

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

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, February 28, 2024
6:30 p.m.**

Please note: The Council will convene at 5:30 p.m. and it is expected they will adjourn into Executive Session at 5:31 p.m. to discuss pending litigation, personnel matters, and pending contracts.

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the Regular Meeting of the City Council held February 7, 2024.
4. Consideration of proposed policies for the City of Rye Fire Department:
 - Policy # 500 – Medical Supplies
 - Policy # 602– Firefighter Health Safety and Survival Training
 - Policy # 604 – CPR and Automated External Defibrillator Training
 - Policy # 605 – Communicable Disease Training Program
 - Policy #606 – Emergency Action Plan and Fire Prevention Plan Training
5. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.
6. Bird House Presentation
7. Consideration of a Memorandum of Agreement between the City of Rye and the Rye Police Association.
8. Resolution to award contract #2024-01 (Sewer Main Spot Repair Project).
9. Resolution to award contract #2024-04 (Salt Shed materials).
10. Set a public hearing for March 20, 2024, on a possible amendment of Chapter 177 “Taxation”, Article III, “Senior Citizens Exemption” to alter the income calculation used to determine exemptions and increase the income limits.
11. Set a public hearing for March 20, 2024, on a possible amendment of Chapter 177 “Taxation”, Article VIII, “Exemption for Persons with Disabilities and Limited

Incomes” to alter the income calculation used to determine exemptions increase the income limits.

12. Set a public hearing for March 20, 2024, to amend Chapter 177 “Taxation”, Article XIV, “Volunteer Firefighter Exemption” to provide for the real property tax exemption authorized by § 466-a of the Real Property Tax Law of the State of New York.
13. Resolution in support of increasing AIM funding.

CONSENT AGENDA

- a) Consideration of a request by the Rye Chamber of Commerce for the use of City Car Park #2 on Sundays for the Down To Earth Farmer's Market to be held weekly on May 5, 2024 - December 1, 2024.
 - b) Consideration of a request by the Rye Chamber of Commerce for the use of City streets for the Annual Sidewalk Sale, Thursday July 18 - Saturday July 20, 2024, from 10 AM - 4 PM.
 - c) Consideration of a request by the Rye Chamber of Commerce for use of Purchase Street from Village Green to Purdy to host the Annual Mistletoe Magic Celebration, Sunday December 1, 2024, from 11 AM - 3 PM.
14. Appointments to Boards and Commissions by the Mayor with Council approval.
 15. Resolution adopting rules for agenda setting and conducting business at council meetings.
 16. Old Business/New Business.
 17. Adjournment

The next regular meeting of the City Council will be held on Wednesday, March 6, 2024, 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”.

UNAPPROVED MINUTES of the Regular Meeting of
the City Council of the City of Rye held in City Hall on
February 7, 2024, at 6:30 P.M.

PRESENT:

JOSH COHN, Mayor
SARA GODDARD
BILL HENDERSON
JAMIE JENSEN
JOSHUA NATHAN
Councilmembers

ABSENT:

KEITH CUNNINGHAM
JULIE SOUZA
Councilmembers

ALSO ATTENDING:

GREG USRY, CITY MANAGER
KRISTEN WILSON, CORPORATION COUNSEL
CHRIS CORREALE, RYE GOLF CLUB GENERAL MANAGER

The Council convened in a public meeting 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 Pledge of Allegiance.

2. [Roll Call.](#)

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

City Manager, Greg Usry, announced Noga Ruttenberg as the new City Clerk starting Monday, February 12, 2024, and thanked Deputy City Clerk, Kayla Garritano, for acting as the Interim City Clerk.

3. [Draft unapproved minutes of the Regular Meeting of the City Council held January 24, 2024.](#)

On motion by Councilman Henderson, seconded by Councilman Nathan, it was

RESOLVED to approve the draft unapproved minutes of the Regular Meeting of the City Council held January 24, 2024.

Adopted by the following vote:

AYES: Councilpersons Goddard, Henderson, Jensen, Nathan
Mayor Cohn
NAYS: None
ABSENT: Councilman Cunningham, Souza

4. [Flooding update.](#)

Mayor Cohn gave an update on flooding within the City of Rye.

5. [Consideration to amend the 2024 Adopted Fees and Charges for the Rye Golf Club.](#)

City Manager, Greg Usry, presented the 2024 fees and charges for the Rye Gold Club.

On motion by Councilman Henderson, seconded by Councilman Nathan,

**RESOLUTION TO AMEND THE 2024 ADOPTED FEES AND CHARGES FOR
THE RYE GOLF CLUB**

WHEREAS, the City of Rye owns and operates a municipal golf and pool facility at 330 Boston Post Road, Rye, N.Y., known as the Rye Golf Club; and

WHEREAS, the prior City Council, on November 8, 2023, approved 2024 Rye Golf Club annual rates requiring **new Rye resident** members to pay considerably more than **renewing Rye resident** members within their same category of membership; and

WHEREAS, the City Council, on January 10, 2024, approved a resolution to reverse the 2024 Rye Golf Club annual rates as they relate to **Rye resident annual memberships to ensure parity**; and to direct the City Manager and Rye Golf Club General Manager to work with the Rye Golf Club Commission to provide revised resident rates for 2024; and

WHEREAS, The Rye Golf Club General Manager and the Rye Golf Commission approved the attached new 2024 rates at its January 30, 2024 meeting, ensuring that **all Rye resident members**, both new and renewing, will be charged the same annual rate within their same category of membership; and

WHEREAS, The Rye City Manager ensures that the new proposed rate structure attached herein meets the requirements of the Rye Golf Enterprise Fund having a breakeven or surplus budget.

NOW THEREFORE BE IT RESOLVED, that the City Council hereby adopts the new 2024 rates as set forth in the attached exhibit.

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<u>Resident</u>	Increase over 2023 rates	
Resident - Comprehensive	\$ 5,479.00	6%
Resident- Individual Daily Golf	\$ 3,781.00	6%
Resident- Individual Weekday Golf	\$ 2,647.00	6%
Resident -Young Executive	\$ 3,400.00	6%
Resident - Family Pool	\$ 1,764.00	6%
Resident- Individual Pool	\$ 926.00	6%
Resident - Pool For Two	\$ 1,438.00	6%

Adopted by the following vote:

ROLL CALL

AYES: Councilpersons Goddard, Henderson, Jensen, Nathan

NAYS: Mayor Cohn

ABSENT: Councilman Cunningham, Souza

6. [Consideration to authorize the City Manager to transfer \\$300,000 from Rye Golf Club’s Reserve Account to the Rye Golf Club Project Account for phase 1 of the Club’s Bunker Renovation Project.](#)

General Manager of Rye Golf Club, Chris Correale, explained the Club’s Bunker Renovation Project.

On motion by Councilman Henderson, seconded by Councilman Nathan, it was

RESOLVED to authorize the City Manager to transfer \$300,000 from Rye Golf Club’s Reserve Account to the Rye Golf Club Project Account for phase 1 of the Club’s Bunker Renovation Project.

Adopted by the following vote:

AYES: Councilpersons Goddard, Henderson, Jensen, Nathan, Souza
Mayor Cohn

NAYS: None

ABSENT: Councilman Cunningham, Jensen

7. [Members of the public may be heard on matters for Council consideration that do not appear on the agenda.](#)

The following members of the public spoke:

- Eric Moy of Fong’s Cleaners, 36 Elm Place, spoke on keeping his parents’ legacy at the Cleaners and thanked Rye for the support.
- John Leonard, 1 Apawamis Avenue, spoke on flooding issues and stormwater drainage.

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- Mack Cunningham, 502 Forest Avenue, spoke on the Rye Golf Club and the Whitby Castle AC unit.

8. [Consideration of a request from the Rye Historical Society to close Haviland Lane for Rye History Day on June 1, 2024, from 9:00 am – 4:00 pm.](#)

Anne Gold, Executive Director of the Rye Historical Society, elaborated on the Rye History Day activities and celebrations.

On motion by Councilman Henderson, seconded by Councilwoman Goddard, it was

RESOLVED to approve of a request from the Rye Historical Society to close Haviland Lane for Rye History Day on June 1, 2024, from 9:00 am – 4:00 pm.

Adopted by the following vote:

AYES: Councilpersons Goddard, Henderson, Jensen, Nathan
Mayor Cohn
NAYS: None
ABSENT: Councilman Cunningham, Souza

9. [Consideration of a request from the Rye Historical Society to have 1 or 2 food trucks on Haviland Lane for Rye History Day on June 1, 2024, from 9:00 am – 4:00 pm.](#)

On motion by Councilman Nathan, seconded by Councilwoman Jensen, it was

RESOLVED to approve of a request from the Rye Historical Society to have 1 or 2 food trucks on Haviland Lane for Rye History Day on June 1, 2024, from 9:00 am – 4:00 pm.

Adopted by the following vote:

AYES: Councilpersons Goddard, Henderson, Jensen, Nathan
Mayor Cohn
NAYS: None
ABSENT: Councilman Cunningham, Souza

10. [Old Business/New Business.](#)

- a) Councilwoman Jensen asked Corporation Counsel, Kristen Wilson, if she could create a Resolution to extend the pause/request to not further the design plans beyond February 28th.

On motion of Councilwoman Jensen, seconded by Councilwoman Goddard, it was

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RESOLVED to extend the pause on further spending and other actions regarding Nursery Field through March 20th.

Adopted by the following vote:

ROLL CALL

AYES: Councilpersons Goddard, Henderson, Jensen, Nathan

NAYS: Mayor Cohn

ABSENT: Councilman Cunningham, Souza

- b) Councilman Nathan announced that on Thursday, February 15th at 7:30 PM, the Library is having its annual meeting with featured guest Harold Holzer, Rye resident, and Rye Free Reading Room 2023 Mayor's Award recipient, to discuss his newest book, "Brought Forth on This Continent: Abraham Lincoln and American Immigration," as well as his latest research.

11. [Adjournment](#)

On motion of Mayor Cohn, seconded by Councilman Henderson, with the Council in favor, the meeting was adjourned at 7:08 PM.

Respectfully submitted,

Noga Ruttenberg
City Clerk



CITY COUNCIL AGENDA

DEPT.: Fire Department

CONTACT: Michael A, Kopy, Commissioner of Public Safety

AGENDA ITEM: Consideration of proposed additions to the Rules and Regulations of the City of Rye Fire Department:

- Policy # 500 – Medical Supplies
- Policy # 602– Firefighter Health Safety and Survival Training
- Policy # 604 – CPR and Automated External Defibrillator Training
- Policy # 605 – Communicable Disease Training Program
- Policy # 606 – Emergency Action Plan and Fire Prevention Plan Training

FOR THE MEETING OF:

February 28, 2024

RECOMMENDATION: Approval of the listed policies.

IMPACT: Environmental Fiscal Neighborhood Other:

Enhancement of the operational effectiveness of the Department.

BACKGROUND: The proposed policies have been reviewed by the Commissioner and the Professional Firefighters Local 2029.

