

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, September 15, 2010, at 8:00 p.m. in the Council Room of City Hall.

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Presentation by Mayor and Police Commissioner of Certificates of Recognition to members of the Police Department for exceptional performance during calendar years 2007, 2008, and 2009.
5. Resolution to accept a donation from the Twig of Westchester of an Automated External Defibrillator to Rye Recreation.
6. Draft unapproved minutes of the special meeting of the City Council held August 9, 2010 and the regular meeting of the City Council held August 11, 2010.
7. Residents may be heard who have matters to discuss that do not appear on the agenda.
8. Mayor's Management Report
 - Coyote Overview
 - Flood Mitigation Update
 - Sonn Drive and other traffic improvements
 - Legal Update
9. Presentation on the Rye Meeting House.
10. Continuation of Public Hearing to amend local law, Chapter 144, Peddling and Soliciting, of the Rye City Code, to revise the law on solicitation.
11. Continuation of Public Hearing to repeal Chapter 87, Environmental Quality Review, and add new Chapter 87, Escrow Provisions, of the Rye City Code to assign the costs of any experts utilized by a City Board or Commission to the applicant.
12. Consideration to set a Public Hearing to amend Local Law Chapter 191, Vehicles and Traffic, Section 191-47 C, D, and E, Parking application, fees and location to clarify the language regarding City municipal parking places.
13. Resolution authorizing the City Manager to sign the settlement agreement, Memorandum of Understanding, between 151 Purchase Street Associates, LLC and the City of Rye.
Roll Call.
14. Resolution authorizing the changes for commuter parking as discussed with Metro North.

15. Resolution expanding the scope of responsibilities and changing the name of the Rye Cable Television Committee.
16. Discussion of and appointments to the Pedestrian Safety & Biking Planning Committee.
17. Bid Award for Police Uniforms (Bid# 4-10).
18. Two appointments to the Boat Basin Commission, by the Council, for two-year terms expiring January 1, 2013 and the designation of one member to the Boat Basin Nominating Committee.
19. One appointment to the Board of Architectural Review for a two-year term, by the Mayor with Council approval.
20. One appointment to the Board of Appeals to fill a term expiring on January 1, 2013, by the Mayor with Council approval.
21. One appointment to the Rye Town Park Advisory Committee for a one-year term, by the Mayor with Council approval.
22. Designation of Chairman of the Rye Town Park Advisory Committee by the Mayor.
23. Acceptance of Grant Award from Governor's Traffic Safety Committee in the amount of \$1,800 for participation in the "Child Passenger Safety" program.
Roll Call.
24. Acceptance of Grant Award from Governor's Traffic Safety Committee in the amount of \$8,040 for participation in the "Buckle Up New York" program.
Roll Call.
25. Miscellaneous communications and reports.
26. Old Business.
27. New Business.
28. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, October 6, 2010 at 8:00 p.m. The City Council will hold a special workshop on Monday, September 27, 2010 at 8:00 p.m.

** City Council meetings are available live and re-cablecast by RTV on Cablevision Channel 75 and Verizon Channel 39; they are also available for replay, video on demand, at <http://rye.peg.tv>.



CITY COUNCIL AGENDA

NO. 4

DEPT.: Police

DATE: September 15, 2010

CONTACT: Commissioner William R. Connors

AGENDA ITEM: Presentation by Mayor and Police Commissioner of Certificates of Recognition to members of the Police Department for exceptional performance during calendar years 2007, 2008, and 2009.

FOR THE MEETING OF:

September 15, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Awards will be presented to the following members of the service:

Police Officer Michael Olsen
Police Officer Edward Balls
Police Officer Christine Incalcaterra
Police Officer Michael Anfuso
Police Officer Angelina Cyr
Police Officer Michael Kenny
Police Officer Amy Spillane
Police Officer Joseph Cancel
Police Officer Daniel Camacho
Police Officer Mauricio Gomez
Police Officer Julio Rossi
Police Officer Michael Anderson
Police Officer John Hannah (ret)
Sergeant Susan Rigano (ret)
Sergeant Scott Craig
Sergeant Michael Larkin
Police Officer Edward Detlefs, Harrison Police Department
Police Officer Drew Conetta, Port Chester Police Department
Police Officer Aaron Conetta, Port Chester Police Department



CITY COUNCIL AGENDA

NO. 5 DEPT.: City Manager's Office DATE: August 11, 2010
CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Resolution to accept a donation from the Twig of Westchester of an Automated External Defibrillator to Rye Recreation.

FOR THE MEETING OF:
August 11, 2010
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Twig of Westchester in conjunction with the Port Chester-Rye-Rye Brook EMS is donating an Automated External Defibrillators (AED) to the Recreation Department Senior Center. The AED was funded through a grant obtained by Scott Moore of the Port Chester-Rye-Rye Brook EMS. In addition to the AED, the EMS staff will provide free CPR training on the device to Recreation staff as well as inspect the AED unit every 6 months.



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Clerk

DATE: August 11, 2010

CONTACT: Dawn F. Nodarse

AGENDA ITEM: Draft of the unapproved minutes of the special City Council meeting held August 9, 2010 and the regular meeting of the City Council held August 11, 2010, as attached.

FOR THE MEETING OF:

August 11, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Approve the Unapproved Minutes of the special City Council meeting held August 9, 2010 and the regular meeting of the City Council held August 11, 2010.

DRAFT UNAPPROVED MINUTES of the
Special Meeting of the City Council of the City of
Rye held in City Hall on August 9, 2010 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
RICHARD FILIPPI
PAULA J. GAMACHE
PETER JOVANOVICH
SUZANNA KEITH
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: None

1. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor French asked the City Clerk to call the roll; a quorum was present to conduct official city business.

Mayor French began by announcing that a male coyote had been caught over a week ago near the site where the second attack had occurred. The information was not immediately released because it was hoped that the scent of the coyote would draw another coyote to the location. The coyote was euthanized in accordance with guidelines of the City's Department of Environmental Conservation permit. The hunting, trapping and harassment strategy will continue. The Mayor said that the City will take the lead in a long-term regional approach with other municipalities and the State and Federal Government. City Manager Pickup said that going forward the City will release information if another animal is captured, but not the location, until after it has been determined that the location will not yield any more animals.

