with the assistance of consultants, to seek funding. For this CIP, we have included flood projects in a separate section and have not included those costs in our CIP. However, we have included local stormwater projects, and significantly increased our assumed annual funding.

CIP FUNDING

Funding for the existing Priority Projects and five-year CIP come from a variety of funding sources. At present, we have accumulated or reasonably expect to receive an estimated \$62 million for our five-year CIP. This has been achieved through prudent policies and financial management, aggressive pursuit of grants and a significant increase in State and Federal aid.

Funding Resources	
2022 Bond Proceeds	\$ 13,550,000
2028 Bonds (TBD)	5,000,000
Capex Reserve (August 1, 2023)	7,820,000
FEMA Reimbursement (Courts 7/8)	700,000
Annual Tax Rate (2024-28) (Vehicles, Flooding, Roads, Sewer)	7,500,000
Annual State Budget (Current balance through 2028)	14,204,000
Grants	<u>18,516,000</u>
	<u>\$ 67,290,000</u>

Bonds

In February of 2022, the City issued \$13.55 million of general obligation bonds at an interest cost of 2.1%. These proceeds are being used to fund costs related to Disbrow DPW buildings, City Hall HVAC, and certain sanitary sewer projects. Under the City Charter, the Council can authorize debt totaling 30% of the City's annual operating expenses. As debt matures, the Council can authorize additional borrowings. More importantly, maturing debt provides the financial capacity to borrow for the CIP without impacting the annual City Budget (debt service) or raising taxes. Over the next five years, outstanding City debt will mature, therefore allowing the City Council at the time to authorize approximately \$5 million of additional debt for capital projects (without an increase in taxes-replacement debt). For the 2023 CIP, I have assumed this is used for the unfunded amount of the Locust Avenue bridge replacement.

In addition to the outstanding debt, the Council can authorize \$4.27 million for Public Safety and Disaster Rebuilding Purposes. These amounts are not included in the CIP funding analysis.

Capex Reserve

In 2019, the City Council set a policy that all annual surplus monies (assuming the General Fund Reserve is funded at 10% of total expenditures) are reserved for the CIP. Currently the Capex Reserve totals \$7.82 million. This amount does not reflect any 2023 budget surplus. Similarly, the CIP does not assume any future City surpluses.

Annual Tax Rate

Through City Council action in recent budgets, certain capital costs are annually funded through the tax rate. These include:

Street Resurfacing: \$600,000 (plus \$100,000 street opening permit revenue)

Flooding: \$250,000

Sanitary Sewer: \$150,000

Vehicles: \$400,000

The CIP financial plan assumes \$7.5 million is available over the next five years.

Annual State Budget

In recent years, the State budget has significantly increased its funding of local road projects. Historically, this was limited to the Consolidated Local Street and Highway Improvements Program (CHIPS). Beginning with the 2021 budget, the State created several additional budget appropriations for local government road infrastructure. The most significant for Rye is the State Touring Routes (STR), which provides monies to offset the cost of maintaining State roads (Bost Post Road). CHIPS, STR and two other programs now provide the City with approximately \$1.7 million annually. The

accumulated balance of State allocated monies plus an assumed continuation of these programs contributes over \$14 million to our CIP expenses.

Grants

Over the last five years, the City has aggressively pursued grants in support of our identified CIP priorities. This approach, combined with the significant support of our State legislative delegation has resulted in over \$18.5 million in grant awards:

Sanitary Sewer *\$10mm*

Locust Avenue Bridge *\$5mm*

Forest Avenue Sidewalks *\$2.1mm*

Stormwater System *\$500k*

T. Fremd Wall *\$515k*

Salt Shed *\$400k*

CONCLUSION

The Capital Improvement Plan provides the City Council, City Management, and the entire community with an opportunity to prioritize and plan for the longer-term needs of the City, while accurately anticipating the near-term budget(s) impact. These plans should be reviewed in the context of an ongoing dynamic process, with each year being an update and refinement. Needs and priorities will change and evolve, along with possible funding sources. The 2023 CIP will be presented at the August 9, 2023, City Council meeting and will be posted to the City website. Comments, questions, and suggestions are welcome as we continue to identify and modify projects to best meet the needs of the entire community.

Attachments:

2023 Capital Improvement Plan Spreadsheet
2022 CIP Finance Plan
August 9, 2023 City Council Power Point Presentation

City of Rye, New York

Capital Improvement Program

Estimated Funding Requirements and Anticipated Funding Sources - Current through 2028