See attached memo and new policies.

Michael A. Kopy
Public Safety Commissioner
Rye, New York 10580



CITY OF RYE

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Department of Public Safety

Memorandum

To: Greg Usry, City Manager
From: Michael A. Kopy, Public Safety Commissioner
Date: 2/23/2023
Re: Fire Department – Lexipol Policy

Reference the captioned subject, the attached policies are being forwarded for review. The city contracted with Lexipol prior to my arrival to develop and establish policies for the fire department based on nationwide standards and best practices, while also incorporating state and federal laws. I have reviewed the policies submitted by Lexipol with a committee at the police department (including the Professional Firefighters Local 2029) and made the appropriate changes where necessary.

I believe that the adoption of the policies below is in the best interest of public safety in the City of Rye and I recommend that it be forwarded to the City Council for action. Below is a brief overview of the policies that were submitted by Lexipol.

I will be available to answer questions when these are reviewed.

Policy 500 – Medical Supplies

The purpose of this policy is to establish a Periodic Automatic Replenishment (PAR) level system for medical supply inventories for the safety and welfare of patients and employees.

Policy 602 – Firefighter Health, Safety and Survival Training

The purpose of this policy is to encourage a culture of safety first in an effort to increase firefighter health, safety and survival, and reduce the number of preventable injuries and deaths.



Policy 604 – CPR and Automated External Defibrillator Training

The purpose of this policy is to establish the training requirements for members to maintain the current and valid certification that is required to perform CPR and to utilize and Automated External Defibrillator (AED) in compliance with the New York State Emergency Medical Services (EMS) Code. (10 NYCRR § 800.1 et seq.).

Policy 605 – Communicable Disease Training Program

The purpose of this policy is to establish a training program to ensure members have the skills and knowledge to protect themselves against communicable diseases.

Policy 606 – Emergency Action Plan and Fire Prevention Plan Training

The purpose of this policy is to establish training in support of the Rye Fire Department Emergency Action Plan (EAP) and Fire Prevention Plan (FPP) in a manner consistent with the New York regulations for all Rye Fire Department facilities. (29CFR 1910.38; 29 CFR 1910.39; 12 NYCRR § 800.3)



Medical Supplies

500.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a Periodic Automatic Replenishment (PAR) level system for medical supply inventories for the safety and welfare of patients and employees. Adequate PAR levels for ordering medical supplies assist with budgeting and waste management. Adherence to this policy is intended to prevent the depletion of protective supplies for employees and supplies for the treatment of patients, while reducing inventory overstock and the inability to obtain critical supplies.

500.2 POLICY

It is the policy of the Rye Fire Department to use a PAR level system for medical supply inventories.

500.3 PROCEDURES

The PAR level should be based on normal annual inventory usage. The PAR level should include all medical supplies maintained in fire stations and carried on apparatus.

A delivery schedule for supplies should be created and distributed to all stations one month in advance.

500.4 BACK-ORDERED SUPPLIES

If the supplier is unable to fill an order, the supplier may indicate that the supply is back-ordered. Do not continue to order items that are on back-order. Any questions concerning back-ordered supplies should be directed to the supplier. If the needed items cannot be obtained in the normal manner, contact the EMS supervisor.

Firefighter Health, Safety and Survival Training

602.1 PURPOSE AND SCOPE

The purpose of this policy is to encourage a culture of safety first in an effort to increase firefighter health, safety and survival, and reduce the number of preventable injuries and deaths.

602.2 POLICY

The Rye Fire Department is committed to providing leadership, accountability and training regarding firefighter health, safety and survival.

602.3 MEMBER RESPONSIBILITIES

Members are responsible for participating in health, safety and survival training required by the Department. Members are also responsible for their own actions and are expected to follow Rye Fire Department safety standards, practices and training.

Any member who observes another member engaging in unsafe behavior must report the behavior to his/her supervisor as soon as reasonably practicable.

602.4 SUPERVISOR RESPONSIBILITIES

Lieutenants are responsible for ensuring members under their command attend required health, safety and survival training, as required by the Career Captain.

All supervisors are expected to model safe behaviors and take appropriate action when unsafe behaviors are observed or reported.

602.5 TRAINING LIEUTENANT RESPONSIBILITIES

The Training Lieutenant is responsible for identifying health, safety and survival training required by the Department.

Required training may include safety-related courses of the National Fallen Firefighters Foundation (NFFF), National Fire Academy, International Association of Fire Chiefs, International Association of Firefighters or other training the Career Captain deems necessary.

602.6 TRAINING RECORDS

The Training Lieutenant is responsible for maintaining records of health, safety and survival training received by members. Records should include, but are not limited to:

- (a) The dates of the training sessions.
- (b) A list of the topics or a summary of the content of the training sessions.
- (c) The names or other identifiers and job titles of the members who received the training.

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Firefighter Health, Safety and Survival Training

- (d) The names, certificate numbers and qualifications of persons conducting the training.

The Training Lieutenant should maintain the training records in accordance with established records retention schedules.

CPR and Automated External Defibrillator Training

604.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the training requirements for members to maintain the current and valid certification that is required to perform CPR and to utilize an Automated External Defibrillator (AED) in compliance with the New York State Emergency Medical Services (EMS) Code (10 NYCRR § 800.1 et seq.).

604.1.1 DEFINITIONS

Definitions related to this policy include (10 NYCRR § 800.3):

Automated External Defibrillator (AED) - A device used by a certified first responder, emergency medical technician or advanced emergency medical technician that incorporates an electronic rhythm analysis system that limits the delivery of an electrical countershock to a rhythm for which defibrillation is medically indicated. The external defibrillator may be either a fully automatic or semiautomatic (shock-advisory) type.

Certified instructor coordinator - A person certified pursuant to regulations of the New York State Department of Health (DOH) to serve as the lead instructor for courses leading to certification as an emergency medical technician or certified first responder.

604.2 POLICY

It is the policy of the Rye Fire Department that all members whose duties include the use of an AED or the performance of CPR shall receive initial and recertification training to maintain the current and valid certification that is required to utilize such equipment and/or skills. Initial training and recertification will consist of courses approved by DOH and the regional EMS council and will be provided by certified instructor coordinators at the appropriate health care provider level (10 NYCRR § 800.1 et seq.).

604.3 REQUIREMENTS

CPR and AED training should include:

- Proper use, maintenance and periodic inspection of the AED.
- The importance of CPR, defibrillation, Advanced Life Support (ALS), adequate airway care and internal emergency response system, if applicable.
- Assessment of an unconscious patient to include evaluation of the airway, breathing and circulation to determine cardiac arrest.
- The administration of CPR, obstructed airway and other health care provider CPR curriculum skills.
- Information relating to AED safety precautions to enable the administration of a shock without jeopardizing the safety of the patient, rescuers or other nearby persons.

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CPR and Automated External Defibrillator Training

- Recognition that an electrical shock has been delivered to the patient and that the defibrillator is no longer charged.
- Rapid, accurate assessment of the patient's post-shock status.
- The appropriate continuation of care following a successful defibrillation.

In order to be authorized to perform CPR and utilize the defibrillator, an individual shall pass a written and skills examination with a pre-established standard. The skills test measures the ability to evaluate and manage the conditions listed above.

All CPR and AED training provided by the Department shall be approved training by the DOH for first responders and/or the professional rescuer, which must include written and skills examinations required for certification. DOH shall approve AED instructors and designate public safety AED service providers.

604.4 TRAINING RECORDS

The Training Lieutenant shall be responsible for maintaining records of all CPR and AED training provided to members, in accordance with DOH regulations. Records should include, but are not limited to:

- (a) The dates of the training sessions.
- (b) A list of the topics or a summary of the content of the training sessions.
- (c) The names or other identifiers and job titles of the members who received the training.
- (d) The names, certificate numbers and qualifications of the persons conducting the training.

The Training Lieutenant should maintain the training records in accordance with established records retention schedules.

Communicable Disease Training Program

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a training program to ensure members have the skills and knowledge to protect themselves against communicable diseases.

605.2 POLICY

It is the policy of the Rye Fire Department to make members' health and safety a priority by providing initial and recurring communicable disease training.

605.3 TRAINING REQUIREMENTS

The Health and Safety Officer, working with the Training Lieutenant, shall be responsible for:

- (a) Developing and implementing a training program on the Communicable Diseases Policy and an exposure control plan.
- (b) Remaining current on all legal requirements concerning communicable disease training mandates and reasonable training goals.
- (c) Maintaining an up-to-date list of personnel requiring training.
- (d) Maintaining class rosters and quizzes and periodically reviewing and updating the training program.
- (e) Ensuring that the training mandates set forth in 29 CFR 1910.1030 are included in the training program and are met by all members (Labor Law § 27-a; 12 NYCRR § 800.3).

605.4 MEMBER TRAINING

Any member whose duties place him/her at risk for exposure to communicable disease shall receive department-provided, no-cost training during working hours. The training shall meet the requirements of 29 CFR 1910.1030 (Labor Law § 27-a; 12 NYCRR § 800.3).

605.5 TRAINING RECORDS

The Training Lieutenant shall be responsible for maintaining records of all communicable disease training provided to members. Records should include, but are not limited to:

- (a) The dates of the training sessions.
- (b) A list of the topics or a summary of the content of the training sessions.
- (c) The names or other identifiers and job titles of the members who received the training.
- (d) The names, certificate numbers and qualifications of persons conducting the training.

The Training Lieutenant should maintain the training records in accordance with established records retention schedules.

Emergency Action Plan and Fire Prevention Plan Training

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish training in support of the Rye Fire Department Emergency Action Plan (EAP) and Fire Prevention Plan (FPP) in a manner consistent with New York regulations for all Rye Fire Department facilities (29 CFR 1910.38; 29 CFR 1910.39; 12 NYCRR § 800.3).

606.2 POLICY

It is the policy of the Rye Fire Department to provide training to all members regarding the EAP and FPP.

606.3 TRAINING GUIDELINES

The EAP and FPP training shall include, but is not limited to:

- (a) A review of the department's EAP and FPP including any information specific to each member's workplace or assignment.
- (b) Information on where written copies of the EAP and FPP are located and how members may review the plans.
- (c) The Department shall designate and train a sufficient number of people to assist in the safe and orderly emergency evacuation of members and visitors in the event of an emergency.
- (d) The Department shall advise each member of his/her responsibility under the plans at the following times:
 1. Initially when the plans are developed
 2. Whenever the member's responsibilities or designated actions under the plans change
 3. Whenever the plans are changed
- (e) The Department shall review with each member upon initial assignment those parts of the EAP and FPP that the member must know to protect the member in the event of an emergency.

606.4 TRAINING LIEUTENANT RESPONSIBILITIES

The Training Lieutenant shall be responsible for developing and scheduling the Department's EAP and FPP training. The Training Lieutenant shall maintain records of all EAP and FPP training provided to members. Records should include, but are not limited to:

- (a) The dates of the training sessions.