3. Presentation of the 2011-2015 Capital Improvements Program

City Planner Christian Miller said that the Capital Improvement Plan (CIP) is a five-year plan, not a commitment to spend. It is a plan that identifies projects and acquisitions and provides estimates of what it might cost for a five-year period. The CIP is required by the City Charter, but it is also a good business practice. Resources must be allocated carefully, therefore, projects must be prioritized in order to identify what is really needed and to identify possible sources of revenue to pay for them. This is the second year where staff began to prioritize needs in each of the projects, which provides the ability to target the most important projects. He said

he believed it is important for a community to have bigger plans than it might have the ability to pay for, in case opportunities for funding come along that were not anticipated.

This year's CIP identifies \$37 million in projects over the five-year period: \$8 million in 2011; \$3 million in 2012; \$6 million in 2013; \$16 million in 2014, and \$5 million in 2015. Much of the money for the projects comes from grants and aid or, approximately \$21 million of the \$37 million. Some projects that need to happen probably will not, if funding does not come from grants and aid. The second avenue for funding is debt, which is a determination of the City Comptroller and the City Council. Staff identify projects expected to cost hundreds of thousands of dollars as being eligible for debt. 19% is allocated to be paid from General revenues. The CIP is broken down into categories: Flood Mitigation projects - \$13 million, \$10 million of which is associated with a project behind the Bowman Avenue Spillway; Transportation projects - \$17 million; Recreation projects - \$3.6 million; Drainage projects - \$1.3 million; Building projects - \$1.3 million; Sewer projects - \$1.1 million and Vehicle and Equipment - \$4.8 million, some of which can be considered operating expenses.

In 2011 there is \$7.6 million in identified projects. Many of the projects are carry-over projects that are kept in the CIP because they are not completed or substantially underway:

- Bowman Avenue Sluice Gate project (\$2.2 million) - grants have been secured and work is expected to be done in 2011;
- Theodore Fremd Avenue wall (\$1.2 million) – the project is currently in NYS Department of Transportation (DOT) review;
- Central Avenue Bridge (\$1.8 million) - is expected to be completed in 2011;
- Hewlett Avenue Sewer Pump - includes both the pump station and force main;
- Purchase Street Roundabout (\$500,000) - for the intersection of Hillside Road/Ridge Street/Purchase Street/Wappanocca Avenue - County funding is being sought for this project;
- Old Milton Road Drainage – staff is looking to secure Federal grants for this project in 2011;
- Locust Avenue traffic signal – the project should be completed in 2011.

All of the above projects add up to \$6.7 million of the \$7.6 million allotted to 2011 and 65% of the projects are dependent on grants and aid that have been or, it is expected, will be secured. The new projects for 2011 are modest:

- Nature Center Bridge – the bridge has been yellow flagged by the Department of State. It is the sole means of access to the Nature Center;
- Friends Meeting House – advancing the design for the project based on existing funding sources and grants;
- Bathrooms at the Nature Center – they must be ADA compliant;
- Sidewalks and resurfacing - funding levels should be maintained to past levels in order to continue the annual program to improve sidewalks in the City and street resurfacing. About 50% of street resurfacing money is State aid.
- Pedestrian improvements – there are no specific projects, but staff wanted to earmark money for potential projects.

Mr. Miller said that two projects that were in last year's CIP have been removed: the acquisition of 1037 Boston Post Road (\$5 million), because it will be done in 2010; and improvements at the lower pond near Bowman Avenue Spillway (\$20 million), because they are not expected to be implemented in the five-year planning period, and because efforts will be focused on the upper pond area. He said that some projects remain in the CIP but the time lines have been extended. They include: the Thruway Field project, which has been pushed to 2014-2015 for design and improvement; and the Milton Cemetery Bridge because there was not enough funding to complete it.

Mr. Miller said that challenges relating to the CIP include:

- Bridges and walls – (\$6.3 million) – Locust Avenue Bridge, Nature Center Bridge, Orchard Avenue Bridge, Central Avenue Bridge, Theodore Fremd Avenue Retaining Wall, Boston Post Road Retaining Wall and improvements to the wall at Car Park 5. These structures are essential infrastructure and expensive to improve because many are historic structures. A project to assess the walls along Blind Brook is included in this year's CIP.
- The MTA Parking lot, which is in deteriorated condition and has no pedestrian enhancements. The MTA has a plan that would improve the lot (\$2.6 million), but one of the ways that improvements to the lot have been funded in the past is by using increases in commuter parking fees.

The final topic Mr. Miller discussed was Vehicles and Equipment (\$4.8 million). He said there were no significant changes over the five-year planning period. The purchase of a vector truck has been deferred for two years. A sweeper truck is also needed. Both pieces of equipment are necessary for environmental compliance issues. Over the five-year period, the replacement of sanitation vehicles is also identified as a need.

Council comments and questions included:

General Presentation:

- Will everything presented be in the 2011 budget? (Anything other than the sidewalk and paving programs will be looked at to determine how it impacts the tax rate.)
- Staff should provide a "top ten" list of priority projects.
- Staff should provide a list of all projects either taken out of the CIP or extended out to future years.
- How much of the \$7.6 million for 2011 is already set aside for carry-over projects? (\$6.7 million is for carry-over projects, much of which will be funded by grants and aid.)
- How much of the annual CIP amount typically comes from grants and aid? (In prior years carry-over money was used from Fund Balance, but the City is not currently in a position to do that, which creates pressure to identify real sources of funding.)
- The Council should begin considering if a bond referendum in November 2011 will be necessary to pay for some required projects.

- Even though 1037 Boston Post Road is no longer in the CIP, it is a large capital item and the Council must decide what will be done with the property.
- Can staff provide the Council with the date when projects were originally put on the CIP?
- Can staff provide a list by project of how much will come from cash, debt or grants each year?
- The public needs a “community dashboard” of projects and what they will cost – possibly the top two or three in each category.

Building Projects:

- What is the timeframe for renovations to the Police/Court facility mandated by the Office of Court Administration (OCA)? (The Council must understand what can or cannot be done with the existing facility. A study was included in the 2010 budget and deferred. A decision on the Police/Court facility should be considered along with what should be done with 1037 Boston Post Road. The OCA can make mandates but has not done so at this point.)
- Would moving criminal trials to White Plains reduce the need for upgrades? (The OCA has the ultimate say, but if demand is reduced building needs could possibly be reduced.)
- Will the existing police locker room project be done? (The problem with the boiler must be dealt with first and then the locker room renovation will be done.)
- What does the \$76,000 allocated to the Friends Meeting House cover? (The proposal is to fund only the study that Lisa Easton referred to in her July 26th presentation to the Council. Most of the money has been spent, leaving \$27,500 to be funded, possibly from the Save America’s Treasures Grant.)
- Staff should consider ways to utilize the space in City Hall and all City buildings more efficiently.
- How long has the HVHC replacement for City Hall been in the CIP? (Parts of the system have been improved as they have failed, but the heating and cooling systems are antiquated and in need of repair. As part of the sustainability discussions, the City will look at heating and air conditioning systems in all City facilities with a goal of getting credits for “greening” the buildings.)
- It might be a better approach to look at everything that needs to be updated and do it at one time through a bond issue.