Capital Project Name	Current CIP (CapEx) Program	Future CIP Program (2024- 2028)	Total Cost Current through 2028	Source of Funds				Total Sources of Funds	Unfunded Amount	Project Description/Comments/Notes	
				General Revenue (1)	Debt (2)	State Aid(3)	Grants(4)				
Building Projects											
DPW Disbrow Projects	\$ 9,950,000	-	\$ 9,950,000	\$ 1,000,000	\$ 8,550,000		\$ 400,000	\$ 9,950,000	-	Includes Bldg 5, Salt Shed, Bldg 7, Fuel Tank Replacement City Hall HVAC replacement Building renovation per OCA mandate and construction of temporary court (cost estimates to be updated) Study to identify future capital needs of all City buildings Upgrades/Rehab of City Buildings (\$50k each for PD, FD, CH, Rec, DPW) Replace existing 20+ windows Resurface roof Demo abandoned facility	
City Hall HVAC	\$ 2,400,000	-	\$ 2,400,000	\$ 1,600,000	\$ 800,000			\$ 2,400,000	-		
Police/Court Facility	\$ 3,700,000	-	\$ 3,700,000	\$ 3,700,000				\$ 3,700,000	-		
Building/Facilities Assessment	-	\$ 100,000	\$ 100,000	\$ 100,000				\$ 100,000	-		
Annual Building Upgrades	\$ 100,000	\$ 1,250,000	\$ 1,350,000	\$ 700,000				\$ 700,000	\$ (650,000)		
Police/Court Window Replacement	-	\$ 500,000	\$ 500,000					-	\$ (500,000)		
Police/Court Roof	-	\$ 200,000	\$ 200,000					-	\$ (200,000)		
DPW Incinerator Demolition	-	\$ 2,200,000	\$ 2,200,000					-	\$ (2,200,000)		
PD Impound/ Storage @ Disbrow	-	\$ 300,000	\$ 300,000					-	\$ (300,000)		
Sub-Total Building	\$ 16,150,000	\$ 4,550,000	\$ 20,700,000	\$ 7,100,000	\$ 9,350,000	\$ -	\$ 400,000	\$ 16,850,000	\$ (3,850,000)		
Transportation Projects											
Annual Street Resurfacing	\$ 1,500,000	\$ 6,250,000	\$ 7,750,000	-	-	\$ 7,750,000		\$ 7,750,000	-	Assumes \$1.5mm for '23 and \$1.2 annually for '24-28 Replace flood-damaged retaining wall adjacent to Blind Brook Install new sidewalks on Forest/Manursing between Apawamis and Davis; funding via DOT and annual State road budget Replace signal and implement pedestrian improvements; annual State aid Vehicle and pedestrian improvements; annual State aid Bridge Replacement (NYS DOT grant) Repave deteriorated parking lot within vicinity of McCullough Pl.; State aid Repairs to City sidewalks and pedestrian safety improvements; annual State aid Repairs and upgrades to City Traffic Signals; annual State aid Repave deteriorated parking lots and related improvements New access road on BPR, eliminating existing bridge access on BPR	
Theodore Fremd Wall Replacement	\$ 2,010,000	-	\$ 2,010,000			\$ 1,494,000	\$ 516,000	\$ 2,010,000	-		
Forest Avenue Sidewalks	\$ 2,800,000	-	\$ 2,800,000			\$ 700,000	\$ 2,100,000	\$ 2,800,000	-		
Purchase/Fremd/Purdy Intersection	-	\$ 350,000	\$ 350,000			\$ 350,000		\$ 350,000	-		
Purchase/Highland/Cedar Intersection	-	\$ 250,000	\$ 250,000			\$ 250,000		\$ 250,000	-		
Thistle/BPR Crosswalk	-	\$ 100,000	\$ 100,000			\$ 100,000		\$ 100,000	-		
Locust Bridge Replacement (5)	-	\$ 10,000,000	\$ 10,000,000			\$ 5,000,000	\$ 5,000,000	\$ 10,000,000	-		
McCullough Place Parking Lot	-	\$ 200,000	\$ 200,000			\$ 200,000		\$ 200,000	-		
Annual Pedestrian Improvements	\$ 100,000	\$ 500,000	\$ 600,000			\$ 600,000		\$ 600,000	-		
Annual Traffic Signal Improvements	\$ 100,000	\$ 500,000	\$ 600,000			\$ 600,000		\$ 600,000	-		
CBD Carpark Improvements	-	\$ 2,000,000	\$ 2,000,000					-	\$ (2,000,000)		
Nature Center Road	-	\$ 2,500,000	\$ 2,500,000					-	\$ (2,500,000)		
Future Channel Dredge	-	\$ 1,000,000	\$ 1,000,000					-	\$ (1,000,000)		
Sub-Total Transportation	\$ 6,510,000	\$ 23,650,000	\$ 30,160,000	-	\$ 5,000,000	\$ 12,044,000	\$ 7,616,000	\$ 24,660,000	\$ (5,500,000)		
Sewer Projects											
Sanitary Improvement Projects	\$ 14,400,000	-	\$ 14,400,000	\$ 200,000	\$ 4,200,000		\$ 10,000,000	\$ 14,400,000	-		Central Ave Pump Station, Sewer lining, Brevoort force main, Misc. Save the Sound Settlement - project in Carpark 1 and \$200K/year Pump and automation upgrades Generator, relocation of critical components above flood elevations Pump and automation upgrades
STS Benefit Project/Settlement Obligati	\$ 150,000	\$ 750,000	\$ 900,000	\$ 900,000	-		-	\$ 900,000	-		
Stuyvesant Avenue Pump Station	-	\$ 250,000	\$ 250,000	\$ 250,000	-			\$ 250,000	-		
Kirby Lane North Pump Station	-	\$ 250,000	\$ 250,000	\$ 250,000	-			\$ 250,000	-		
Peck Avenue Pump Station	-	\$ 250,000	\$ 250,000	\$ 250,000	-			\$ 250,000	-		
Sub-Total Sewer	\$ 14,550,000	\$ 1,500,000	\$ 16,050,000	\$ 1,850,000	\$ 4,200,000		\$ 10,000,000	\$ 16,050,000	-		
Drainage Projects											
Annual Drainage Improvements	-	\$ 1,000,000	\$ 1,000,000	-	-	\$ 1,000,000		\$ 1,000,000	-	Miscellaneous drainage repairs and improvements \$150k/ year Remove invasives and restore streambank within Milton Rd Cemetery	
Milton Cemetery Streambank Restorati	-	\$ 100,000	\$ 100,000	\$ 100,000				\$ 100,000	-		
Hix Park Drainage Improvement	-	\$ 2,000,000	\$ 2,000,000				\$ 500,000	\$ 500,000	\$ (1,500,000)		
Sub-Total Drainage	-	\$ 3,100,000	\$ 3,100,000	\$ 100,000	-	\$ 1,000,000	\$ 500,000	\$ 1,600,000	\$ (1,500,000)		

Capital Project Name	Current CIP (CapEx) Program	Future CIP Program (2024-2028)	Total Cost Current through 2028	Source of Funds				Total Sources of Funds	Unfunded Amount	Project Description/Comments/Notes
				General Revenue (1)	Debt (2)	State Aid(3)	Grants(4)			

Recreation Projects

Rye Rec Courts 7/8	\$ 550,000		\$ 550,000				\$ 550,000	\$ 550,000	\$ -	FEMA funding for Courts rebuild, pickleball court preparations
Pickleball Soundproofing	\$ -	\$ 150,000	\$ 150,000				\$ 150,000	\$ 150,000	\$ -	FEMA Funding
Rye Town Park	\$ 100,000	\$ -	\$ 100,000	\$ 100,000	\$ -		\$ -	\$ 100,000	\$ -	City Contribution for Rye Town Park Capital Improvements-Bath House retaining wall (2024)
Tennis Court Lighting Replacement	\$ 100,000		\$ 100,000	\$ 100,000			\$ -	\$ 100,000	\$ -	Upgraded LED lights and controls at Rec Park
Nursery Field	\$ 3,000,000		\$ 3,000,000				\$ 3,000,000	\$ 3,000,000	\$ -	Subject to Council advancement and donor funding
Amphitheater Roof Structure		\$ 400,000	\$ 400,000					\$ -	\$ (400,000)	Stage Covering
Rec Park Field House	\$ -	\$ 500,000	\$ 500,000					\$ -	\$ (500,000)	Indoor Recreation Flex Space in place of outdoor basketball court
Gagliardo Park Improvements	\$ -	\$ 1,500,000	\$ 1,500,000					\$ -	\$ (1,500,000)	Potential grant for new playground; user group contributions
Dragon Playground/ Splash Pad	\$ -	\$ 750,000	\$ 750,000					\$ -	\$ (750,000)	Rec Park Playground Improvements
Bleacher Compliance Upgrades	\$ -	\$ 75,000	\$ 75,000					\$ -	\$ (75,000)	Bleacher upgrades at Disbrow
Maintenance Garage Expansion	\$ -	\$ 300,000	\$ 300,000					\$ -	\$ (300,000)	Rec Park
Storage Shed Camp/ Sports		\$ 100,000	\$ 100,000					\$ -	\$ (100,000)	Replace Shipping Containers-Rec Park
Sub-Total Recreation	\$ 3,750,000	\$ 3,775,000	\$ 7,525,000	\$ 200,000	\$ -	\$ -	\$ 3,700,000	\$ 3,900,000	\$ (3,625,000)	