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- (b) A list of the topics or a summary of the content of the training sessions.
- (c) The names or other identifiers and job titles of the members who received the training.
- (d) The names, certificate numbers and qualifications of persons conducting the training.

The Training Lieutenant should maintain the training records in accordance with established records retention schedules.



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Bird House Presentation

FOR THE MEETING OF:

February 28, 2024

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: Consideration of a Memorandum of Agreement between the City of Rye and the Rye Police Association.

FOR THE MEETING OF:

February 28, 2024

RECOMMENDATION: That the Council consider an agreement for the contract period of January 1, 2024 to December 31, 2028 (5 years).

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

That the Council consider an agreement for the contract period of 1/1/2024 – 12/31/2028.

See attached.



CITY OF RYE

MEMORANDUM

TO: Greg Usry, City Manager

FROM: Brian Shea, Assistant City Manager

DATE: December 8, 2023

RE: **Police MOA Terms**

The following is a summary of terms contained in the Memorandum of Agreement (MOA) between the City and the Rye Police Association.

1. Term: The term of the agreement is January 1, 2024 to December 31, 2028. (5 years)

2. Work Schedule – The MOA modifies Article 3 to provide that effective January 1, 2024, staff positions following a steady five (5) day schedule shall be granted three (3) Chart Days per year. An additional Chart Day shall be added in 2025, 2026, 2027, and 2028. Such days shall be taken with the approval of the Commissioner.

- **Background:** Currently, steady shift employees appear 13 more times each year as compared to rotating shift employees. Neighboring municipalities including Harrison, Mamaroneck, Rye Brook, and Port Chester all provide “Chart Days” to balance out the number of days worked for steady shift employees so that they are equal. The new MOA will not provide the parity that other jurisdictions provide but will provide 7 additional days by the end of the contract term. This agreement reflects a compromise between the City and Police Association.

3. Wages: The MOA provides for % increases as follows: 2024 – 2.75%, 2025 – 3%, 2026 – 3%, 2027- 3.25%, 2028 - 3%. (15% over 5 years.)

- **Background:** These wage increases are consistent with the increases we have seen from neighboring jurisdictions that have settled contracts with their Police Unions over the last couple of years. They are also consistent with what we would have expected from an arbitration award given the recent agreements in neighboring jurisdictions and the City’s fiscal health. Due to the inflationary environment and other factors, the most recent contract settlements in Sound Shore communities have seen higher than 3% increases – some reaching over 4% year over year.

4. Detective Pay: Detective pay has been set at 10% above base pay for patrolmen.

- **Background:** This reflects an increase from 7% to 10%. 10% is the industry standard and is consistent with what is provided in neighboring jurisdictions and throughout the State.

5. Longevity: The MOA amends Article 5, Section 2 to provide that effective January 1, 2024, each longevity step shall be increased by \$200. Additionally, each longevity step shall be increased by \$100 for each subsequent year of the Agreement.

- **Background:** The City's longevity payments remain low when compared to neighboring jurisdictions. Even with the increase, longevity payments are negligible in the context of the overall operating budget.

6. Overtime: The new MOA clarifies the City's right to hold officers over at the completion of their shifts until a replacement officer is available.

- **Background:** This is a provision typically found in police contracts to ensure continuity of service and appropriate staffing levels.

7. Marine Unit: The MOA clarifies that an officer assigned to the Marine Unit throughout the year shall receive a stipend equivalent to 7% of base pay, pro-rated bi-weekly, during the period of this assignment, which is made at the sole discretion of the Commissioner of Police.

- **Background:** This simply memorializes that the existing Marine Unit stipend will be provided throughout the year as it currently is.

8. Annual Leave: The MOA adds a new section to Article 7 providing that effective January 1, 2025, officers may sell up to seven (7) vacation days at straight time. Notice may be provided to the City by October 1st of the prior year.

- **Background:** This is consistent with the City's existing policy for APG employees, who are allowed to sell up to (10) vacation days each year.

9. Clothing and Equipment Maintenance Allowance: The clothing allowance provided to officers is increased to \$1400 in 2024, and \$100 each subsequent year to \$1800 by the end of the contract term.

- **Background:** The Clothing Equipment and Maintenance Allowance has not been increased since 2007. Even with the increase, the City's clothing allowance that will exist by the end of the contract is significantly less than the current allowance provided by most neighboring jurisdictions.

###

MEMORANDUM OF AGREEMENT

Memorandum of Agreement by and between the City of Rye (the “City”) and the Rye Police Association of the City of Rye, Inc. (the “Association”) dated this ___ day of November, 2023.

WHEREAS, the City and the Association are parties to a collective bargaining agreement which will expire on December 31, 2023; and

WHEREAS, the City and the Association have entered into negotiations for a successor agreement in accordance with the Taylor Law; and

WHEREAS, the City and the Association have reached a tentative agreement subject to ratification by the membership of the Association and the City Council, it is stipulated and agreed as follows:

1. All proposals not addressed by this Memorandum of Agreement (“Agreement”) are withdrawn.
2. The term of the Agreement shall be January 1, 2024 through December 31, 2028.
3. Work Schedule – Modify Article 3 to provide that effective January 1, 2024, staff positions following a steady five (5) day schedule shall be granted three (3) Chart Days per year. An additional Chart Day shall be added in 2025, 2026, 2027, and 2028 (A total of 7 in 2028). Such days shall be taken with the approval of the Commissioner.
4. Wages – Modify Article 5, Section 1 to provide that the pay plan shall be increased as follows:
 - a. Effective January 1, 2024, all bargaining unit members’ salaries shall be increased by 2.75%.
 - b. Effective January 1, 2025, all bargaining unit members’ salaries shall be increased by 3.00%.
 - c. Effective January 1, 2026, all bargaining unit members’ salaries shall be increased by 3.00%.
 - d. Effective January 1, 2027, all bargaining unit members’ salaries shall be increased by 3.25%.
 - e. Effective January 1, 2028, all bargaining unit members’ salaries shall be increased by 3.00%.
5. Wages – Amend Article 5, Section 1, paragraph B to provide as follows:

Effective January 1, 2024, each Patrolman assigned to the Detective Division or Youth Division for 30 days or more in any calendar year shall receive additional compensation of **10%** above base pay for a patrolman, pro-rated bi-weekly, during the period of this

assignment, which is made at the sole discretion of the Commissioner of Police. Each employee assigned to the position of Detective Sergeant shall receive additional compensation of 3% above the Detective Division or Youth Division compensation. In addition to the above, any employee, whose rank is Sergeant or below, designated as commander of the detective unit, for a period in excess of 30 days, by the Commissioner of Police, shall receive additional compensation at the rate of \$800 per year, pro-rated bi-weekly.

6. Longevity – Amend Article 5, Section 2 to provide that effective January 1, 2024, each longevity step shall be increased by \$200. Additionally, each longevity step shall be increased by \$100 for each subsequent year of the Agreement.

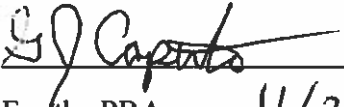
	1/1/2024	1/1/2025	1/1/2026	1/1/2027	1/1/2028
At the completion of 7 years of service:	\$ 1,300	\$ 1,400	\$ 1,500	\$ 1,600	\$ 1,700
At the completion of 12 years of service:	\$ 2,200	\$ 2,300	\$ 2,400	\$ 2,500	\$ 2,600
At the completion of 17 years of service:	\$ 3,100	\$ 3,200	\$ 3,300	\$ 3,400	\$ 3,500

7. Overtime – Amend Article 6 to provide that the City shall have the right to hold officers over at the completion of their respective shifts until a replacement officer is able to cover that shift. The officer held over shall be paid at the rate of time and one-half. Before an officer is held over, the City will attempt to cover the tour or part thereof through its regular overtime rotation. In the event the City is unable to fill the tour by utilizing its overtime rotation, the least senior officer working the tour shall be held over.
8. Marine Unit – The officer assigned to the Marine Unit throughout the year shall receive a stipend equivalent to 7% of base pay, pro-rated bi-weekly, during the period of this assignment, which is made at the sole discretion of the Commissioner of Police.
9. Annual Leave – Add new section to Article 7 providing that effective January 1, 2025, officers may sell up to seven (7) vacation days at straight time. Notice may be provided to the City by October 1st of the prior year.
10. Clothing And Equipment Maintenance Allowance – Modify Article 22 to provide as follows:
 - a. Effective January 1, 2024, the Employer shall pay each employee \$1,400 in a lump sum, pro-rated due on December 1st of each year, as a uniform, dry cleaning, appearance, and equipment maintenance allowance.

- b. Effective January 1, 2025, the Employer shall pay each employee \$1,500 in a lump sum, pro-rated due on December 1st of each year, as a uniform, dry cleaning, appearance, and equipment maintenance allowance
- c. Effective January 1, 2026, the Employer shall pay each employee \$1,600 in a lump sum, pro-rated due on December 1st of each year, as a uniform, dry cleaning, appearance, and equipment maintenance allowance
- d. Effective January 1, 2027, the Employer shall pay each employee \$1,700 in a lump sum, pro-rated due on December 1st of each year, as a uniform, dry cleaning, appearance, and equipment maintenance allowance
- e. Effective January 1, 2028, the Employer shall pay each employee \$1,800 in a lump sum, pro-rated due on December 1st of each year, as a uniform, dry cleaning, appearance, and equipment maintenance allowance

8. Article 8 Holidays: Juneteenth added to make a total number of 14. The payments shall be made January 1, (7days pay) and July 1 (7days pay) each year.

For the City



For the PBA 11/22/2023



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Award bid for the Sewer Main Spot Repair Project (Contract # 2024-01).

FOR THE MEETING OF:

February 28, 2024

RECOMMENDATION: That the Council award the bid to the recommended bidder.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye received funding from the Water Quality Improvement Program (WQIP) to construct improvements to the sanitary sewer system identified in the Sanitary System Evaluation Survey (SSES). The SSES recommended improvements to reduce inflow and infiltration in the sanitary sewer system. The improvements were identified during extensive investigation of the sanitary sewer system utilizing smoke testing, dye testing, manhole inspections and CCTV of the sewer.

This project includes, but not limited to labor, material, and equipment for approximately 3,267 linear feet of open cut sewer main replacement (pipe size varies) for the City's sewer main.

Based on the Department of Public Works and Barton & Loguidice, D.P.C. review of the bids submitted and qualifications of the low bidder, we recommend awarding Contract 2024-01 to Con-Tech Construction Technology, Inc. in the amount of \$4,050,112.00.



Memorandum

City of Rye Department of Public Works
141 Oakland Beach Avenue Rye, NY 10580 T: 914.967.7464

To: Greg Usry, City Manager
From: Eric Kingsbury, ASDPW
Cc: Ryan Coyne, PE, City Engineer
Date: February 22, 2024
Re: Contract 2024-01 Sewer Main Spot Repair

This office has reviewed and tabulated the bid received on February 21, 2024 for the above reference project. A copy of the bid result, Notice of Award, and the recommendation letter from Barton & Loguidice is attached. The Notice of Award will need to be signed.