Drainage Projects

- How long have the projects included been an issue for the neighborhood groups? (When drainage doesn’t exist, putting in new drainage is hard and expensive and in many cases the projects only provide limited benefits. Projects are put in the CIP because residents have identified a need, but the expense can be hard to justify.)
- What are the high priority projects on the current list? (The Old Milton Road drain is a high priority because it was previously funded. The Stoneycrest drain was considered high priority because it was previously discussed in connection with Forest Avenue pedestrian improvements, but it is a very expensive project. It has been pushed out because the funding for Forest Avenue improvements was reallocated.)

- Communication with the community is necessary regarding the likelihood of projects being done.
- What is the City's potential liability regarding the Old Milton Road drain? (There have been claims from Harbor House at various times. There is a flapper gate that is impacted by tides, which backs up during storm events. The idea is to split the Harbor House and City drainage.)
- Would doing any of the drainage projects on the list lessen the need for the vacuum truck? (It has not been identified as a significant benefit.)
- Could the City ask that neighbors who have requested a drainage project contribute to the project? (This could be done through a local assessment district or challenge grants.)
- How much of the funding allocated to the Old Milton Road drainage project and not covered by grants and aid is new and how much is carried over from 2010. (The aid that has been identified is a 45/55 split for a Clean Water Act related project. The money allocated for 2010 was reallocated.)

Flood Projects

City Manager Pickup provided an update on the Bowman Avenue Sluice Gate and FEMA Upper Pond projects. The \$400,000 of State money for the Sluice gate project is before the Ways and Means Appropriations Committee. We are awaiting the approval to spend the funds. The City does not want to go out to bid until the State money has been secured. The City must also appear before the Harrison and Rye Brook Planning Commissions to receive approvals. The City bonded for its portion of the project. Mr. Pickup said that the FEMA grant for the Upper Pond study is fully submitted and we are waiting for electronic notification that the money is available.

- The Sluice gate project is the largest project in the 2011 CIP, most of which should come from grants and aid and leaving a balance for the City to fund of \$546,000. How much of that money has already been spent? (About \$200,000 has been spent and \$346,000 in additional borrowing was authorized.)

Sewer Projects

- How much of the Hewlett Avenue Pump project not coming from grants and aid, has already been spent and how much will be bonded for? (The design money has been spent and the balance will be funded by debt.)
- What is the reason for the Hewlett Avenue project? (The original Pump Station needed to be replaced and it was found that it would be more efficient if the force main was also changed.)
- How long do the pumps last? (It depends on the capacity of the pump station, but they usually have a 15 to 25 year usable life.)

Transportation Projects

- The Purchase Street reconstruction project has a large price tag. How much can really be done? (It does not include all of the streetscape plans and can be broken down into

smaller pieces. Purchase Street has not been repaved in over 25 years. A lane of travel will be maintained during the project and will determine the way the project is done. The project could be done over two years. This project cannot be done at the same time that other major construction project in the Central Business District are being done.)

- Does the City coordinate street reconstruction projects with the utility companies before doing the project? (Yes)
- Can streets be sealed, similar to driveways, when the project is completed? (The sealing process used on driveways does not work on a roadway, but a crack sealing process does have some benefit in extending the longevity of the road.)
- Money for the Forest Avenue pedestrian projects should be included and spelled out. (The Council needs to identify what the actual project is. There have been suggestions about putting in sidewalks, a wider path or widening the road shoulder. The community should be involved in the discussion of what should be done.)
- Can people who are not on the list for sidewalk replacement opt into the program? (It was done this year and will probably be continued.)
- Can the City prioritize street resurfacing areas? (There is a Pavement Management System that is used to prioritize street resurfacing.)
- The Council should consider a similar system as part of a sidewalk program.
- In designing the Theodore Fremd Avenue Wall reconstruction, has the City considered putting drywells under the parking areas to allow for additional water accumulation during a storm? (There are too many utilities already located in the area.)
- Striping roads to create a larger shoulder area could create a safer environment for pedestrians.
- Is the Milton Cemetery Bridge project really necessary? (There have been other proposals, including not replacing it, but the Historic Preservation Community would like the bridge replaced in kind.)
- Could the School Street/Purdy Avenue parking lot wall repair project present an opportunity for creating additional parking? (A prior estimate for decked parking at that location was \$2.2 million, which did not make sense for 30 spaces, but might be worth exploring when the repair project is contemplated.)
- Should the City consider not replacing the Nature Center Bridge and creating access to the Nature Center from another location such as from the snow fields on Boston Post Road or Theodore Fremd Avenue? (That will be considered as part of the design process.)
- If the bridge is not replaced could the current bridge be used by pedestrians? (Probably, the problem is the weight of vehicles.)
- Is there a possible \$600,000 grant for the Locust Avenue Bridge? (The City is waiting for official paperwork from the Federal Government. There is a selection process governing who can be used for bridge design, which could slow the process.)
- The MTA plan for renovations calls for sidewalks, which would probably add to the cost. Could commuters be asked if they would prefer sidewalks or more paving and better drainage? (The MTA owns the lot and is eager to add pedestrian safety improvements.)
- Could the MTA tax that is paid by businesses in the City be used to make improvements to the parking lot?

City Manager Pickup provided an update on the status of the Central Avenue Bridge. An additional package has been submitted to the DOT. We are waiting on confirmation on reimbursement. When final confirmation is received the project could be in design by the fall.

Recreation

- What is the status on the Thruway fields? (The City has a loose set of conditions that were approved as a perimeter by the Thruway Authority for negotiating the terms of the lease. The user groups who will fund the project must determine if this is where they want to spent their money. Interest in the project cooled when it was learned that it would be a series of annual leases with an 11 month leasing period and a one month review period.)