Rye Golf Projects

Irrigation	\$ -	\$ 4,000,000	\$ 4,000,000	\$ 4,000,000				\$ 4,000,000	\$ -	Course wide irrigation upgrade
Bunker Project	\$ 750,000	\$ 1,000,000	\$ 1,750,000	\$ 1,750,000				\$ 1,750,000	\$ -	Ongoing maintenance and rebuild of select bunkers
Parking Lot Repaving	\$ -	\$ 300,000	\$ 300,000	\$ 300,000				\$ 300,000	\$ -	
Drainage	\$ -	\$ 500,000	\$ 500,000	\$ 500,000				\$ 500,000	\$ -	Continuation of course wide drainage improvements
Hitting Cage	\$ 40,000		\$ 40,000	\$ 40,000				\$ 40,000	\$ -	
Whitby Castle Assessment	\$ 25,000		\$ 25,000	\$ 25,000				\$ 25,000	\$ -	Review of Whitby Castle major systems and building
RGC Pool Assessment	\$ 25,000		\$ 25,000	\$ 25,000				\$ 25,000	\$ -	Review of pool complex and long term planning options
Sub-Total Rye Golf	\$ 840,000	\$ 5,800,000	\$ 6,640,000	\$ 6,640,000	\$ -	\$ -	\$ -	\$ 6,640,000	\$ -	

Boat Basin Projects

Dock Replacement	\$ -	\$ 500,000	\$ 500,000	\$ 500,000				\$ 500,000	\$ -	Annual review/replacement of docks
Dock Entrance/Walkway	\$ -	\$ 50,000	\$ 50,000	\$ 50,000				\$ 50,000	\$ -	Entryway to docks (gazebo)
Wifi/Security Cameras	\$ 15,000		\$ 15,000	\$ 15,000				\$ 15,000	\$ -	
Parking Lot Repaving	\$ -	\$ 200,000	\$ 200,000	\$ 200,000				\$ 200,000	\$ -	Back parking lots
Facility Upgrades		\$ 50,000	\$ 50,000	\$ 50,000				\$ 50,000	\$ -	
Future Dredge		\$ 1,500,000	\$ 1,500,000	\$ 1,500,000				\$ 1,500,000	\$ -	
2023 Dredge	\$ 3,300,000		\$ 3,300,000	\$ 3,300,000				\$ 3,300,000	\$ -	
Sub-Total Boat Basin	\$ 3,315,000	\$ 2,300,000	\$ 5,615,000	\$ 5,615,000	\$ -	\$ -	\$ -	\$ 5,615,000	\$ -	

Vehicles and Equipment

Annual PD Fleet	\$ 250,000	\$ 1,250,000	\$ 1,500,000	\$ 1,500,000				\$ 1,500,000	\$ -	Three PD cars/year
FD Ladder	\$ -	\$ 1,750,000	\$ 1,750,000	\$ 500,000				\$ 500,000	\$ (1,250,000)	2028-30 Replacement
FD Engine	\$ -	\$ 900,000	\$ 900,000	\$ 500,000				\$ 500,000	\$ (400,000)	2025 Replacement for Engine 192 (2006)
FD Misc	\$ -	\$ 600,000	\$ 600,000	\$ 500,000				\$ 500,000	\$ (100,000)	SCBA Fill station; swift water equipment; Utility 39 (1989)
DPW Sewer Vacuum Truck	\$ 550,000		\$ 550,000	\$ 550,000				\$ 550,000	\$ -	Funded via current BVM fund balance
Annual DPW Fleet	\$ 450,000	\$ 2,500,000	\$ 2,950,000	\$ 1,500,000				\$ 1,500,000	\$ (1,450,000)	
PD Marine Boat	\$ -	\$ 650,000	\$ 650,000					\$ -	\$ (650,000)	
Staff Vehicles	\$ -	\$ 150,000	\$ 150,000					\$ -	\$ (150,000)	
Sub-Total Vehicles and Equipment	\$ 1,250,000	\$ 7,800,000	\$ 9,050,000	\$ 5,050,000	\$ -	\$ -	\$ -	\$ 5,050,000	\$ (4,000,000)	

Total All Projects

Capital Project Name	Current CIP (CapEx) Program	Future CIP Program (2024-2028)	Total Cost Current through 2028	Source of Funds				Total Sources of Funds	Unfunded Amount
				General Revenue (1)	Debt (2)	State Aid(3)	Grants(4)		
Sub-Total Building	\$ 16,150,000	\$ 4,550,000	\$ 20,700,000	\$ 7,100,000	\$ 9,350,000	-	\$ 400,000	\$ 16,850,000	\$ (3,850,000)
Sub-Total Transportation	\$ 6,510,000	\$ 23,650,000	\$ 30,160,000	-	\$ 5,000,000	\$ 12,044,000	\$ 7,616,000	\$ 24,660,000	\$ (5,500,000)
Sub-Total Sewer	\$ 14,550,000	\$ 1,500,000	\$ 16,050,000	\$ 1,850,000	\$ 4,200,000	-	\$ 10,000,000	\$ 16,050,000	-
Sub-Total Drainage	-	\$ 3,100,000	\$ 3,100,000	\$ 100,000	-	\$ 1,000,000	\$ 500,000	\$ 1,600,000	\$ (1,500,000)
Sub-Total Recreation	\$ 3,750,000	\$ 3,775,000	\$ 7,525,000	\$ 200,000	-	-	\$ 3,700,000	\$ 3,900,000	\$ (3,625,000)
Sub-Total Rye Golf	\$ 840,000	\$ 5,800,000	\$ 6,640,000	\$ 6,640,000	-	-	-	\$ 6,640,000	-
Sub-Total Boat Basin	\$ 3,315,000	\$ 2,300,000	\$ 5,615,000	\$ 5,615,000	-	-	-	\$ 5,615,000	-
Sub-Total Vehicles and Equipment	\$ 1,250,000	\$ 7,800,000	\$ 9,050,000	\$ 5,050,000	-	-	-	\$ 5,050,000	\$ (4,000,000)
Total	\$ 46,365,000	\$ 52,475,000	\$ 98,840,000	\$ 26,555,000	\$ 18,550,000	\$ 13,044,000	\$ 22,216,000	\$ 80,365,000	\$ (18,475,000)

Project Description/Comments/Notes

Additional Flooding Projects (Not Included in CIP)