I recommend the contract be awarded to the low bidder, Con-Tech Construction Technology, Inc. in the amount of Four Million Fifty Thousand One Hundred Twelve Dollars and Zero Cents (\$4,050,112.00).



February 21, 2024

Ryan Coyne, P.E.
City Engineer
City of Rye
141 Oakland Beach Avenue
Rye, NY 10580

Re: City of Rye – Sewer Spot Repair Project
Contract No. 2024-01
Recommendation of Award

File: 1695.013.001

Dear Mr. Coyne:

Barton & Loguidice, D.P.C. (B&L) has reviewed bids submitted for the referenced project and the certified bid tabulation is attached for your review. Five (5) bids were submitted for Contract 2024-01 – Sewer Spot Repair Project. Based on our review of the bids submitted and qualifications of the low bidder, B&L recommends the award for Contract 2024-01 to Con-Tech Construction Technology, Inc. in the amount of \$4,050,112.00.

Upon board approval, please execute the attached Notice of Award and return to my attention.

Please call should you have any questions.

Very truly yours,

BARTON & LOGUIDICE, D.P.C.

A handwritten signature in blue ink, appearing to read "Geoffrey A. Foster".

Geoffrey A. Foster, P.E.
Senior Project Engineer

Enclosures





CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Award bid for the Subgrade Stabilization Geogrid Materials Only (Contract # 2024-04).

FOR THE MEETING OF:

February 28, 2024

RECOMMENDATION: That the Council award the bid to the recommended bidder.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The subgrade stabilization geogrid material is part of the Department of Public Works Salt Shed Project for the site plan improvements. The geogrid optimized geometry enhances the interlock of fill material, creating an efficient stabilized layer for soft subgrades. This bid is for the Department of Public Works to be able to purchase the materials needed to install the geogrid. The Department of Public Works recommends that the bid be awarded to Ferguson Waterworks in the amount of \$23,988.00.



Memorandum

City of Rye Department of Public Works
141 Oakland Beach Avenue Rye, NY 10580 T: 914.967.7464

To: Greg Usry, City Manager
From: Eric Kingsbury, ASDPW
Cc: Ryan Coyne, PE, City Engineer
Date: February 22, 2024
Re: Contract 2024-04 Subgrade Stabilization Geogrid (Materials Only)

This office has reviewed and tabulated the bid received on February 14, 2024 for the above reference project. A copy of the bid result is attached.

I recommend that the bid be awarded to Ferguson Waterworks in the amount of Twenty-three thousand nine hundred eighty-eight dollars and Zero Cents (\$23,988.00).

**Subgrade Stabilization Geogrid (Material Supplies Only) - Contract 2024-04
Bid Tabulation**



				1. Ferguson Waterworks	
Item Number	Item	Unit	Quantity	Unit Price	Total Price
5,472 SY	Subgrade Stabilization Geogrid (5,472 SY / 456 SY per roll)	Roll	12	1,999.00	\$ 23,988.00
Total				\$23,988.00	

Bid Opening:
February 14, 2024



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Set a public hearing to amend Chapter 177 "Taxation", Article III, "Senior Citizens Exemption" to alter the income calculation used to determine exemptions and increase income limits.

FOR THE MEETING OF:

February 28, 2024

RECOMMENDATION: That the Mayor and the Council set the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See attached memo and draft law.

Jon Flynn
City Assessor
1051 Boston Post Road
Rye, New York 10580



Tel: (914) 967-7565
E-mail: jflynn@ryeny.gov
<http://www.ryeny.gov>

CITY OF RYE ASSESSOR

To: Greg Usry

From: Jon Flynn

Date: February 7, 2024

Re: Amendment to the Income Calculation for Senior and Disabled Exemptions

New York State recently adopted a law which redefines the income calculation under Real Property Tax Law (RPTL) 467, Partial Tax Exemption for Real Property of Senior Citizens, and Real Property Tax Law (RPTL) 459-C, Partial Tax Exemption for Real Property of Persons with Disabilities and Limited Income. To qualify for these exemptions the combined income of all owners must not exceed the income threshold adopted by each taxing jurisdiction, \$37,399.99 under RPTL 467 and \$28,899.99 under RPTL 459-C. The income calculation for these exemptions previously was derived from various items on the applicant's Federal or State tax returns. To simplify this calculation, the State has determined the Federal Adjusted Gross Income (FAGI) will now be used as the starting point for all adjustments. Under the new law, local governments and school districts can opt to include, or exclude, up to 3 separate provisions pertaining to how income is added or subtracted from FAGI.

1. The new provision would allow applicants to deduct IRA distributions from FAGI, which could potentially increase the number of qualifying candidates. Historically, IRA distributions were never deducted from the total income. **In order to maintain the status quo, the City Council would have to adopt a local law to include IRA distributions as income.**
2. The City also has the option to exclude Social Security benefits from the income calculation. These benefits have always been accounted for in the past as they are typically the primary source of income for a majority of applicants. **No action is required to maintain the current calculation.**
3. Lastly, the new law provides an option to deduct medical and prescription drug expenses not covered by insurance. Similar to the IRA distributions, a deduction of these expenses is a departure from the current calculation and could increase the number of qualifying applicants. Allowing this deduction could also be a burdensome administrative task as most applicants do not file tax returns, meaning these expenses are not reported. **Again, no action is required to preserve the current method.**

Currently, Scarsdale is the only municipality to act on the new laws, opting to include IRA distributions and Social Security benefits as income. No action was taken on the third option which prohibits applicants from deducting medical and prescription drug expenses. The City has 52 residents who receive a Senior Citizen or Disabled with Limited Income exemption and the impact on the current tax levy for these exemptions is \$29,116, which is absorbed by the remaining taxpayers. Since we have not yet received the 2023 income of existing applicants and because the number of potential new applicants is unknown, there is no way of estimating how a revision to the current method of calculating income will affect future tax levies.

Please let me know if you have any questions regarding this matter.

Jon Flynn
City Assessor
1051 Boston Post Road
Rye, New York 10580



Tel: (914) 967-7565
E-mail: jflynn@ryeny.gov
<http://www.ryeny.gov>

CITY OF RYE ASSESSOR

To: Greg Usry

From: Jon Flynn

Date: February 7, 2024

Re: Senior and Disabled Exemption Limit Increase

New York State and Westchester County recently passed bills increasing the income limits under laws RP 467, Partial Tax Exemption for Real Property of Senior Citizens (with limited income), and RP 459C, Partial Tax Exemption for Real Property of Persons with Disabilities and Limited Income. Local governments and school districts in New York State can opt to grant a reduction in the amount of property taxes paid by qualifying senior citizens and persons with disabilities.

Both the senior exemption and the disability exemption currently provide a reduction of up to 50% in the assessed value of the residence of qualified person(s). Those municipalities that offer the exemption set an income limit which may be as low as \$3,000 and as high as \$50,000. The current income limits adopted previously by the City Council are \$29,000 with a sliding scale up to \$37,399.99 for the senior exemption, and \$20,500 with a sliding scale up to \$28,899.99 for the disability exemption. Under the new law, Westchester County maximum income limits are increased to \$50,000 with a sliding scale applicable to incomes up to \$58,400 (see Schedule A). A qualifying resident would be granted a reduction between 5% and 50% depending on where their income lies within this range, with 50% being the maximum benefit for residents with an income below \$50,000.

Among those who have adopted the new income limits are Westchester County, along with 15 other municipalities who have adopted new senior limits and 11 municipalities who have adopted new disabled limits (see Schedule B). The benefit to the residents in these communities is property tax relief to help alleviate financial strain due to inflation. It will give more residents an opportunity to receive the exemption and allow them to afford rising real estate taxes on their homes. The downside is that any decrease in property taxes following the adoption of the new law will result in an increase in tax liability absorbed by the remainder of the tax base.

Since the County previously adopted the new income limits in 2023, an estimate of the tax liability increase can be provided by analyzing the County and City exemptions for 2023. The total 2023 City property tax attributable to the current exemptions is \$29,116. Under the proposed legislation where the maximum income limit would be \$50,000, all existing applicants would be eligible for a 50% exemption because their income is less than \$37,399.99 (the current City limit to qualify for a 5% exemption). If the City adopts the limit increase, the tax exposure attributable to the exemption would grow to approximately \$57,000. This estimate is based on existing residents who receive the Senior or Disabled with Limited Income exemptions, and it does not account for any potential new applicants.

Please let me know if you have any questions regarding this matter.

Schedule A-Senior

CURRENT CITY LIMITS

PROPOSED CITY

\$0 to \$29,000.00	50%	\$0 to \$50,000.00	50%
\$29,000.01 to \$29,999.99	45%	\$50,000.01 to \$50,999.99	45%
\$30,000.00 to \$30,999.99	40%	\$51,000.00 to \$51,999.99	40%
\$31,000.00 to \$31,999.99	35%	\$52,000.00 to \$52,999.99	35%
\$32,000.00 to \$32,899.99	30%	\$53,000.00 to \$53,899.99	30%
\$32,900.00 to \$33,799.99	25%	\$53,900.00 to \$54,799.99	25%
\$33,800.00 to \$34,699.99	20%	\$54,800.00 to \$55,699.99	20%
\$34,700.00 to \$35,599.99	15%	\$55,700.00 to \$56,599.99	15%
\$35,600.00 to \$36,499.99	10%	\$56,600.00 to \$57,499.99	10%
\$36,500.00 to \$37,399.99	5%	\$57,500.00 to \$58,399.99	5%

Schedule A-Disabled

CURRENT CITY LIMITS

PROPOSED CITY

\$0 to \$20,500.00	50%	\$0 to \$50,000.00	50%
\$20,500.01 to \$21,499.99	45%	\$50,000.01 to \$50,999.99	45%
\$21,500.00 to \$22,499.99	40%	\$51,000.00 to \$51,999.99	40%
\$22,500.00 to \$23,499.99	35%	\$52,000.00 to \$52,999.99	35%
\$23,500.00 to \$24,399.99	30%	\$53,000.00 to \$53,899.99	30%
\$24,400.00 to \$25,299.99	25%	\$53,900.00 to \$54,799.99	25%
\$25,300.00 to \$26,199.99	20%	\$54,800.00 to \$55,699.99	20%
\$26,200.00 to \$27,099.99	15%	\$55,700.00 to \$56,599.99	15%
\$27,100.00 to \$27,999.99	10%	\$56,600.00 to \$57,499.99	10%
\$28,000.00 to \$28,899.99	5%	\$57,500.00 to \$58,399.99	5%

Schedule B-Municipalities with New Limits

Municipalities with New Senior Limits

- New Rochelle
- Yonkers
- Bedford
- Greenburgh
- Lewisboro
- Mamaroneck
- Mount Pleasant
- New Castle
- North Castle
- North Salem
- Ossining
- Pelham
- Pound Ridge
- Scarsdale
- Yorktown

Municipalities with New Disabled Limits

- New Rochelle
- Yonkers
- Greenburgh
- Lewisboro
- Mamaroneck
- North Castle
- North Salem
- Ossining
- Pound Ridge
- Scarsdale
- Yorktown

LOCAL LAW NO. _____-2024

A Local Law to amend Chapter 177, “Taxation”, Article III, “Senior Citizens’ Exemption” of the Code of the City of Rye, by amending § 177-25, “Exemption stated” and § 177-26, “Conditions of exemption” only to the extent of further defining the term income and increase income limits.