Vehicles and Equipment

- There are two street sweepers referenced. Do we need two? (They do different things. Staff will provide the Council with a program update.)
- How is the City's overall fleet of equipment assessed? (The City has a large fleet of specialty equipment. The City may have to consider consolidating major pieces in coming years.)
- Is the fleet well maintained? (It depends on the weather. The more salt that is used during a winter, the more damage it creates to the fleet.)
- Are there better deals on equipment now? (The pricing really hasn't changed and most are purchased on State contract.)

Arthur Stampleman, 720 Milton Road, inquired about how much the City would have to come up with to do the 2011 projects, if \$6.7 million is coming from grants and aid. City Manager Pickup said that the traditional programs were \$1 million to \$1.3 million and were funded through Fund Balance and a combination of debt. Going forward the City will have to look at different ways of funding projects other than from Fund Balance.

4. Other Business

There was no other business to be discussed.

5. Adjournment

There being no further business to discuss Councilman Sack made a motion, seconded by Councilwoman Keith and unanimously carried, to adjourn the meeting at 10:23 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on August 11, 2010 at 8:00
P.M.

PRESENT:

DOUGLAS FRENCH Mayor
RICHARD FILIPPI
PAULA J. GAMACHE
PETER JOVANOVICH
SUZANNA KEITH (Left at 9:25 p.m.)
CATHERINE F. PARKER (Arrived at 8:04 p.m.)
JOSEPH A. SACK
Councilmembers

ABSENT: None

1. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor French asked the City Clerk to call the roll; a quorum was present to conduct official city business.

3. General Announcements

- New voting machines will be used beginning with the September 14th Primary. Councilman Sack filmed an “Eye on Rye” with the City Clerk about the new machines and how they will work.
- The “stop sign test” in the Central Business District started this week. The feedback is positive.
- The City is continuing with its hazing and harassment policy toward coyotes.

4. Draft unapproved minutes of the regular meeting of the City Council held July 21, 2010 and the special meeting of the City Council held July 26, 2010

Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on July 21, 2010.

Councilwoman Keith made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the special meeting of the City Council held on July 26, 2010, as amended.

5. Residents may be heard who have matters to discuss that do not appear on the agenda

Robin Jovanovich, 647 Milton Road, said that the news about the stop sign test is terrific, but if the City is looking to raise cash immediately, about 40% of drivers seem to be talking on their cell phones.

Agenda Items 9, 10, 12, 6A and 8 were taken out of order.

6. Mayor's Management Report

- Legal update

Interim Corporation Counsel Kristen Wilson provided the following update on pending litigation:

- RB Conway breach of contract action - both parties have made a motion for summary judgment and opposition papers are due later this week.
 - Schubert matters: (1) Schubert v. City of Rye (Federal Civil Rights action) – motions to dismiss are pending. (2) Schubert v. Planning Commission, et al, (Article 78 Proceeding) – a motion to dismiss was filed and served this week. (3) Schubert v. Gates – a trespass and nuisance case that the City is not a party to. Some City employees have received subpoenas and it could impact the Federal litigation.
 - Beaver Swamp Brook Administrative Action – the City's consultants are reviewing the most recent application by the Town of Harrison.
 - Shew v. City of Rye – a breach of contract and defamation case is still pending.
 - Panetta v. Planning Commission (Article 78 proceeding) – Petitioner is seeking to overturn a decision of the Planning Commission. A motion to dismiss part of the complaint is pending.
 - The Molloy Cottage (Article 78 proceeding) – Petitioner is also seeking to overturn a decision of the Planning Commission. The matter is fully submitted. A matter pending in Rye City Court is held in abeyance pending a decision in the Article 78 proceeding.
 - Delli Paoli v. City of Rye (Article 78 proceeding) – Petitioner is seeking to overturn a decision of the Zoning Board of Appeals. The City is waiting to receive Reply papers from the petitioner.
 - Townsend v. City of Rye (Article 78 action) - pending in the Appellate Division, Second Department. A date for oral argument is awaited.
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- Status of Labor Contracts update

City Manager Pickup updated the Council on the status of labor negotiations with the City's four bargaining units:

Police Unit (PBA) – There have been two sessions with the State appointed mediator and a third is scheduled for September. If there is no resolution at that point, it will probably move forward to arbitration. Arbitration usually covers two years.

Uniformed Services (Fire Fighters Association) – The contract expired 1/1/10. They have not initiated negotiations at this point. In past negotiations, this unit has waited until there is a settlement with the Police Unit before they become active in negotiations.

CSEA (DPW) – The contract expired 1/1/10. They have held numerous bargaining sessions and are making some progress. This is the largest bargaining unit by membership and in many instances that contract is a pattern setting contract for other groups.

CSEA (Clerical) – The contract is not up until the end of this year. Negotiations have not been initiated.

- United Water Rate case update

City Manager Pickup said that the current round of negotiations goes back to 2007 when United Water purchased the assets of Aquarian Water in Westchester and agreed not to file for any base rate increase until 2009. A request was received for an increase in November 2009. The City of Rye and Village of Rye Brook combined with a water rates case attorney Joel Dichter, Esq. who presented a series of proposals to drive down the initial requested rate increase. The base rate was dropped from a 15% proposed increase to 10%. An additional piece, covering the years 2011, 2012 and 2013, mandates that United Water meet system investment targets in order to gain additional increases in base rates. Meeting these targets should drive down the amount of lost water in the system and ultimately benefit all rate payers in the system. There will be a hearing on the water rates case held in City Hall Council Chambers on August 26th at 4:00 p.m. Anyone in the United Water system can come and comment on the record.

Council comments and questions included:

- If the first year increase is 10% what would the total increase be over the next four years? (It would fluctuate depending upon the amount of investment in infrastructure that is certified, but could be up to an additional 5% per year.)
- Can water bills go up based on the amount of water used? (If the company has to go out and purchase excess water from the New York City system, it is purchased at a higher rate and is passed on to the rate payers.)
- What is the purpose of the August 26th public hearing? (It is part of the Public Service Commission (PSC) process for rate setting. It offers an opportunity for people impacted by the rates to comment on the record.)
- Are other communities going before the PSC to challenge their rate increases? (Nyack and New Rochelle, where the rates were substantially higher.)
- When was the last base rate increase? (2004)
- Can United Water go back to the PSC for another increase if the infrastructure is improved and water usage is reduced? (Mr. Pickup is not aware of the PSC issuing a rate increase based on reduced consumption.)