Annual Flood	\$ 500,000	\$ 875,000	\$ 1,375,000	\$ 500,000	-	-	-	\$ 500,000	\$ (875,000)
Annual Bowman Ave Sluice Gate Monit	\$ 75,000	\$ 375,000	\$ 450,000	\$ 450,000	-	-	-	\$ 450,000	\$ -
SUNY Berms	-	\$ 3,500,000	\$ 3,500,000	-	-	-	-	-	\$ (3,500,000)
Upper Pond Re-sizing	-	\$ 40,000,000	\$ 40,000,000	-	-	-	-	-	\$ (40,000,000)
I-95 Culvert Re-sizing	-	\$ 35,000,000	\$ 35,000,000	-	-	-	-	-	\$ (35,000,000)
Blind Brook Wall Relacement	-	\$ 20,000,000	\$ 20,000,000	-	-	-	-	-	\$ (20,000,000)
Sub-Total Flooding	\$ 575,000	\$ 99,750,000	\$ 100,325,000	\$ 950,000	-	-	-	\$ 950,000	\$ (99,375,000)

Fees for flood project designs and consulting services (2023 funded via Capex Reserve)
Data Collection and Maintenance of Bowman Avenue Sluice Gate
Install berms on Blind Brook at SUNY Purchase for flood control
Expand pond upstream of Bowman Dam for flood control (Final Cost TBD)
Replace existing culvert I-95/MTA @ Blind Brook (Cost TBD)
Replace Blind Brook retaining walls between Elm Pl. and City Hall (Cost TBD)

- (1) Includes Capex Reserve and forecasted monies from the annual tax rate (Roads, Sewer, Flood, Vehicles)
 - (2) Includes the Series 2022 proceeds only; future borrowing capacity is not included
 - (3) State aid includes current City balance and 2024-28 annual State budget monies - CHIPS, PAVE NY, EWR, STR
 - (4) Federal and State grants (including SAM)
 - (5) Locust Bridge funding through assumed additional debt capacity in 2028
- | |
|---|
| Previously Identified Priority Projects |
| Staff Suggested 2023 Priority Projects |



CITY OF RYE

Office of the City Manager

To: Mayor Cohn and Rye City Council

From: Greg Usry, City Manager
Joe Fazzino, Comptroller

Date: August 4, 2022

Re: City of Rye Capital Improvements Program (CIP)

OVERVIEW

Section C21-8 of the City Charter requires the Manager to submit to the Council a listing of proposed capital improvements, with appropriate supporting information. This must be completed annually, 90 days prior to the submission of the Manager's Annual Budget. In past years, this requirement was met by way of the five-year Capital Improvements Plan (CIP) presentation each August. This memo, with incorporated documents, meets the requirements for the 2022 Capital Program submission. It further serves as background for the City Council presentation on August 10 and details the status of the various City Council directed projects. Finally, it explains the financial implications of the CIP and the plans in place to fund the projects.

Over the last 48 months, this Council has identified priority projects for the City, and has directed City staff to design, plan and execute these undertakings. This list includes projects that have been ordered by a court or a regulatory body, as well as those necessary to assure the community of continued essential services and/or public safety.

In furtherance of the CIP, the Council established certain financial goals and policies, which has led to significant accumulated financial resources. In my March 4, 2021 memo to the Council, I described the then current CIP, including the estimated costs, funding sources and necessary financial actions still required. This material was further updated and presented to our legislative delegation on June 23, 2022 in support of our New York State Consolidated Funding Application (CFA). Those documents are included here for your information.

CIP PROJECTS

The City's priority CIP totals approximately \$44 million. This amount reflects the best available/current information. In the following pages the projects are described in greater detail, including the timeliness of the estimated cost. In some cases, costs reflect dated designs and will need to be updated further.

Unlike prior CIP summaries, this updated information includes City street resurfacing expenses (three years) as well as Storm Water System Improvements. Because New York State funding sources provide for broad applicability to the City it is helpful to look at all projects collectively, while taking into account all funding sources, including annual funding via the City/State budgets, bond proceeds, reserve funds and grants.

Project	Estimated Cost
Department of Public Works - Disbrow	\$ 9,950,000
Miscellaneous Projects:	
City Hall HVAC	2,400,000
Forest Avenue Sidewalks	2,800,000
Channel Dredge	1,500,000
Police/Court Facilities	3,700,000
T. Fremd Wall	2,010,000
STS Benefit Project	150,000
RTP-City Contribution	175,000
Sanitary Sewer Improvements	14,400,000
Street Resurfacing (3 years)	4,500,000
Storm water System Improvements	2,530,000
Total Project Expenses	\$ 44,115,000

DPW Projects

For the first time in decades the City is replacing and updating the aging infrastructure at Public Works. These facilities, some 100 years old, are critical to our ability to deliver essential services. Furthermore, they provide a safe work environment for our employees.

DPW Projects	Cost Estimate As Of	Estimated Start Date	Gross Expense	Grants Received	Net Expense
Building 5	Spring '22	Spring '23	\$ 7,000,000		7,000,000
Building 7	Final	Fall '22	400,000		400,000
Salt Shed	Spring '22	Spring '23	2,200,000	400,000	1,800,000
Fuel Depot	Final	Spring '23	350,000		350,000
			\$ 9,950,000	\$ 400,000	\$ 9,550,000

Miscellaneous Projects

In addition to the significant Public Works projects, the City has a variety of other projects, many related to long deferred maintenance. Of those highlighted below, we expect to have the City Hall HVAC and the Channel Dredge ready for final Council consideration and the awarding of bids in early Fall. Forest Avenue Sidewalk design is advancing rapidly and will be ready for further Council review and input by the 4th Quarter.

The Theodore Fremd wall is nearing final design. We are continuing to work with NYSDOT on additional funding. The Police/Court Facility requires updated cost estimates and those will be underway shortly. I expect we will be back in front of the Council later this year with an update and further consideration.

Miscellaneous Projects	Cost Estimate As of Date	Estimated Start Date	Gross Expense	Grants Received	Net Expense
City Hall HVAC	Fall '21	Winter '23	\$ 2,400,000		\$ 2,400,000
Forest Avenue Sidewalks	Summer '18	Fall '23	2,800,000	2,100,000	700,000
Channel Dredge	Spring '22	Fall '22	1,500,000		1,500,000
Police/Court Facility	Summer '18	TBD	3,700,000		3,700,000
T. Fremd Wall	Summer '21	TBD	2,010,000	516,000	1,494,000
			<u>\$ 12,410,000</u>	<u>\$ 2,616,000</u>	<u>\$ 9,794,000</u>

Sanitary Sewer Improvements

In 2019, the City completed a comprehensive Sewer System Evaluation Survey (SSES) to locate areas of need for sewer system rehabilitation. The projects, identified in the SSES, correspond with the Consent Order the City entered into with the New York DEC, as well as the Stipulated Order in the Save the Sound Clear Water Act lawsuit. To date we have invested over \$8 million towards sewer system upgrades. These include the four major pump replacements. Of the \$8 million spent to date, \$3.9 million was funded through a New York State grant (Water Quality Improvement Program – WQIP).