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

Section 1. Chapter 177, “Taxation”, Article III, “Senior Citizens’ Exemption” of the Code of the City of Rye, § 177-25, “Exemption stated” is hereby amended as follows:

§ 177-25 Exemption stated. [Amended 11-2-1983 by L.L. No. 9-1983; 3-4-1987 by L.L. No. 1-1987; 5-1-1996 by L.L. No. 3-1996]

Pursuant to § 467 of the Real Property Tax Law, real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife, or by siblings, one of whom is 65 years of age or over, shall be exempt from taxation by the City of Rye to the extent permitted by the schedule of exemptions [contained in § 467 of the Real Property Tax Law] **herein in this section**. In addition, persons meeting the above-described age requirements who own shares in a residential cooperative corporation shall be exempt from taxation by the City of Rye to the extent permitted and pursuant to the terms of Subsection 3(a) of § 467 of the Real Property Tax Law.

Annual Income	Percentage of Assessed Value Exempt From Taxation
<u>\$0 to \$50,000.00</u>	50%
<u>\$50,000.01 to \$50,999.99</u>	45%
<u>\$51,000.00 to \$51,999.99</u>	40%
<u>\$52,000.00 to \$52,999.99</u>	35%
<u>\$53,000.00 to \$53,899.99</u>	30%
<u>\$53,900.00 to \$54,799.99</u>	25%
<u>\$54,800.00 to \$55,699.99</u>	20%
<u>\$55,700.00 to \$56,599.99</u>	15%
<u>\$56,600.00 to \$57,499.99</u>	10%
<u>\$57,500.00 to \$58,399.99</u>	5%

Section 2. Chapter 177, “Taxation”, Article III, “Senior Citizens’ Exemption” of the Code of the City of Rye, § 177-26, “Conditions of exemption” is hereby amended as follows:

§ 177-26 Conditions of exemption. [Amended 5-2-1973 by L.L. No. 1-1973; 11-20-1974 by L.L. No. 1-1974; 11-16-1977 by L.L. No. 7-1977; 9-19-1979 by L.L. No. 3-1979; 12-3-1980 by L.L. No. 10-1980; 4-6-1983 by L.L. No. 2-1983; 11-2-1983 by L.L. No. 9-1983; 3-4-1987 by L.L. No. 1-1987; 4-4-1990 by L.L. No. 8-1990; 5-1-1996 by L.L. No. 3-1996]

No exemption shall be granted:

- A. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the maximum sum permitted by the schedule of exemptions contained in § 467 of the Real Property Tax Law. Where title is vested in either the husband or wife, their combined income may not exceed such sum. Such income, **as defined in the Real Property Tax Law §467(3)**, shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, [and] net income from self-employment **and any distribution received from an individual retirement account or an individual retirement annuity** but shall not include supplemental security income, a return of capital, gifts or inheritances.
- B. Unless the owner shall have held an exemption under this section for his previous residence and unless the title of the property shall have been vested in the owner or one of the owners of the property for at least 12 consecutive months prior to the date of making application for exemption. Where a residence is sold and replaced with another within one year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption.
- C. Unless the property is used exclusively for residential purposes.
- D. Unless the real property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property.

Section 3. 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 4. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Set a public hearing to amend Chapter 177 "Taxation", Article VIII, "Exemption for Persons with Disabilities and Limited Incomes" to alter the income calculation used to determine exemptions and increase income limits.

FOR THE MEETING OF:
February 28, 2024

RECOMMENDATION: That the Mayor and the Council set a public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See attached memo and draft law.

Jon Flynn
City Assessor
1051 Boston Post Road
Rye, New York 10580



Tel: (914) 967-7565
E-mail: jflynn@ryeny.gov
<http://www.ryeny.gov>

CITY OF RYE ASSESSOR

To: Greg Usry

From: Jon Flynn

Date: February 7, 2024

Re: Amendment to the Income Calculation for Senior and Disabled Exemptions

New York State recently adopted a law which redefines the income calculation under Real Property Tax Law (RPTL) 467, Partial Tax Exemption for Real Property of Senior Citizens, and Real Property Tax Law (RPTL) 459-C, Partial Tax Exemption for Real Property of Persons with Disabilities and Limited Income. To qualify for these exemptions the combined income of all owners must not exceed the income threshold adopted by each taxing jurisdiction, \$37,399.99 under RPTL 467 and \$28,899.99 under RPTL 459-C. The income calculation for these exemptions previously was derived from various items on the applicant's Federal or State tax returns. To simplify this calculation, the State has determined the Federal Adjusted Gross Income (FAGI) will now be used as the starting point for all adjustments. Under the new law, local governments and school districts can opt to include, or exclude, up to 3 separate provisions pertaining to how income is added or subtracted from FAGI.

1. The new provision would allow applicants to deduct IRA distributions from FAGI, which could potentially increase the number of qualifying candidates. Historically, IRA distributions were never deducted from the total income. **In order to maintain the status quo, the City Council would have to adopt a local law to include IRA distributions as income.**
2. The City also has the option to exclude Social Security benefits from the income calculation. These benefits have always been accounted for in the past as they are typically the primary source of income for a majority of applicants. **No action is required to maintain the current calculation.**
3. Lastly, the new law provides an option to deduct medical and prescription drug expenses not covered by insurance. Similar to the IRA distributions, a deduction of these expenses is a departure from the current calculation and could increase the number of qualifying applicants. Allowing this deduction could also be a burdensome administrative task as most applicants do not file tax returns, meaning these expenses are not reported. **Again, no action is required to preserve the current method.**

Currently, Scarsdale is the only municipality to act on the new laws, opting to include IRA distributions and Social Security benefits as income. No action was taken on the third option which prohibits applicants from deducting medical and prescription drug expenses. The City has 52 residents who receive a Senior Citizen or Disabled with Limited Income exemption and the impact on the current tax levy for these exemptions is \$29,116, which is absorbed by the remaining taxpayers. Since we have not yet received the 2023 income of existing applicants and because the number of potential new applicants is unknown, there is no way of estimating how a revision to the current method of calculating income will affect future tax levies.

Please let me know if you have any questions regarding this matter.

Jon Flynn
City Assessor
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Rye, New York 10580



Tel: (914) 967-7565
E-mail: jflynn@ryeny.gov
<http://www.ryeny.gov>

CITY OF RYE ASSESSOR

To: Greg Usry

From: Jon Flynn

Date: February 7, 2024

Re: Senior and Disabled Exemption Limit Increase

New York State and Westchester County recently passed bills increasing the income limits under laws RP 467, Partial Tax Exemption for Real Property of Senior Citizens (with limited income), and RP 459C, Partial Tax Exemption for Real Property of Persons with Disabilities and Limited Income. Local governments and school districts in New York State can opt to grant a reduction in the amount of property taxes paid by qualifying senior citizens and persons with disabilities.

Both the senior exemption and the disability exemption currently provide a reduction of up to 50% in the assessed value of the residence of qualified person(s). Those municipalities that offer the exemption set an income limit which may be as low as \$3,000 and as high as \$50,000. The current income limits adopted previously by the City Council are \$29,000 with a sliding scale up to \$37,399.99 for the senior exemption, and \$20,500 with a sliding scale up to \$28,899.99 for the disability exemption. Under the new law, Westchester County maximum income limits are increased to \$50,000 with a sliding scale applicable to incomes up to \$58,400 (see Schedule A). A qualifying resident would be granted a reduction between 5% and 50% depending on where their income lies within this range, with 50% being the maximum benefit for residents with an income below \$50,000.

Among those who have adopted the new income limits are Westchester County, along with 15 other municipalities who have adopted new senior limits and 11 municipalities who have adopted new disabled limits (see Schedule B). The benefit to the residents in these communities is property tax relief to help alleviate financial strain due to inflation. It will give more residents an opportunity to receive the exemption and allow them to afford rising real estate taxes on their homes. The downside is that any decrease in property taxes following the adoption of the new law will result in an increase in tax liability absorbed by the remainder of the tax base.

Since the County previously adopted the new income limits in 2023, an estimate of the tax liability increase can be provided by analyzing the County and City exemptions for 2023. The total 2023 City property tax attributable to the current exemptions is \$29,116. Under the proposed legislation where the maximum income limit would be \$50,000, all existing applicants would be eligible for a 50% exemption because their income is less than \$37,399.99 (the current City limit to qualify for a 5% exemption). If the City adopts the limit increase, the tax exposure attributable to the exemption would grow to approximately \$57,000. This estimate is based on existing residents who receive the Senior or Disabled with Limited Income exemptions, and it does not account for any potential new applicants.

Please let me know if you have any questions regarding this matter.

Schedule A-Senior

CURRENT CITY LIMITS

PROPOSED CITY

\$0 to \$29,000.00	50%	\$0 to \$50,000.00	50%
\$29,000.01 to \$29,999.99	45%	\$50,000.01 to \$50,999.99	45%
\$30,000.00 to \$30,999.99	40%	\$51,000.00 to \$51,999.99	40%
\$31,000.00 to \$31,999.99	35%	\$52,000.00 to \$52,999.99	35%
\$32,000.00 to \$32,899.99	30%	\$53,000.00 to \$53,899.99	30%
\$32,900.00 to \$33,799.99	25%	\$53,900.00 to \$54,799.99	25%
\$33,800.00 to \$34,699.99	20%	\$54,800.00 to \$55,699.99	20%
\$34,700.00 to \$35,599.99	15%	\$55,700.00 to \$56,599.99	15%
\$35,600.00 to \$36,499.99	10%	\$56,600.00 to \$57,499.99	10%
\$36,500.00 to \$37,399.99	5%	\$57,500.00 to \$58,399.99	5%

Schedule A-Disabled

CURRENT CITY LIMITS

PROPOSED CITY

\$0 to \$20,500.00	50%	\$0 to \$50,000.00	50%
\$20,500.01 to \$21,499.99	45%	\$50,000.01 to \$50,999.99	45%
\$21,500.00 to \$22,499.99	40%	\$51,000.00 to \$51,999.99	40%
\$22,500.00 to \$23,499.99	35%	\$52,000.00 to \$52,999.99	35%
\$23,500.00 to \$24,399.99	30%	\$53,000.00 to \$53,899.99	30%
\$24,400.00 to \$25,299.99	25%	\$53,900.00 to \$54,799.99	25%
\$25,300.00 to \$26,199.99	20%	\$54,800.00 to \$55,699.99	20%
\$26,200.00 to \$27,099.99	15%	\$55,700.00 to \$56,599.99	15%
\$27,100.00 to \$27,999.99	10%	\$56,600.00 to \$57,499.99	10%
\$28,000.00 to \$28,899.99	5%	\$57,500.00 to \$58,399.99	5%

Schedule B-Municipalities with New Limits

Municipalities with New Senior Limits

- New Rochelle
- Yonkers
- Bedford
- Greenburgh
- Lewisboro
- Mamaroneck
- Mount Pleasant
- New Castle
- North Castle
- North Salem
- Ossining
- Pelham
- Pound Ridge
- Scarsdale
- Yorktown

Municipalities with New Disabled Limits

- New Rochelle
- Yonkers
- Greenburgh
- Lewisboro
- Mamaroneck
- North Castle
- North Salem
- Ossining
- Pound Ridge
- Scarsdale
- Yorktown

LOCAL LAW NO. _____-2024

A Local Law to amend Chapter 177, “Taxation”, Article VIII, “Exemption for Persons with Disabilities and Limited Incomes” of the Code of the City of Rye, by amending § 177-38, “Eligible persons and property; income level; conditions for exemption” only to the extent of further defining the source components of income and increase income limits.