- What would have happened if the City did not settle? (The initial rate increase would have probably been 15% and there probably have been larger increases in the additional years without any incentive for United Water to meet investment targets.)

6A. Presentation by the Finance Committee on City debt limitations

Chairman David Mullane presented a report of a sub-committee of the Finance Committee made up of himself, Norman McMasters and Arthur Stampleman that was formed in response to a request from the Mayor to explore the Charter Bond Limitations. A memorandum prepared by the Committee represents the majority view of the full Finance Committee, which recommends that the Charter Bond Limitations not be amended. He offered an overview of the memo, which also reflects the minority view of the Committee. The Charter statute requires that (1) any bond issuance that exceeds 10% of the City's average annual budget for the past three years must be approved by taxpayer vote. (2) Anything between 5% and 10% of the three-year average can be approved with a Council majority vote on two conditions: (a) that the vote can be challenged by permissive referendum, and (b) the amount is reduced by the aggregate amount of unretired debt issued that way in the past. (3) Any debt up to 5% of the three-year average can be approved solely by Council vote, with prior debt also taken into consideration. Mr. Mullane likened it to a line of credit that must account for draw downs. Currently only \$18,000 remains of the amount the Council can approve. There are exceptions outside the Charter where the Council can act solely by majority vote, such as for judgments, assessment district capital improvements, environmental infrastructure needs and public safety improvements. The Committee offered a proposal for an amendment to the Charter that would allow for the bonding for the City's share of public improvements subject to at least the receipt of 50% or more of matching funds where the City Manager determines those matching funds will be received in a reasonable time frame. This should be subject to a \$400,000 annual cap and \$1 million aggregate cap. He said that minority arguments included: (1) the Charter limitations are too complex; (2) it is illogical to consider some of the aggregate funding limitations, so the Council should limit the deductions to debt issued in the past few years or the life of a Council; (3) Permissive Referendums should be done away with because Councils view them the same as Mandatory Referendums; (4) Rye can tolerate more debt; and (5) Charter limitations restrict the ability of the Council to make capital improvements. Mr. Mullane said that the majority of the Committee believes that the Charter is very flexible and provides a "best of both worlds" scenario because the Council has a great deal of authority to issue bonds subject to their own vote; there are many types of bond issuances that are not subject to the Charter; and, it provides a system of checks and balances that allows the taxpayers to weigh in when significant debt is incurred. The Council can issue \$5 million of debt subject to its own vote; another \$2 million subject to permissive referendum; \$2.5 million under the public safety exception; and unlimited amounts to pay for the various exceptions. Charter debt limitations only apply to bond issuance and do not address any borrowing done outside of the Charter. The City's ability to issue debt subject to taxpayer approval is not restricted and, therefore, the majority of the Committee does not think there is a compelling need to change the Charter Bond Limitations.

Council comments and questions included:

- Debt is mortgaging your future and the Charter is designed so that it is up to the public to make the larger decisions on what to pay for.
- Should the City consider refinancing everything at one lump sum since the interest rates are still low? (Mr. Mullane said that personally he believed that as a general matter the Council should consider any opportunity to refinance debt to free up flexibility or reduce debt service. He said the Finance Committee would be happy to look into that issue.)
- The Charter is not fool proof. Part of the reason for the City's cash crisis is that it has to pay for property that was bought outside of the Charter limitations.

7. Public Hearing to amend local law, Chapter 144, Peddling and Soliciting, of the Rye City Code, to revise the law on solicitation

Interim Corporation Counsel Wilson summarized the proposed changes to the law:

- The time frame for solicitors to go door-to-door has been changed from dawn to dusk to 9:00 a.m. to 8:00 p.m. In researching case law, 7:00 p.m. has been found to be unconstitutional in restricting the time when solicitors can go door to door and 9:00 p.m. has been found to be constitutional. The City is trying to use 8:00 p.m. as a reasonable time.
- Solicitors will be required to have a photo attached to their permits.
- Organizations using children under the age of 16 as solicitors will be required to provide parental consent.
- A criminal background check will be required for commercial solicitors.
- A "No Knock Registry" will allow residents to register their property on line. Solicitors will be required to download the most recent list from the registry each day they solicit.
- There are enforcement provisions for violating the law that allow for fines of up to \$250.
- There are exemptions from the licensing procedure for certain organizations such as the Girl Scouts and Boy Scouts, people ordered by the Court to sell certain items or war veterans. Not-For-Profit Organizations would be required to get a permit but will not be charged for it.
- Religious Groups not seeking money and politicians are exempt from the law.

Ms. Wilson said that when the adopted law goes into effect is up to the Council. It could be effective upon filing with the Secretary of State or at a future date that the Council designates. She said that other communities have put a Frequently Asked Questions (FAQ) section on their websites explaining what the law actually does and doesn't do. The City can also reach out to the organizations that solicit in the City on a regular basis and advise them of the changes.

Councilwoman Gamache made a motion, seconded by Councilwoman Parker and unanimously carried, to open the public hearing.

Linda Wells, 27 Radcliffe Avenue, asked if there was a charge for the permit and what would be the cost to the City for administering the procedure. Ms. Wilson said that the permit fee would be set annually by the City Council as part of the budget process. Registering for the "No Knock Registry" would be done by the residents themselves by going to the City website and signing up, similarly to the way they sign up for City list serves. They would also be able to remove themselves from the list if they want to.

The public hearing was left open until the next City Council meeting to allow for additional public comment.

8. Public Hearing to repeal Chapter 87, Environmental Quality Review, and add new Chapter 87, Escrow Provisions, of the Rye City Code to assign the costs of any experts utilized by a City Board or Commission to the applicant

Interim Corporation Counsel Wilson said that the proposed local law will repeal the existing Chapter 87, which has become obsolete, and replace it with a new Chapter 87 called Escrow Provisions. This will allow any City Department employee who needs to hire experts, to do so at the applicant's cost by using funds put in an escrow fund by the applicant for that purpose. This will update a similar provision in the City Code that expired several years ago.

Councilwoman Gamache made a motion, seconded by Councilman Jovanovich and unanimously carried, to open the public hearing.

Ray Targaglione, said he believed this law would save the City thousands of dollars and that it was a "no brainer."

The public hearing was left open until the next City Council meeting to allow for additional public comment.

9. Resolution authorizing the City Comptroller to seek Revenue Anticipation Notes (RAN) for specific capital projects
Roll Call.