The next mandated phase of the program requires significant investment in City-wide sewer lines and manholes. We expect the total cost to exceed \$14 million over the next three years. Last week we applied for a second round of WQIP funding for \$10 million (NY State CFA Grant). As described in greater detail below the success of the WQIP grant will have a significant impact on our entire CIP finance plan.

Street Resurfacing

Since 2017, the City has invested over \$9 million in resurfacing City streets (averaging \$1.56 million annually). This does not include County funded streets (T. Fremd, Midland Ave etc.), nor does it include roads paved as a result of Con Ed/Suez utility work. Of this amount, \$3.3 million was funded by permit revenues (street opening surcharges) and tax dollars dedicated to streets; the remainder was funded by

NY State CHIPS monies (discussed below) and surplus City budget monies. The summary included here assumes that the City will continue to fund \$1.5 million for streets annually.

Storm Water System Improvements

Following Henri and Ida the City Engineer began evaluating localized flooding issues (non-Blind Brook watershed) across the City. The City’s storm water system is approaching 100 years old in some areas, and was not constructed in light of larger, more intense storms. This is consistent with most other Sound Shore communities.

To date we have completed preliminary reviews of 14 storm water issue locations in the City and have already undertaken three projects (all three completed with 2022 operating budget monies). These reflect actual pipe defects. In the coming months, the City will begin work on the additional smaller projects. The neighborhood projects will require more time to design and will be brought back to the Council for review at a later date. The chart below summarizes the projects and very preliminary cost estimates. Please note, where possible we will fund projects out of the City’s DPW budget. However, for this purpose the costs are all included in the CIP.

Project	Estimated Cost
Drake Smith	50,000
White Birch/Hickory	100,000
Lasalle/ South of Glen Oaks	50,000
Marlene Ct.	50,000
Sanford St	<u>30,000</u>
	280,000
<i>Neighborhood/Larger Projects</i>	
Hix Park	1,500,000
Kirby North	500,000
752 BPR	<u>250,000</u>
	<u>2,250,000</u>
	\$ 2,530,000

CIP FUNDING SOURCES

Over the last 18 months, the City has made significant strides in funding the CIP. Through Council established policies, prudent financial controls and proactive management of City finances, we have accumulated significant financial resources. That said, the growing list of urgent needs, along with unprecedented inflationary pressures and supply chain/labor issues, leaves us with a deficit. The following summaries provide an overview of each funding source.

Funding Source	Amount	
2022 Bond Proceeds	\$	13,550,000
Capex Reserve		6,600,000
Less: Ramboll Expense		(350,000)
ARPA ('23)		800,000
Grants		
Received	3,016,000	
2022 WQIP Outstanding	<u>10,000,000</u>	
		13,016,000
Projected State Budget Monies (3 years)		
State Touring Routes	4,079,566	
CHIPS	1,578,000	
Misc Roads	<u>660,951</u>	
		6,318,517
Projected City Budget Monies (3 years)		
Tax Rate (Streets)	1,800,000	
Permit Revenues (Streets)	<u>300,000</u>	
		2,100,000
Total Funding Sources	\$	<u>42,034,517</u>

Bond Proceeds

In February, the City took advantage of historically low interest rates and borrowed the maximum amount of Council authorized debt. This entire amount is dedicated to the identified CIP. The annual debt service expense of \$880 thousand is included in the current tax rate and will not result in any tax increase. In addition to the current outstanding bonds, there remains \$4.27 million of authorized debt capacity by way of the Public Safety and Disaster Rebuilding exemptions. This additional debt is not included in this analysis, but is available for future funding.

Capex Reserve

By Council policy in 2019, all surplus monies (assuming the General Fund Reserve is funded at 10% of total expenditures) are directed into the Capex Reserve Fund. Further, any large, one-time extraordinary revenues are dedicated to Capex. As a result of this policy, the City currently has \$6.6 million in reserve. *Please note that the Council authorized the engagement and payment of Ramboll*

Engineering from the Capex Fund. The highlighted balance is as of December 31, 2021 and does not take into account possible 2022 surplus monies.

American Recovery Plan Act (ARPA)

By Congressional action in 2021, states and localities were allocated one time monies for restricted use. The City has received \$1.61 million under ARPA. The first half of that payment was received in 2021 and is included in the Capex Reserve amount. The second half (\$800 thousand) was received earlier this month.

Grants

The City actively pursues State and Federal grants annually. The majority of these opportunities are managed through the State of New York’s annual Consolidated Funding Application (CFA). Given the significant capital plan underway, local matching requirements and the administrative burden of managing the grant process, the City pursues grants only when they are in keeping with the Council identified list of projects. Currently the City has three grants outstanding (received):

Project	Grant Amount
Forest Ave Sidewalks	\$ 2,100,000
Salt Shed	400,000
T. Fremd Wall	<u>516,000</u>
	3,016,000
2022 WQIP (outstanding)	<u>10,000,000</u>
	\$ 13,016,000

In addition, the City recently completed the first phase of the Sanitary Sewer program and received \$3.9 million under a 2018 Water Quality Improvement Plan (WQIP) grant to offset Phase 1 expenses.

As highlighted previously, we are currently in design and planning for the next phase of the Sanitary Sewer program, and have applied for an additional \$10 million (of the estimated \$14.4 million total cost) of WQIP grant funding for this year. The awards are expected to be made in November/December. This analysis only includes those grants received, as well as the 2022 WQIP outstanding grant application. We anticipate other grant applications over the next 36 months.

New York State Annual Budget

Historically, the NY State Budget has provided annual funding for local streets through its Consolidated Local Street and Highway Improvements Program (CHIPS). In the past, the City has used the CHIPS monies for resurfacing City roads (in addition to the dedicated tax rate monies and street opening surcharge revenues).

Beginning with the 2021 budget, the State created several additional budget appropriations dedicated to local government road infrastructure. The most significant of these is the State Touring Routes (STR) appropriation which provides monies to offset the cost of maintaining State roads. Given the significant “presence” of Boston Post Road in Rye, we now receive approximately \$1 million annually. In addition,

we annually receive \$115 thousand under the Pave-NY program and \$75 thousand through the Extreme Winter Recovery (EWR) program. These monies can be used for a wide variety of road related programs, including resurfacing of City roads and storm water remediation. For the purposes of this analysis, we are assuming that these State allocations will be received annually for the next three years.

In November, for the first time in 25 years there will be a state wide environmental bond referendum. If successful, the bond will provide over \$4 billion of state monies for a wide range of projects, including flood risk reduction, water quality improvements and resiliency infrastructure. Because the funding is contingent on the referendum success and there are no details regarding the process for allocating monies, we have not included any monies in our assumption. However, this could have a major positive impact on our financial planning.