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

Section 1. Chapter 177, “Taxation”, Article VIII, “Exemption for Persons with Disabilities and Limited Incomes” of the Code of the City of Rye is hereby amended as follows:

§ 177-38 Eligible persons and property; income level; conditions for exemption.

Real property owned by one or more persons with disabilities, as defined in New York State Real Property Tax Law § 459-c, or owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, shall be exempt from taxes up to a maximum of 50% of the assessed valuation, pursuant to the following schedule and subject to the following conditions:

Current Annual Income	Proposed Annual Income	Percentage of Assessed Value Exempt From Taxation
[\$0 to \$20,500.00]	<u>\$0 to \$50,000.00</u>	50%
[\$20,500.01 to \$21,499.99]	<u>\$50,000.01 to \$50,999.99</u>	45%
[\$21,500.00 to \$22,499.99]	<u>\$51,000.00 to \$51,999.99</u>	40%
[\$22,500.00 to \$23,499.99]	<u>\$52,000.00 to \$52,999.99</u>	35%
[\$23,500.00 to \$24,399.99]	<u>\$53,000.00 to \$53,899.99</u>	30%
[\$24,400.00 to \$25,299.99]	<u>\$53,900.00 to \$54,799.99</u>	25%
[\$25,300.00 to \$26,199.99]	<u>\$54,800.00 to \$55,699.99</u>	20%
[\$26,200.00 to \$27,099.99]	<u>\$55,700.00 to \$56,599.99</u>	15%
[\$27,100.00 to \$27,999.99]	<u>\$56,600.00 to \$57,499.99</u>	10%
[\$28,000.00 to \$28,899.99]	<u>\$57,500.00 to \$58,399.99</u>	5%

- A. The income of the owner or the combined income of the owners of the property, from all sources, **including social security benefits and any distribution received from an individual retirement account or an individual retirement annuity** as set forth in New York State Real Property Tax Law § 459-c, for the income tax year immediately preceding the date of making application for exemption must not exceed \$58,399.99. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no such return is filed, the calendar year.
- B. Only that portion of property used exclusively for residential purposes shall be eligible for exemption pursuant to this article.
- C. Except as otherwise provided for in New York State Real Property Tax Law § 459-c, to be eligible for exemption pursuant to this article, property must be the legal residence, and be occupied, in whole or in part, by the disabled person.
- D. Any exemption provided by this article shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided, however, that no parcel may receive both an exemption pursuant to this article and a senior citizens tax exemption pursuant to Article III of this chapter.
- E. Notwithstanding any other provision of this article to the contrary, the provisions of this article shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this article, were such person or persons the owner or owners of such real property.

Section 2. **Severability.**

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

Section 3. **Effective Date.**

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Set a public hearing to amend Chapter 177 "Taxation", Article XIV, "Volunteer Firefighter Exemption" to provide for the real property tax exemption authorized by § 466-a of the Real Property Tax Law of the State of New York.

FOR THE MEETING OF:
February 28, 2024

RECOMMENDATION: That the Mayor and the Council set a public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See attached memo and draft law.

Jon Flynn
City Assessor
1051 Boston Post Road
Rye, New York 10580



Tel: (914) 967-7565
E-mail: jflynn@ryeny.gov
<http://www.ryeny.gov>

CITY OF RYE ASSESSOR

To: Greg Usry

From: Jon Flynn

Date: February 7, 2024

Re: Volunteer Firefighter and Ambulance Worker Exemption

Real Property Tax Law § 466-a recently passed by the NY State Legislature and signed by the governor, authorizes the governing body of a county, city, town, village, school district, fire district, or special district, to partially exempt 10% of the assessed value of the primary residence of a volunteer firefighter or ambulance worker living within the municipality with 2 - 5 years of active service. The law also provides a lifelong benefit to volunteers who have accrued at least 20 years of service. At further local option, this exemption may be extended to the un-remarried surviving spouse of a volunteer who served for at least 20 years and was receiving the exemption prior to their death, and to an un-remarried surviving spouse of a volunteer who was killed in the line of duty, so long as the member served for at least 5 years and was receiving the benefit prior to their death. The volunteer members would need to fill out an application and be certified by the Fire Department annually. It is the responsibility of the City to establish procedures for the certification process.

Volunteer firefighters and ambulance workers are an essential part of the community for the lifesaving duties they provide every day. The benefit of adopting this new law is that the exemption would help retain existing members while also encouraging the enlistment of new members, at a nominal cost to the taxpayers. Among those who have adopted the new law are Westchester County, along with 16 other municipalities within the County (see Schedule A).

According to a report received from the Public Safety Commissioner, the City of Rye currently has 17 volunteer firefighters who could potentially qualify for this exemption. Based on the assessed value of each of their homes, the total impact on the City tax levy would be \$6,899.45. This amount was calculated using 10% of each assessed value multiplied by the 2024 tax rate.

Please let me know if you have any questions regarding this matter.

Schedule A-

Municipalities with Volunteer Firefighter/Ambulance Worker Exemptions

- New Rochelle
- Bedford
- Cortlandt
- Greenburgh
- Harrison
- Lewisboro
- Mamaroneck
- Mount Kisco
- Mount Pleasant
- New Castle
- North Castle
- North Salem
- Pound Ridge
- Town of Rye
- Somers
- Yorktown

LOCAL LAW NO. _____-2024

A Local Law to amend Chapter 177, "Taxation" by adding Article XIV, "Volunteer Firefighter Exemption" of the Code of the City of Rye

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

Section 1. Chapter 177, "Taxation", is hereby amended to add Article XIV, "Volunteer Firefighter Exemption" of the Code of the City of Rye as follows:

§ 177-86 Purpose.

The purpose of this article is to provide for the real property tax exemption authorized by § 466-a of the Real Property Tax Law of the State of New York.

§ 177-87 Real property tax exemption granted.

- A. Upon application to the City Assessor, real property owned by an enrolled member of the volunteer fire department, or the enrolled member or un-remarried surviving spouse, is exempt from City taxation to the extent of 10% of the assessed value of the property exclusive of special assessments, if:
- (1) The applicant resides in the City of Rye;
 - (2) The property is the applicant's primary residence.
 - (3) The property is used exclusively for residential purposes, except that, if any portion of the property is not used exclusively for the applicant's residence but is used for other purposes, the portion used for other purposes is not exempt from taxation as provided by this section and only the portion used for the applicant's residence is entitled to the exemption provided by this section; and
 - (4) The applicant has been certified by the authority having jurisdiction for the volunteer fire department, as having been an enrolled member of the volunteer fire department for at least two years.
- B. Any enrolled member of a volunteer fire department who accrues more than 20 years of active service and is so certified by the authority having jurisdiction for volunteer fire company shall be granted the exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the City of Rye.

§ 177-88 Application for exemption.

Application for such exemption must be made by the owner or all of the owners of the property on forms prescribed by the State Board and furnished by the City Assessor's office, and shall furnish the information and be executed in the manner required or prescribed in such forms, and shall be filed each year in the City Assessor's office on or before the taxable status date, namely, the first day of May.

§ 177-89 Notice to apply for exemption.

At least 60 days prior to the taxable status date, the City Assessor shall mail to each person who was granted exemption pursuant to this article on the latest completed assessment roll an application form and a notice that such application must be filed on or before taxable status date and be approved in order for the applicant to be eligible for the exemption. Any applicant who fails to file an application form and notice as required shall be punishable by a fine of not more than \$100 and shall disqualify the applicant or applicants from further exemption for a period of five years.

exemption to be granted. Failure to mail any such application form and notice or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

§ 177-90 Penalties for offenses.

Any conviction of having made any willful false statement in the application for such exemption shall be punishable by a fine of not more than \$100 and shall disqualify the applicant or applicants from further exemption for a period of five years.

Section 2. Severability.

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

Section 3. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

punishable by a fine of not more than \$100 and shall disqualify the applicant or applicants from further exemption for a period of five years.



CITY COUNCIL AGENDA

DEPT.: City Council

CONTACT: Josh Cohn, Mayor

AGENDA ITEM: Resolution in support of increasing AIM funding.

FOR THE MEETING OF:

February 28, 2024

RECOMMENDATION: That the Council consider adopting the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached.

Resolution In Support of Increasing AIM Funding

Whereas, the Aid and Incentives for Municipalities (AIM) program plays a critical role in funding essential municipal services for cities and villages across New York State; and

Whereas, city and village officials share the same priorities as our state leaders which is to make New York safer and more affordable; and

Whereas, New York's local governments, who are on the frontlines of controlling property tax affordability and ensuring public safety, are integral to achieving those goals; and

Whereas, the State has not increased AIM funding in 15 years and according to the Bureau of Labor Statistics, inflation has increased by nearly 45% during that same period; and

Whereas, this neglect from the State has led to rising municipal tax burdens and harmful disinvestment in essential municipal services and staff; and

Whereas, the property tax cap further limits the ability of local governments to properly fund the services their residents need; and

Whereas, the challenges of rising inflation, the increasing costs of labor and supplies, and the end of extraordinary federal aid, only accentuate the need for an increase in AIM funding; and

Whereas, the Governor's 2024-25 Executive Budget proposes to keep AIM funding flat; and

Whereas, an increase in AIM funding would reduce the local tax burden and help revitalize communities across New York;

Now, therefore, be it resolved that the City of Rye urges Governor Hochul to work with the leaders of the Senate and Assembly and increase AIM funding in the 2024-25 adopted State Budget.

A copy of this resolution shall be sent to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Shelley Mayer, Assemblyman Steve Otis and the New York State Conference of Mayors.



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request by the Rye Chamber of Commerce for the use of City Car Park #2 on Sundays for the Down To Earth Farmer's Market to be held weekly on May 5, 2024 - December 1, 2024.