Comptroller Jean Gribbins said that these were the Revenue Anticipation Notes (RANs) that she had briefed the Council about at the July 26th meeting. They will help keep the City whole on a cash basis while money is awaited from reimbursement grants. She would like to immediately borrow the money for the Bird Homestead grants that it expects will be received and wait on borrowing for the Bowman Avenue Sluice Gate, Central Avenue Bridge and Theodore Fremd Avenue Retaining Wall projects until construction begins on the projects and the City has to start laying out the money.

Council questions and comments included:

- Why are we only borrowing \$550,000 for the Bird Homestead when we laid out \$1 million? (We are confident we will receive the \$550,000. The Comptroller is not confident to borrow against the other \$450,000 at this time. Additionally, the City must provide documentation that it will receive the grant money to issue the RAN's and only has it for the Historic Preservation Grant and a Member Item Grant at this time.)
- What happens if the City does not get the money it anticipates getting? (The City has up to a year to borrow and then can roll it over for one more year. After that it would have to be paid back.)
- If the City received additional contracts on the remaining \$450,000 would more RAN's be issued? (The Comptroller would come back to the Council for approval.)

- When will we expect to receive the money for the other three projects? (The project closest to reimbursement to the City is the Central Avenue Bridge, followed by the Theodore Fremd Avenue Wall project and then the Bowman Avenue Sluice Gate project. However, the City has not laid out money on those projects yet.)
- Revenue Anticipation Notes are like a band aid to help the City work on its cash flow problems.
- Are more municipalities using RAN's? (More and more municipalities do this on a fairly regular basis for cash flow management.)

Councilwoman Keith Made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

REVENUE ANTICIPATION NOTE RESOLUTION, DATED AUGUST 11, 2010, AUTHORIZING THE ISSUANCE OF A \$550,000 AGGREGATE PRINCIPAL AMOUNT REVENUE ANTICIPATION NOTE OF THE CITY OF RYE, LOCATED IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, IN ANTICIPATION OF THE RECEIPT OF MONEYS TO BE RECEIVED IN AND FOR THE CITY IN ITS FISCAL YEAR ENDING DECEMBER 31, 2011.

WHEREAS, the City of Rye (the "City"), a municipal corporation of the State of New York (the "State"), located in the County of Westchester, pursuant to the Local Finance Law, desires to issue a revenue anticipation note in anticipation of the receipt of revenues from the NYS Office of Parks & Historic Preservation (\$350,000) and the Westchester County Legacy Program (\$200,000) expected to be received by the City for their respective share of the costs of the acquisition of the bird Homestead to be received in and for the City in its fiscal year ending December 31, 2011; and

WHEREAS, the receipt of such moneys is expected to be received prior to the close of the City's fiscal year ending December 31, 2011; and

WHEREAS, none of such moneys to be received in such fiscal year has been received by the City as of the date hereof, leaving \$550,000 of such moneys not yet received in such fiscal year; and

WHEREAS, during the fiscal year ending December 31, 2011, the actual amount of such moneys received by the City is expected to be \$550,000; and

WHEREAS, no revenue anticipation notes have been authorized or issued in anticipation of the receipt of such moneys in such fiscal year; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rye, located in the County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued a revenue anticipation note of the City in the aggregate principal amount of up to \$550,000, pursuant to the Local Finance Law, in anticipation of the receipt of moneys from the NYS Office of Parks & Historic Preservation and from the Westchester County Legacy Program expected to be received by the City for their respective share of costs of the acquisition of the Bird Homestead to be received in and for the City in its fiscal year ending December 31, 2011; provided, however, that no such note as authorized herein shall be issued under this Resolution at any time in an amount which exceeds the "cumulative cash-flow deficit" within the meaning of the applicable Internal Revenue Code regulations with respect to such note. Such note shall be designated the "City of Rye, New York Revenue Anticipation Note, Series 2010" (the "Note").

Section 2. The Note shall be dated, shall mature, shall be in a denomination and series and shall bear interest at the rate of interest per annum, as determined at the time of the sale of the Note by the City Comptroller at a private sale in accordance with the provisions of the Local Finance Law of the State and Chapter 2 of the New York Code of Rules and Regulations.

Section 3. The City Council of the City has ascertained and hereby states that (a) \$550,00 of such anticipated moneys referred to herein remain unreceived as of the date hereof for the fiscal year of the City ending December 31, 2011; (b) no revenue anticipation notes have heretofore been authorized or issued in anticipation of the receipt of such moneys for such fiscal year, except the Note; (c) no amount has been included in the annual budget of the City for such fiscal year to offset, in whole or in part, any anticipated deficiency in the receipt during such fiscal year of such moneys to be received for such fiscal year; (d) the Note is to be issued in anticipation of the receipt of revenues other than real estate taxes and assessments; (e) the date of maturity of the Note and any renewals thereof, shall not be extended beyond December 31, 2013, which is the close of the applicable period provided in Section 25.00 of the Local Finance Law for the maturity of the Note; and (f) all earnings from the proceeds of the Note, if any, shall be applied to the payment of interest on the Note when due and payable, or for the payment of other governmental purposes of the City within the meaning of the United States Treasury Regulations or other such regulations in effect or proposed on the date of the Note.

Section 4. Pursuant to the provisions of the Local Finance Law, including Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to sell, issue and deliver the Note and the power to prescribe the terms, form and contents of the Note, including any renewals thereof, are hereby delegated to the City Comptroller, as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute the Note on behalf of the City and the City Clerk is hereby authorized to impress the seal of the City on the Note (or to have imprinted a facsimile thereof) and to attest such seal. The City Comptroller is hereby authorized to deliver the Note to the purchaser thereof upon payment and receipt in full of the purchase price thereof.

Section 5. The Note shall be a full faith and credit obligation of the City pursuant to Article VIII, Section 2 of the New York Constitution and the Local Finance Law payable first from moneys for which the Note is issued in anticipation of the receipt thereof.

Section 6. The City Comptroller is hereby directed to file with the City Council of the City, a certificate or certificates reporting the date of the Note, the date the Note matures, the rate of interest payable on the Note, the purchaser of the Note, and a statement to the effect that the power of the City Comptroller to sell, issue and deliver the Note is in full force and effect and has not been modified, amended or revoked prior to the delivery of and payment for the Note, and such other certificates as may be delivered to the purchaser of the Note.