City Annual Budget

Beginning in the early 2000's, the City established a street opening surcharge dedicated to the annual street resurfacing program. In recent years, this has generated \$30 - \$110 thousand annually, with \$100 thousand budgeted for 2022. Furthermore, beginning in 2017, the annual budget includes \$600 thousand in the tax rate dedicated specifically to the resurfacing program. The CIP financial plan assumes \$700 thousand annually through these two revenues. In recent years, the City has allocated significantly greater dollars for streets, including annual surplus monies. As noted earlier, in recent years the City has spent approximately \$1.5 million annually on street resurfacing.

STRESS ADJUSTMENTS AND PRIORITIES

In spite of the significant planning and financial management by the City, the size and complexity of the City's CIP creates the risk of a funding shortfall. The current extreme inflationary environment, combined with both supply chain and labor issues, causes us concern as we look to begin construction in the coming months. In some cases, estimated costs are upwards of four years old and we expect there will be significant increases once final designs are completed and bids are received.

In the coming months, we will receive bids for the Basin/Channel Dredge, the Salt Shed, Building 5 and City Hall HVAC. The results of these bids will be telling as we look to the remainder of the CIP.

In addition to project cost, we are particularly focused on the 2022 WQIP grant application for the Sanitary Sewer Project. As discussed earlier, this is a court mandated undertaking and constitutes over 25% of our total three year CIP. The grant application requests \$10 million in grant funding (of the \$14.4 million estimated total cost), and although we feel confident in the strength and merits of the application, the granting of a smaller award would have a meaningful negative impact on our program.

On a positive note, this plan does not include the possibility of additional City budget surpluses. Over the last five years, the street resurfacing program and Capex Reserve have both benefitted from annual surpluses. Our conservative budgeting, aggressive approach to the COVID-impacted 2020 and 2021 operations, and general fiscal management have provided significant monies for the CIP. We reasonably expect there to be additional monies available in the coming three years, but it is impossible to predict those amounts.

In addition, there are ongoing grant applications and discretionary State budget appropriations that we are pursuing with our legislative delegation. These are not included in the current CIP budget.

During the fourth quarter, we expect to have better information regarding many of these unknowns. However, we will also be challenged with a need to advance certain projects given the timing of bids. In light of these factors, the Council will likely be asked to further prioritize projects, either by timing or monies committed. This prioritization will need to consider the following:

- **Projects mandated by court or regulatory order:** Sanitary Sewer, STS Benefit Project and Police/Court Facilities
- **Projects required for public safety:** Channel Dredge, certain storm water improvements, Theodore Fremd Wall
- **Projects in furtherance of essential services:** Building 7, Salt Shed, Building 5, Fuel Depot

None of this is to imply that the remaining projects (City Hall HVAC, Forest Avenue Sidewalks, street resurfacing and some storm water projects) are not critical, but rather that they have greater overall discretion in timing or amount of financial commitment.

Finally, the current list of projects does not include flood mitigation or resiliency. 2022 year to date, the Council has appropriated approximately \$450 thousand for consultants, related to the Blind Brook watershed and overall project management (\$350 from the Capex Reserve and \$100 thousand from Contingency). It is premature to assume future City costs for flooding and resiliency as potential projects are advanced. We do not yet know the magnitude of costs for additional engineering, consultant etc. nor do we know our required match for grants. All of this will impact the monies available for other CIP projects.

Attachments:

City Council Presentation – Priority Capital Project Status (July 22, 2021)

City of Rye Capital Plan (Legislative Delegation – June 23, 2022)

City of Rye CIP Financial Plan (March 4, 2021)



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Resolution to purchase a new Sewer Pump Truck for \$545,912.28 with monies from the Building and Vehicle Maintenance Fund.

FOR THE MEETING OF:

August 9, 2023

RECOMMENDATION: That the Council adopt the resolution and authorize the purchase.

RESOLVED that the City Council authorizes the purchase of a new Sewer Pump Truck for \$545,912.28 with monies from the Building and Vehicle Maintenance Fund.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached memo.



CITY OF RYE
Department of Public Works

Interoffice Memorandum

To: Greg Usry, City Manager

From: Ryan Coyne, City Engineer *RXC*

Date: August 4, 2023

Subject: Request to Purchase Sewer Vacuum Truck

The City's sewer maintenance truck is at its end of life and in need of replacement. It was purchased in 2008 with an expected 10-12 year lifespan. We have stretched it to 15 years and it is scheduled in our vehicle replacement plan to be replaced in 2024.

The sewer truck is an essential piece of equipment for the department and is the sole truck used to clean and maintain our sewer and storm drain lines both proactively and in the case of an emergency.

The truck is currently in need of major engine work that will require it to be out of service for an extended period of time if we were to choose to repair it. The cost to rent a similar truck is approximately \$30,000 per month.

In this instance, it seems appropriate to advance the purchase of a new truck immediately instead of waiting for the upcoming budget request in November. The vendor is able to supply a new truck in October if we do move forward now. The cost of the new truck is \$545,912.28.

Please accept this as a request to advance the purchase of a new sewer maintenance truck. Please let me know if you have any questions or comments.



CITY COUNCIL AGENDA

DEPT.: Finance

CONTACT: Joe Fazzino, Comptroller

AGENDA ITEM: Presentation of the 6-month financial results from Comptroller, Joe Fazzino.

FOR THE MEETING OF:

August 9, 2023

RECOMMENDATION: That the Council hear the presentation.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Open a public hearing to amend Chapter 191, Article III "Parking Regulations" of the Code of the City of Rye, by amending § 191-21 "Parking, Standing or Stopping." to prohibit parking, standing or stopping from 100 ft north of Parsons to the entrance of Old Post Road on the west side of Boston Post Road

FOR THE MEETING OF:

August 9, 2023

RECOMMENDATION: That the Council open the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See attached draft law.

DRAFT

LOCAL LAW NO. _____-2023

A Local Law to amend Chapter 191, Article III “Parking Regulations” of the Code of the City of Rye, by amending § 191-21 “Parking, Standing or Stopping.” to prohibit parking, standing or stopping from 100 ft north of Parsons Street to the entrance of Old Post Road on the west side of Boston Post Road

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:

New material is underlined and in **bold**.

Article III

Parking Regulations

§ 191-21 Parking, standing or stopping.