FOR THE MEETING OF:

February 28, 2024

RECOMMENDATION: That the Council approve the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached request.

Exhibit A
2024 Operating Plan
Down to Earth Rye Farmers Market

The Rye Chamber of Commerce (the “Chamber”) agrees to sponsor Zeltsman Associates, Inc, dba Down to Earth Market (“Down to Earth”) to operate a seasonal outdoor farmers market (“the Market”) at the location identified below according to the operating plan set forth in this document. This document is an Exhibit to the Agreement dated March 15, 2018 and replaces the Exhibit A, 2023 Operating Plan.

Farmers Markets serve an important purpose by providing a community with access to farm products that are locally grown and truly fresh while creating a place for friends and neighbors to meet. Additionally, farmer’s markets stimulate shopping at nearby stores by providing an attraction to people from outside the immediate community. The goals of this farmer’s market are:

- To give Rye area residents and visitors a place where they can purchase fresh products from local farms and food makers and the opportunity to interact with the people who grow, raise or make the food.
- To create a relaxed and friendly setting where people can meet their neighbors in a traditional open-air market setting.

Successful farmer’s markets are a partnership between the market developer and the community. Each organization has its role and responsibilities and these are outlined below:

General Conditions

Season:	May 5, 2024 - December 1, 2024
Days & hours:	Sundays, 6:30AM-3:00PM, inclusive of set-up and break down time. Market is open to the public 8:30AM-1PM.
Market Location:	The City of Rye (the “City”) will make available Parking Lot 2 off Theodore Fremd Avenue, behind the Purchase Street stores, for the farmers market. The Market will set up in the tier of parking spaces that runs parallel to Elm Street, between W. Purdy Avenue and Theodore Fremd Avenue (see Exhibit B, Site Plan).
Traffic Control:	Temporary barricades will be set up on market day to prevent vehicles from entering the market area while the market is operating. Barricades may include sawhorses, traffic cones, and/or vendor or Down to Earth staff vehicles.
Storage & bathroom:	The City will permit Down to Earth to place a portable toilet unit and two storage sheds to hold market equipment, tents, signs, etc. for the length of the market season. The portable toilet unit and sheds will be locked and secured outside of market operating hours and are to be used by Down to Earth Markets personnel and vendors only.

Down to Earth Responsibilities

Market management & administration:	Down to Earth will operate the Market according to the General Policies and Rules it has established to guide the Market’s operations. Down to Earth will hire a manager to be their agent at the Market site during operating hours to make sure the General Policies and Rules are followed and the market site is kept clean and orderly.
Vendor selection:	Down to Earth will determine the vendor mix and target number of vendors to be recruited for the Market. In typical seasons, this is eighteen to twenty-five vendors. While a reasonable effort will be made to incorporate the wishes of the community, Down to Earth reserves the exclusive right to determine the vendor mix according to its best judgment and to decide how many and which vendors to invite into the Market.
Market activity planning:	Down to Earth will work with the Chamber and the community to plan and schedule special programming at the farmers market. In addition, Chamber members may reserve a free space in the market once each season to conduct an information table (no sales). Host and community input on farmers market planning is welcome, but final decisions regarding market activities and events will be made by Down to Earth.
Vending fees:	Down to Earth will, at its sole discretion, establish vending fees that it charges the market vendors. These fees will be retained by Down to Earth as compensation for running the Market.
Insurance:	<p>Down to Earth will maintain a general business liability insurance policy naming the Rye Chamber of Commerce and the City of Rye as an additional insured. The policy limits will be \$1,000,000 per incident, \$2,000,000 aggregate and will be in effect for the market season.</p> <p>Down to Earth will assure that all vendors selling in the Market maintain general and product liability insurance policies naming Down to Earth and the Rye Chamber of Commerce and the City of Rye as additional insured. These policies will be \$1,000,000 per incident, \$2,000,000 aggregate and will be in effect for the market season.</p>
Vendor permitting:	Market vendors will be responsible for securing any licenses or permits required by county, state or federal laws and complying with all health and safety regulations governing their products.
Promotion & advertising:	<p>Down to Earth will develop and implement a promotion plan that incorporates the variety of media, signage and approaches that they consider best for this market.</p> <p>Down to Earth will be responsible for designing and producing all printed materials, advertisements, banners and signs promoting the Market. All materials will bear the logo, tag lines and color schemes of the Down to Earth brand identity.</p>
Clean-up & sanitation:	At the end of each market day vendors will leave their areas broom clean and remove their own rubbish. The market manager will make sure the entire site is left as found.

	Down to Earth will, at its own expense, provide a portable toilet and handwashing unit for vendors to use during market hours. The unit will be placed in the Market area for the duration of the Market season. Down to Earth will engage a company to clean and service the unit weekly. The unit will be kept locked outside of Market operating hours.
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Rye Chamber of Commerce and City of Rye Responsibilities

Site conditions & maintenance:	<p>The City will retain all responsibility for maintaining generally safe conditions of the market site such as patching broken pavement that could cause shoppers to fall.</p> <p>The City will provide at least one trash receptacle for use by the shoppers and empty it after the market closes.</p> <p>The City will install a temporary fence around the portable toilet unit at no expense to Down to Earth.</p>
Traffic control:	The City will enforce parking restrictions to keep the Market area free from vehicles on Sunday mornings during the market season. Down to Earth may post temporary “No Parking Sunday, 6:30AM-2:30PM” signs in the market area.
Signage:	<p>The City will permit Down to Earth to set out temporary signs at the entrances to Parking Lot 2, including A-frame signs and lawn signs, for the duration of each Market day. The City will permit Down to Earth to place an A-frame or similar sign on Purchase Street at Boston Post Road for the duration of each Market day.</p> <p>The City will hang four pole banners, provided by Down to Earth, near the Market site, at no cost to down to Earth.</p>
Promotion:	<p>The Chamber will include information about the Market in the publications, websites, and event listings that it maintains as an information service for its residents and constituents.</p> <p>The Chamber and the City will allow Down to Earth to hang posters on community bulletin boards and distribute flyers to promote the farmers market as appropriate in local businesses and municipal buildings.</p>

For Zeltsman Associates, Inc.
dba Down to Earth Market

For Rye Chamber of Commerce

By _____

By Brian Jackson
Brian Jackson (Feb 5, 2024 15:34 EST)

Print _____

Print Brian Jackson

Date _____

Date 05/02/2024



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request by the Rye Chamber of Commerce for the use of City streets for the Annual Sidewalk Sale, Thursday July 18 - Saturday July 20, 2024, from 10 AM - 4 PM.

FOR THE MEETING OF:

February 28, 2024

RECOMMENDATION: That the Council approve the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached request.

From: [Brian Jackson](#)
To: [Ruttenberg, Noga P.](#)
Cc: [Tim Cacase](#); [Samantha Benson](#); [Hannah Slater](#); [Sula Pearlman](#); dwoglom@ryechamberofcommerce.com; Ltorres@rychamberofcommerce.com
Subject: Rye Chamber Events for 2024
Date: Friday, February 9, 2024 2:06:40 PM
Attachments: [2024 Rye Farmers Market Operating Plan.pdf](#)

Good Afternoon Noga,

I hope the start of the year finds you well. The Rye Chamber of Commerce would like to formally request the Rye City Council's consideration and approval of the following events and their dates:

1. The Rye Chamber of Commerce sponsorship of the Down To Earth Farmer's Market to be held weekly on Sunday's between May 5, 2024 - December 1, 2024. The operating agreement from DTE is attached to this email.
2. The Rye Chamber of Commerce Annual Sidewalk Sale, Thursday July 18th-Saturday July 20th, 2024, from 10 AM - 4 PM.
3. The Rye Chamber of Commerce Annual Mistletoe Magic Celebration, Sunday December 1, 2024, from 11 AM - 3 PM.

I am happy to attend the city council meeting where these events may be considered, and I am happy to answer any questions or provide further details as necessary.

Regards,

Brian Jackson

President

Rye City Chamber of Commerce



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request by the Rye Chamber of Commerce for use of Purchase Street from the Village Green to Purdy to host the Annual Mistletoe Magic Celebration, Sunday, December 1, 2024, from 11 AM - 3 PM.

FOR THE MEETING OF:

February 28, 2024

RECOMMENDATION: That the City Council approve the request for the Village Green.

RESOLVED that the Council approves this request for use of Purchase St in the CBD on Sunday, December 1, 2024 for the Mistletoe Magic event.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The request is for use of Purchase St in the Central Business District for the annual Mistletoe Magic festival.



February 9, 2024

Mrs. Noga Ruttenberg
Assistant to City Manager
City Clerk
City of Rye
1051 Boston Post Road
Rye, New York 10580

Re: Rye Chamber of Commerce Mistletoe Magic Event

Dear Ms. Noga Ruttenberg

On behalf of the Rye Chamber of Commerce, I am writing to request permission from the city for use of Purchase Street, from the Village Green to Purdy Avenue, on Sunday December 1, 2024, from 11 AM - 3 PM. for our annual Mistletoe Magic Festival.

I will contact the Commissioner of the Rye City Police Department to make sure the village officer has extra help to cover the extra traffic and shoppers. An insurance certificate will be provided upon approval.

Thank you in advance for your consideration.

Very truly yours,

Brian Jackson
President,
Rye Chamber of Commerce



CITY COUNCIL AGENDA

DEPT.: City Council

CONTACT: Josh Cohn, Mayor

AGENDA ITEM: Resolution adopting rules for agenda setting and conducting business at Council meetings.

FOR THE MEETING OF:

February 28, 2024

RECOMMENDATION: That the Council consider adopting the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached.

Resolution Adopting Rules for Agenda Setting and Conducting Business at Council Meetings

WHEREAS, under Rye City Charter §C6-7(G) the City Council may prescribe rules to govern its proceedings; and

WHEREAS, the City Council has not previously adopted rules to govern how the Council sets agendas, conducts meetings, and acts on agenda items; and

WHEREAS, the Council finds that adopting the rules set forth below will enhance good governance, transparency, and civil discourse in conducting Council business;

NOW, THEREFORE, BE IT RESOLVED THAT, The Council hereby adopts the following rules to govern its proceedings:

COUNCIL RULES

A. City Council Meetings

1. Regularly Scheduled Meetings:

- a. **Schedule:** The annual schedule of all regularly scheduled meetings of the City Council shall be prepared by the City Manager in accordance with City Charter §C6-7A and approved by the Council before December 31 of the preceding year.
- b. **Required Agenda Items:** Each regularly scheduled meeting shall, at a minimum, include the following agenda items:
 - Pledge of Allegiance.
 - Roll Call.
 - Approval of Minutes.
 - Report of the City Manager.
 - Members of the public may be heard on matters for Council consideration that do not appear on the agenda.
 - Old Business/New Business.