Section 7. In the absence of the City Comptroller, the Deputy Comptroller is hereby authorized to exercise the powers referred to in Sections 4 and 6 of this Resolution.

Section 8. The City covenants for the benefit of the holders and beneficial owners of the Note that it will not make any use of the proceeds of the Note, any funds reasonably expected to be used to pay the principal of or interest on the Note, or any other funds of the City, which would cause the interest on the Note to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to the Note or the proceeds thereof, if such action or omission would cause the interest on the Note to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the Note or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the Note may be applied to reimburse expenditures or commitments made prior to the issuance of the Note on or after a date which is not more than sixty (60) days prior to the date of adoption of this Resolution by the City Council of the City.

Section 9. For the benefit of the holders and beneficial owners from time to time of the Note, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the "Rule") promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as May be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose and thereby implement that agreement, including provisions for enforcement,

amendment and termination, the City Comptroller of the City is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Note in accordance with the Rule, with any changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet the costs the City would be required to incur to perform thereunder. The City Comptroller, acting on behalf of the City, is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, the City attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This Resolution shall take effect immediately upon its adoption by a majority vote of the voting strength of the City Council of the City.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,
Keith and Parker
NAYS: Councilman Sack
ABSENT: None

The Resolution was adopted by a 6-1 vote.

Councilwoman Keith made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

REVENUE ANTICIPATION NOTE RESOLUTION, DATED AUGUST 11, 2010, AUTHORIZING THE ISSUANCE OF A \$1,500,000 AGGREGATE PRINCIPAL AMOUNT REVENUE ANTICIPATION NOTE OF THE CITY OF RYE, LOCATED IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, IN ANTICIPATION OF THE RECEIPT OF MONEYS TO BE RECEIVED IN AND FOR THE CITY IN ITS FISCAL YEAR ENDING DECEMBER 31, 2011.

WHEREAS, the City of Rye (the “City ”), a municipal corporation of the State of New York (the “State”), located in the County of Westchester, pursuant to the Local Finance Law, desires to issue a revenue anticipation note in anticipation of the receipt of revenues from New York State (\$400,000) and Westchester County (\$1,100,000) expected to be received by the City for their respective share of the costs of the acquisition, construction and reconstruction of the Bowman Avenue Sluice Gate to be received, in and for the City, to be received in its fiscal year ending December 31, 2011; and

WHEREAS, the receipt of such moneys is expected to be received prior to the close of the City’s ending December 31, 2011; and

WHEREAS, none of such moneys to be received in such fiscal year has been received by the City as of the date hereof, leaving \$1,500,000 of such moneys not yet received in such fiscal year; and

WHEREAS, during the fiscal year ending December 31, 2011, the actual amount of such moneys received by the City is expected to be \$1,500,000; and

WHEREAS, no revenue anticipation notes have been authorized or issued in anticipation of the receipt of such moneys in such fiscal year; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rye, located in the County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued a revenue anticipation note of the City in the aggregate principal amount of up to \$1,500,000, pursuant to the Local Finance Law, in anticipation of the receipt of moneys from New York State and Westchester County expected to be received by the City for their respective share of the costs of the acquisition, construction and reconstruction of the Bowman Avenue Sluice Gate in its fiscal year ending December 31, 2011; provided, however, that no such note as authorized herein shall be issued under this Resolution at any time in an amount which exceeds the “cumulative cash-flow deficit” within the meaning of the applicable Internal Revenue Code regulations with respect to such note. Such note shall be designated the “City of Rye, New York Revenue Anticipation Note, Series 2010” (the “Note”).

Section 2. The Note shall be dated, shall mature, shall be in a denomination and series and shall bear interest at the rate of interest per annum, as determined at the time of the sale of the Note by the City Comptroller at a private sale in accordance with the provisions of the Local Finance Law of the State and Chapter 2 of the New York Code of Rules and Regulations.

Section 3. The City Council of the City has ascertained and hereby states that (a) \$1,500,000 of such anticipated moneys referred to herein remain unreceived as of the date hereof for the fiscal year of the City ending December 31, 2011; (b) no revenue anticipation notes have heretofore been authorized or issued in

anticipation of the receipt of such moneys for such fiscal year, except the Note; (c) no amount has been included in the annual budget of the City for such fiscal year to offset, in whole or in part, any anticipated deficiency in the receipt during such fiscal year of such moneys to be received for such fiscal year; (d) the Note is to be issued in anticipation of the receipt of revenues other than real estate taxes and assessments; (e) the date of maturity of the Note and any renewals thereof, shall not be extended beyond December 31, 2013, which is the close of the applicable period provided in Section 25.00 of the Local Finance Law for the maturity of the Note; and (f) all earnings from the proceeds of the Note, if any, shall be applied to the payment of interest on the Note when due and payable, or for the payment of other governmental purposes of the City within the meaning of the United States Treasury Regulations or other such regulations in effect or proposed on the date of the Note.

Section 4. Pursuant to the provisions of the Local Finance Law, including Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to sell, issue and deliver the Note and the power to prescribe the terms, form and contents of the Note, including any renewals thereof, are hereby delegated to the City Comptroller, as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute the Note on behalf of the City and the City Clerk is hereby authorized to impress the seal of the City on the Note (or to have imprinted a facsimile thereof) and to attest such seal. The City Comptroller is hereby authorized to deliver the Note to the purchaser thereof upon payment and receipt in full of the purchase price thereof.

Section 5. The Note shall be a full faith and credit obligation of the City pursuant to Article VIII, Section 2 of the New York Constitution and the Local Finance Law payable first from moneys for which the Note is issued in anticipation of the receipt thereof.

Section 6. The City Comptroller is hereby directed to file with the City Council of the City, a certificate or certificates reporting the date of the Note, the date the Note matures, the rate of interest payable on the Note, the purchaser of the Note, and a statement to the effect that the power of the City Comptroller to sell, issue and deliver the Note is in full force and effect and has not been modified, amended or revoked prior to the delivery of and payment for the Note, and such other certificates as May be delivered to the purchaser of the Note.

Section 7. In the absence of the City Comptroller, the Deputy Comptroller is hereby authorized to exercise the powers referred to in Sections 4 and 6 of this Resolution.