The parking, standing or stopping of vehicles is hereby prohibited in the following locations:

Name of Street	Side	Location
Billington Court	North	
<u>Boston Post Road</u>	<u>West</u>	<u>From 100 ft North of Parsons Street to the entrance of Old Post Road.</u>
Central Avenue	North	From the Boston Post Road to the west side of the Blind Brook
Central Avenue	South	From Loewen Court to the Boston Post Road
Coolidge Avenue	West	From Osborn Road to Harding Drive
Cornell Place	Both	
Dearborn Avenue	Both	East of Forest Avenue, including the turnaround at the easterly end thereof*
Forest Avenue	East	From Redfield Street to Playland Parkway

Franklin Avenue	North-east	From a point approximately 30 feet north of Sonn Drive
Hewlett Avenue	East	Between the crosswalks extending from Robert Crisfield Place to the fire lane driveway exit, when school is in session, from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m.
Kirby Lane	Both	From its westernmost intersection with Mill Pond to Van Rensselaer Road, from 8:00 p.m. to 6:00 a.m.
Locust Avenue	Both	From Purchase Street to the east end of Mead Place
Locust Avenue	South	From main firehouse to Purchase Street
Midland Avenue	Front of No. 382	
Midland Avenue		
Midland Avenue		
Midland Avenue	West	From Apawamis Avenue to Goldwin Street from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m., Monday through Friday
Milton Road	West	From Fairlawn Street to driveway of marina
Platt Lane	South	Entire length, from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m. on school days
Purchase Street	West	From Elizabeth Street to driveway of 231 Purchase Street
Purdy Avenue	Both	Purchase Street to First Street
Purdy Avenue	South	From School Street to Post Road

NOTE:

*Except that the parking, standing or stopping of vehicles on the northerly side of the turnaround for discharging or loading of passengers only is permitted.

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 after filing with the Secretary of State.

No stopping, standing or parking along red line





CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Resolution authorizing the City exercise its authority to take a parcel of property by eminent domain for the repair of the Theodore Fremd Wall.

FOR THE MEETING OF:

August 9, 2023

RECOMMENDATION: That the Council adopt the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

At the request of the NYS DOT, the City Council needs to acquire a small piece of property to complete the repair and restoration of the Theodore Fremd Wall along the Blind Brook. In order to complete the eminent domain process, the City Council must make certain findings and decisions regarding the public use of the property and the need for the project. Attached is a resolution outlining those findings.



CITY OF RYE

RESOLUTION OF THE RYE CITY COUNCIL EXERCISING ITS AUTHORITY UNDER THE EMINENT DOMAIN PROCEDURE LAW TO ACQUIRE A DE MINIMUS PARCEL OF PROPERTY WITH NO KNOWN HEIRS TO COMPLETE THE RESTORATION AND REPAIR OF THE THEODORE FREMD AVENUE BRIDGE ALONG THE BLIND BROOK

WHEREAS, in 2007, the wall along Theodore Fremd Avenue bordering the Blind Brook was significantly damaged when two storms brought significant rainfall through the City of Rye; and

WHEREAS, since 2007, the City has been working with the New York State Department of Transportation (DOT), the Metro-North Railroad, Consolidated Edison and other governmental and transportation corporation entities to assess the damage, design and engineer portions of the wall, relocate infrastructure, acquire critical parcels of property and obtain funding to restore and repair the Theodore Fremd Avenue Bridge along Blind Brook (the “TFA Wall”); and

WHEREAS, under the Eminent Domain Procedure Law of New York (the “EDPL”), the City has the power to take property by eminent domain for public purposes; and

WHEREAS, as part of the restoration and repair of the TFA Wall, a few small parcels of property were necessary to allow room for certain improvements; and

WHEREAS, one such parcel identified as Section 146.07, Block 1, Lot 63 (the “Abandoned Parcel”) is necessary to allow for the repair of the TFA (as shown on the annexed map highlighted in yellow); and

WHEREAS, after an extensive title search, no known heirs were located but based on the City’s assessment records and filed maps, it appears that the City of Rye is the “owner” of the Abandoned Parcel (See annexed letter from Benchmark Title Agency); and

WHEREAS, the City took title to the property through a simple real property transaction and filed the deed with the Westchester County Clerk’s office; and

WHEREAS, the DOT has indicated that in order to receive the funding administered through the Federal Highway Administration, the City needs to proceed through the EDPL process to acquire the Abandoned Parcel through condemnation; and

NOW, THEREFORE, BE IT RESOLVED, that the City finds that the acquisition of the Parcel is de minimus in size, never been developed or used to accommodate larger development on adjoining parcels, and has been abandoned for decades and, therefore, the public interest will not be prejudiced by this action; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that in addition to the Abandoned Parcel being de minimum in nature, time is also of the essence to secure the various available funding sources to pursue the TFA Wall; and

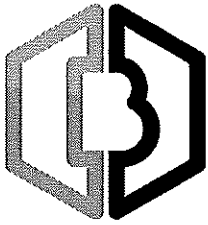
NOW, THEREFORE, BE IT FURTHER RESOLVED, that based on these two factors (the de minimus nature and the emergency need to acquire ownership of the Abandoned Parcel, this action falls under the exception to the need for a public hearing; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that pursuant to the EDPL, the following Determination and Findings are made:

1. There is a clear and exigent public use and benefit to restore and repair the TFA Wall;
2. The location of the Abandoned Parcel is shown on the annexed map;
3. The design of the restoration and repair was based on the existing Blind Brook, the location of the MTA railroad lines and other infrastructure located within and around the area;
4. The overall impact of the restoration and repair of the TFA Wall will have a positive impact on the environment and will assist in retaining the Blind Brook during rain and other flooding events and protect property;
5. The completion of the TFA Wall will positively impact the nearby residents and commercial properties through the removal of the temporary infrastructure in place protecting the Blind Brook and the TFA Wall.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the City Manager and Corporation Counsel are authorized to take the necessary steps to file the deed to the Abandoned Parcel and take any additional actions to finalize the condemnation process.

Roll Call:



**BENCHMARK
TITLE AGENCY, LLC**

222 Bloomingdale Road, White Plains, New York 10605

(914) 250-2400 Fax: (914) 422-1550

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Fidelity National Title Insurance Company
First American Title Insurance Company
Old Republic National Title Insurance Company
Stewart Title Insurance Company
Westcor Land Title Insurance Company
WFG National Title Insurance Company

March 14, 2023

Kristen K. Wilson, Esq.,
City of Rye Corporation Counsel
1051 Boston Post Road
Rye, New York 10580
kwilson@ryeny.gov

RE: Theodore Fremd Avenue; City of Rye; Tax Designation: Section 146.07 Block 1 Lot 64 and Section 146.07 Block: 1 Lot: 63

To Whom It May Concern:

Please be advised that this Company completed an extensive title search to determine the ownership of the aforementioned parcels. Our title search covered the period from the early 1800's to February 27, 2023; as of February 27, 2023 we find the following:

As to Tax Lot 64:

City of Rye acquired title by deed made by The New York, New Haven and Hartford Railroad Company, a Connecticut Corporation, dated March 6, 1953 and recorded June 18, 1953 in Liber 5221 Page 418. (Deed covers premises and more)