2. **Special Meetings:** Special meetings of the City Council may be called for by the Mayor or two or more Councilmembers as set forth in City Charter §C6-7A and in accordance with New York State Open Meetings Law §104. The purpose of the meeting must be specified in writing by the person(s) calling the special meeting. In scheduling a special meeting, attempts should be made to maximize participation of all Councilmembers

where possible. In accordance with the Open Meetings Law §104, unless there is an emergency necessitating immediate action, public notice shall be provided at least 72 hours before such special meeting.

B. Preparation of Agendas for Regularly Scheduled Meetings

1. **Preliminary Agenda:** A preliminary agenda, including topics for executive session, shall be drafted by the City Manager, and circulated to all Councilmembers by or before 6:00pm the Wednesday one week prior to the Council meeting.
2. **Final Agenda:** Two or more Councilmembers may add items to the agenda by making a written request for such to be added for the public session or the executive session. The Mayor may add or subtract items to or from the agenda at his sole discretion but may not strike any items added by other Councilmembers. Amendments by Councilpersons or the Mayor must be made by or before 9:00am of the Friday prior to the Council meeting.
3. **Concerning Executive Session Agenda Items:**
 - a. **For Councilmembers:** Any item to be discussed in executive session shall be set forth on an executive session agenda describing with specificity the item to be considered and the basis for discussion in executive session and shall include any relevant materials in an executive session packet as part of the Friday distribution set forth below. For topics arising after the Friday distribution, the foregoing should be provided as promptly as practicable.
 - b. **For the Public:** The public agenda, to be posted as set forth below, shall include a general description of the topics to be discussed in executive session and the basis for discussion in executive session in accordance with New York State Open Meetings Law §105.
4. **Concerning Mayoral Appointments:** The names and biographical descriptions of proposed Mayoral appointments to City Boards, Commissions, and Committees shall be included in the Friday distribution and agenda posting set forth below. Absent additional Council action, no appointments shall be approved if such requirements are not met¹
5. **Distribution and Posting of the Final Agenda:** The City Manager shall send the final agenda and information packet to Councilmembers and post the agenda and related public materials on the City's website by close of business on the Friday prior to the Council meeting. In the event a meeting is not scheduled for a Wednesday, the foregoing distribution and posting shall occur no later than 5 days prior to the regularly scheduled meeting.
6. **Amendments to the Final Agenda:** Absent exigent circumstances, no substantive amendments to the final agenda, including items to be discussed in executive session, shall be made after the Friday prior to the Council meeting. All Councilmembers are to be notified immediately by email of any amendments made following the Friday distribution and posting and such amended agenda shall be posted on the City's website as promptly as practicable.

¹ A synopsis of the Mayor and Council's powers of appointment is attached at Exhibit A.

C. **Conducting Council Business**

1. **Meeting Guidelines:** The following guidelines shall be observed in all City Council meetings:
 - a. The Mayor shall preside over all meetings of the Council. In the Mayor's absence, the Deputy Mayor shall preside. In the absence of both the Mayor and the Deputy Mayor, the Council shall select a Councilmember to preside over the meeting.
 - b. All Councilmembers and members of the public shall be respected, permitted to speak without undue interruption, are expected to act with decorum, and shall refrain from any personal attacks against Councilmembers or members of the public.
 - c. All Councilmembers may request by motion or resolution that the Council act on any matter under consideration. For Council action to carry, the motion must be seconded or made by joint motion of two Councilmembers and approved by a majority of the Council unless otherwise required by law.
 - d. After a motion is seconded (or jointly made), the Councilmember(s) making the motion shall have the courtesy of the floor first, followed by any other Councilmember wishing to speak. All Councilmembers shall be given an opportunity to speak on the issue and no vote shall be commenced until the discussion is completed.
 - e. Any Councilmember can request a roll call vote on any matter requiring Council action even if a roll call vote is not required by law. Upon such request, a roll call vote shall take place.
2. **New Business/Old Business:** Councilmembers may, at their individual discretion, raise items not on the Meeting Agenda for Council consideration and action in the "New Business/Old Business" portion of the agenda.
3. **Public Input and Participation:** At the Council's discretion, members of the public wishing to speak during a Council meeting may do so for up to three minutes. The Mayor (or other Councilmember presiding over the meeting) shall advise the speaker when the three minutes has run. The Council also may, at its discretion, allow the speaker to continue past three minutes. Members of the public may address the Council more than once on the same topic at the Council's discretion. **[The current use of an alarm buzzer signaling a speaker's time has expired is to be discontinued.]**
4. **Hearing of the Public on Non-Agenda Items:** For the convenience of the public, at all regularly scheduled City Council meetings, the agenda segment "Members of the public may be heard on matters for Council consideration that do not appear on the agenda," shall take place as the fifth item on the City Council Agenda, following the Pledge of Allegiance, Roll Call, the Approval of the prior meeting's minutes, and the City

Manager's Report. The Council may, at its discretion, adjust the agenda where a number of speakers are scheduled in advance to present on a specific agenda item or topic.

5. **Consent Agenda Items:** Any matter appearing on the consent agenda may be moved to the regular agenda for a discussion at the request of any one Councilmember.
6. **Changing the Agenda:** Upon a majority vote of the Council, an agenda item may be moved, taken out of order, or tabled.

D. Significant Council Action - Opportunity for Public Discussion:

It is the Council's intent to conduct business in a manner that is open, transparent, and welcoming of public dialogue. Items of significant public interest should be fully vetted, and the public given an adequate opportunity to weigh in. Accordingly, the following guidelines shall apply for all legislative action by the Council and significant non-legislative action except where process (e.g., budget hearings), law (e.g., telecom shot-clock rules), or exigent circumstances (e.g., storm recovery actions) require otherwise.

1. **Legislative Action - Minimum of Three Meetings:** When the Council is considering non-emergency legislation or amendments to legislation, there shall be at least three public meetings during which the legislation is addressed as follows:
 - a. At the first meeting:
 - Presentation introducing and explaining such proposed legislation and/or amendments thereto,
 - Council questions and discussion, if any, and
 - Noticing of a public hearing if the Council desires to proceed with considering the proposed legislation.
 - b. At the second meeting:
 - Recap presentation of the proposed legislation,
 - Council questions and discussion,
 - Opening of a public hearing if the Council desires to proceed with considering the legislation, and
 - Hearing from the public.
 - c. At the third or subsequent meetings:
 - Further hearing from the public on the final version of the legislation, if any,
 - The Council may close the public hearing,

- Council discussion, and
 - The Council may vote on the proposed legislation.
- d. Any substantive changes to the proposed legislation made during the course of the public hearing shall cause (i) the revised proposed legislation to be posted on the City’s website (no less than five days prior to the subsequent public hearing meeting), and (ii) the public hearing to remain open through, and no vote taken until, the following meeting,
- e. A separate majority vote of the Council is necessary prior to any vote on the proposed legislation if there is a desire to act more expeditiously on proposed legislation (i.e., action taken prior to three meetings).
- 2. Significant Non-Legislative Actions – Minimum of Two Meetings:** When the Council is considering a non-emergency matter that requires Council action and where two or more Councilmembers deem such matter to be of “significant public interest” there shall be at least two public meetings during which the matter is addressed as follows:
- a. At the first meeting:
- Presentation introducing and explaining the matter and the proposed Council action,
 - Council questions and discussion,
 - The Council may choose to notice such other workshops, work sessions, or formal public hearings on the matter as the Council may deem appropriate, and
 - Hearing from the public, either informally or in a formal public hearing.
- b. At the second meeting:
- Recap presentation of the matter and the proposed Council action,
 - Council questions and discussion,
 - Hearing from the public (formally or informally) if requested by the Council, and
 - The Council may vote on the proposed action.
- c. Any substantive changes to the language of the proposed action made during the course of Council discussions or the public hearing shall cause (i) the hearing to continue to a subsequent meeting prior to a vote being taken and (ii) the revised language to be posted on the City’s website (no less than five days prior to such subsequent meeting).

- d. A separate majority vote of the Council is necessary prior to any vote on the proposed action item if there is a desire to act more expeditiously on non-legislative action of significant public interest.

E. Reservation of Rights and Waiver:

These Council Rules are not intended to override existing law or regulations of the City of Rye or the State of New York and should be interpreted in a manner consistent with such laws and regulations. The City Council, by majority vote, may choose to modify or waive any of the above provisions with respect to any matter at any time.

F. Review:

These Council Rules shall be reviewed by the Council at a regularly scheduled meeting within 12 months of their adoption and thereafter as the Council may desire.

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Exhibit A
Powers of Appointment – Rye City Boards, Commissions, and Committees

1. Appointments made solely by the Mayor:

- **Human Rights Committee** (No more than 9 members; Chair designated by Mayor)

2. Appointments made by the Mayor with Council Approval:

- **Board of Appeals** (7 Members; Chair designated by Mayor)
- **Board of Architectural Review** (7 Members; Chair designated by Mayor)
- **CC/AC** (6-9 members; Chair designated by Mayor)
- **Planning Commission** (7 members of which *one is from the Council for a 2-year term*; Chair designated by Mayor)
- **Recreation Commission** (9 members; Chair designated by Mayor)
- **Rye Playland Advisory Committee** (9 members; Chair designated by Mayor)
- **Rye Senior Advocacy Committee** (7 members; Chair designated by Mayor)
- **Rye Town Park Advisory Committee** (7members; Chair designated by Mayor)
- **Traffic and Pedestrian Safety Committee** (7 - 9 Members; Chair designated by Mayor)
- **Board of Ethics** (3 Members; *Chair selected by Board*)
- **Landmarks Advisory Committee** (8 members, 5 must be Rye residents; *Designation of Chair not specified*)
- **Police Advisory** (Created via Resolution; Commissioner of Public Safety, one other sworn police officer and seven members of the public appointed by the Mayor with Council approval; *Designation of Chair not specified*)
- **Rye Town Park Commission** (by NYS Legislation – Mayor and one designee appointed by the Council*) (*per Chapter 711 of the Laws of 1907 reference is to the President of the Village of Rye and one appointee to be approved by the Village Board of Trustees but when City was formed all references to Village of Rye are now to be considered references to the City of Rye)

3. Appointments made by the City Council:

- **Sustainability Committee** (Created via Resolution; 9 members; Chair designated by Mayor)
- **Board of Assessment Review** (5 Members, *2 may be members of the Council; Chair elected annually by Board*)
- **Finance Committee** (Created via Resolution; 11 members; *Chair selected by the Committee*)
- **Flood Advisory Committee** (Created via Resolution; 7 – 9 members, all Rye residents; *Designation of Chair not specified*)
- **City Council Liaisons** to the various City Boards, Commissions and Committees (New York State law and City Charter are silent regarding liaisons and the appointment authority and process.)

- **Any Ad-hoc City Council Committees or Subcommittees** (New York State law and City Charter are silent regarding ad-hoc committee and subcommittee appointment authority and process.)

4. Approval by City Council:

- Rye Golf Commission – Council approves election results
- Rye Boat Basin Commission – Council approves election results