As to Tax Lot 63:

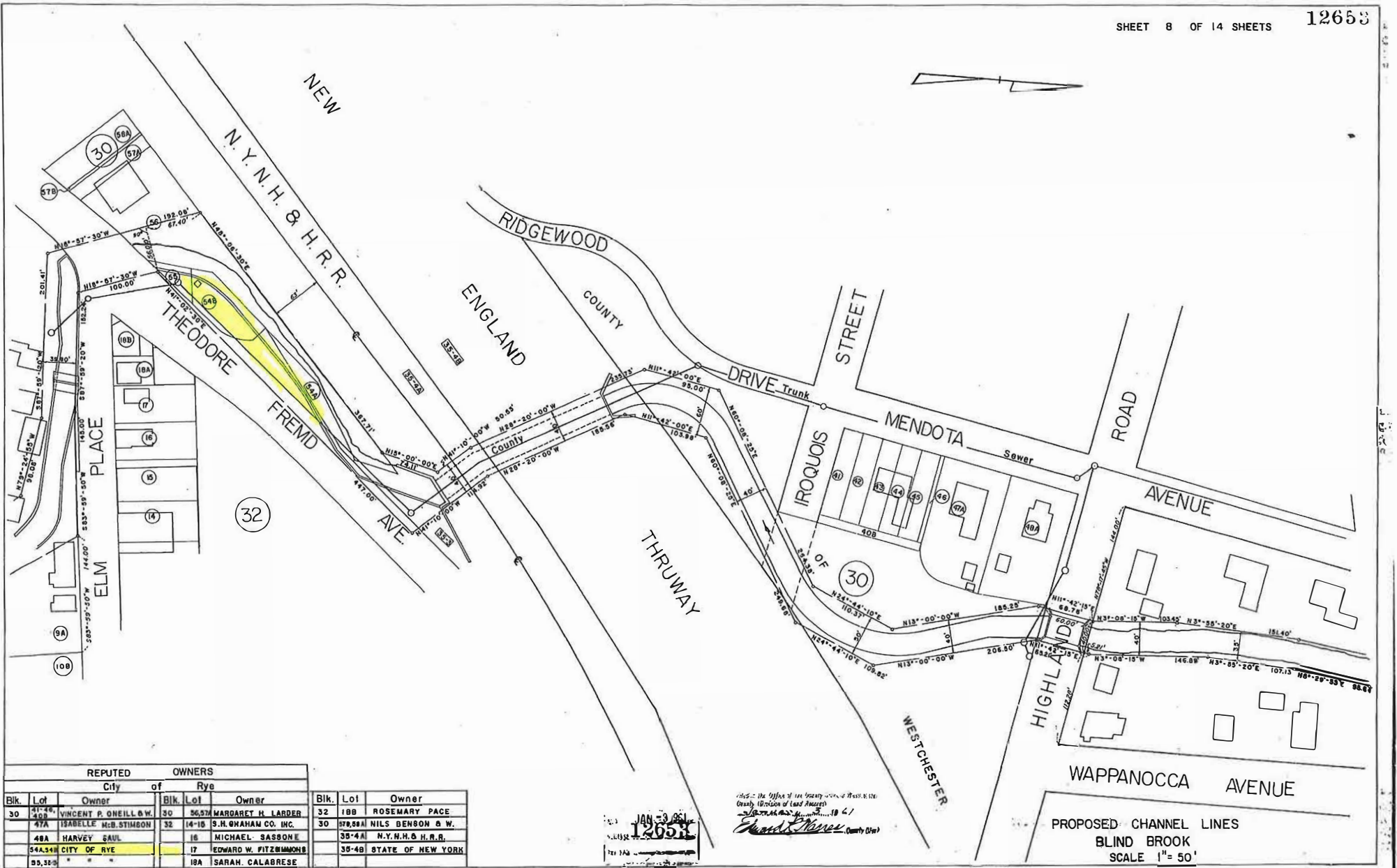
This Company was unable to locate any recorded deed(s) into the City of Rye for said parcel, however, we believe title is in the City of Rye based on Filed Map No. 1901-36 filed August 28, 1953, which clearly depicts the parcel as owned by the City of Rye and indicated the parcel as "Land of the City of Rye". Furthermore, the parcel is assessed to the City of Rye and has been since the 1950's.

Sincerely,

A handwritten signature in black ink, appearing to read 'Domenica Stancato', written over a horizontal line.

Domenica Stancato
Legal Assistant

12653-8



REPUTED OWNERS

City of Rye			City of Rye			City of Rye		
Bk.	Lot	Owner	Bk.	Lot	Owner	Bk.	Lot	Owner
30	31	VINCENT P. ONEILL & W.	30	36.37	MARGARET H. LARDER	32	18B	ROSEMARY PACE
47A	47A	ISABELLE M.B. STIMON	32	14-18	S.H. O'HANAN CO. INC.	30	37B, 38A	NILS BENSON & W.
48A	48A	HARVEY SAUL	16	16	MICHAEL SASSONE	35-41		N.Y.N.H. & H.R.R.
54A, 54B		CITY OF RYE	17	17	EDWARD W. FITZSIMMONS	35-4B		STATE OF NEW YORK
35, 35B			18A	18A	SARAH CALABRESE			

MADE IN THE OFFICE OF THE COUNTY CLERK OF WESTCHESTER COUNTY
 COUNTY DIVISION OF LAND ASSESSMENT
 JAN 23 1961
 12653
 126 1A
Edward W. Fitzsimmons (County Clerk)

PROPOSED CHANNEL LINES
 BLIND BROOK
 SCALE 1" = 50'



CITY COUNCIL AGENDA

DEPT.: FINANCE

CONTACT: Joseph S. Fazzino, Deputy City Comptroller

ACTION: Adoption of the 2023/2024 tax levy and tax rate for the Rye Neck Union Free School District.

FOR THE MEETING OF:

August 9, 2023

RYE CITY CODE,

§C22-9(A)

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of \$12,238,035 to be raised on property within the District located in the City of Rye, with established tax rates of \$1,020.305801 per \$1,000 of taxable assessed value on homestead property and \$1,297.758598 per \$1,000 taxable assessed value on non-homestead property, for the fiscal year beginning July 1, 2023 and ending June 30, 2024, now, therefore, be it

RESOLVED, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect said taxes, subject to any further amendments or approvals required by the Rye Neck Union Free School District.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Rye Neck Union Free School District has provided the City with the allocation of the tax levy and tax rates for the Town of Rye and City of Rye. A portion of the City's share of the tax levy is attributable to STAR exemptions, which will be paid by the State to the district. The above amounts and rates are subject to adjustments and adoption by the District at their next Board of Education meeting, August 23, 2023.