Section 8. The City covenants for the benefit of the holders and beneficial owners of the Note that it will not make any use of the proceeds of the Note, any funds reasonably expected to be used to pay the principal of or interest on the Note, or any other funds of the City, which would cause the interest on the Note to become subject to federal income taxation under the Internal Revenue Code of

1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to the Note or the proceeds thereof, if such action or omission would cause the interest on the Note to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the Note or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the Note may be applied to reimburse expenditures or commitments made prior to the issuance of the Note on or after a date which is not more than sixty (60) days prior to the date of adoption of this Resolution by the City Council of the City.

Section 9. For the benefit of the holders and beneficial owners from time to time of the Note, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the “Rule”) promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as May be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose and thereby implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller of the City is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”), to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Note in accordance with the Rule, with any changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet the costs the City would be required to incur to perform thereunder. The City Comptroller, acting on behalf of the City, is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, the City attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This Resolution shall take effect immediately upon its adoption by a majority vote of the voting strength of the City Council of the City.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich, Keith, Parker and Sack
NAYS: None
ABSENT: None

The Resolution was adopted by a 7-0 vote.

Councilwoman Keith made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

REVENUE ANTICIPATION NOTE RESOLUTION, DATED AUGUST 11, 2010, AUTHORIZING THE ISSUANCE OF A \$1,400,000 AGGREGATE PRINCIPAL AMOUNT REVENUE ANTICIPATION NOTE OF THE CITY OF RYE, LOCATED IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, IN ANTICIPATION OF THE RECEIPT OF MONEYS TO BE RECEIVED IN AND FOR THE CITY IN ITS FISCAL YEAR ENDING DECEMBER 31, 2011.

WHEREAS, the City of Rye(the “City ”), a municipal corporation of the State of New York (the “State”), located in the County of Westchester, pursuant to the Local Finance Law, desires to issue a revenue anticipation note in anticipation of the receipt of revenues from the Federal Highway Administration of \$1,400,000 expected to be received by the City for their respective share of the costs of acquisition, construction and reconstruction of the Central Avenue Bridge, in and for the City, to be received in its fiscal year ending December 31, 2011; and

WHEREAS, the receipt of such moneys is expected to be received prior to the close of the City’s year ending December 31, 2011; and

WHEREAS, none of such moneys to be received in such fiscal year has been received by the City as of the date hereof, leaving \$1,400,000 of such moneys not yet received in such fiscal year; and

WHEREAS, during the fiscal year ending December 31, 2011, the actual amount of such moneys received by the City is expected to be \$1,400,000; and

WHEREAS, no revenue anticipation notes have been authorized or issued in anticipation of the receipt of such moneys in such fiscal year; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rye, located in the County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued a revenue anticipation note of the City in the aggregate principal amount of up to \$1,400,000, pursuant to the Local Finance Law, in anticipation of the receipt of moneys from the Federal Highway Administration expected to be received by the City for their respective share of the costs of the acquisition, construction and reconstruction of the Central Avenue Bridge in its fiscal year ending December 31, 2011; provided, however, that no such note as authorized herein shall be issued under this Resolution at any time in an amount which exceeds the “cumulative cash-flow deficit” within the meaning of the applicable Internal Revenue Code regulations with respect to such note. Such note shall be designated the “City of Rye, New York Revenue Anticipation Note, Series 2010” (the “Note”).

Section 2. The Note shall be dated, shall mature, shall be in a denomination and series and shall bear interest at the rate of interest per annum, as determined at the time of the sale of the Note by the City Comptroller at a private sale in accordance with the provisions of the Local Finance Law of the State and Chapter 2 of the New York Code of Rules and Regulations.

Section 3. The City Council of the City has ascertained and hereby states that (a) \$1,400,000 of such anticipated moneys referred to herein remain unreceived as of the date hereof for the fiscal year of the City ending December 31, 2011; (b) no revenue anticipation notes have heretofore been authorized or issued in anticipation of the receipt of such moneys for such fiscal year, except the Note; (c) no amount has been included in the annual budget of the City for such fiscal year to offset, in whole or in part, any anticipated deficiency in the receipt during such fiscal year of such moneys to be received for such fiscal year; (d) the Note is to be issued in anticipation of the receipt of revenues other than real estate taxes and assessments; (e) the date of maturity of the Note and any renewals thereof, shall not be extended beyond December 31, 2013, which is the close of the applicable period provided in Section 25.00 of the Local Finance Law for the maturity of the Note; and (f) all earnings from the proceeds of the Note, if any, shall be applied to the payment of interest on the Note when due and payable, or for the payment of other governmental purposes of the City within the meaning of the United States Treasury Regulations or other such regulations in effect or proposed on the date of the Note.

Section 4. Pursuant to the provisions of the Local Finance Law, including Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to sell, issue and deliver the Note and the power to prescribe the terms, form and contents of the Note, including any renewals thereof, are hereby delegated to the City Comptroller, as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute the Note on behalf of the City and the City Clerk is hereby authorized to impress the seal of the City on the Note (or to have imprinted a facsimile thereof) and to attest such seal. The City Comptroller is hereby

authorized to deliver the Note to the purchaser thereof upon payment and receipt in full of the purchase price thereof.

Section 5. The Note shall be a full faith and credit obligation of the City pursuant to Article VIII, Section 2 of the New York Constitution and the Local Finance Law payable from moneys for which the Note is issued in anticipation of the receipt thereof.

Section 6. The City Comptroller is hereby directed to file with the City Council of the City, a certificate or certificates reporting the date of the Note, the date the Note matures, the rate of interest payable on the Note, the purchaser of the Note, and a statement to the effect that the power of the City Comptroller to sell, issue and deliver the Note is in full force and effect and has not been modified, amended or revoked prior to the delivery of and payment for the Note, and such other certificates as May be delivered to the purchaser of the Note.

Section 7. In the absence of the City Comptroller, the Deputy Comptroller is hereby authorized to exercise the powers referred to in Sections 4 and 6 of this Resolution.

Section 8. The City covenants for the benefit of the holders and beneficial owners of the Note that it will not make any use of the proceeds of the Note, any funds reasonably expected to be used to pay the principal of or interest on the Note, or any other funds of the City, which would cause the interest on the Note to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to the Note or the proceeds thereof, if such action or omission would cause the interest on the Note to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the Note or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the Note may be applied to reimburse expenditures or commitments made prior to the issuance of the Note on or after a date which is not more than sixty (60) days prior to the date of adoption of this Resolution by the City Council of the City.

Section 9. For the benefit of the holders and beneficial owners from time to time of the Note, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the "Rule") promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify

certain terms of the City's continuing disclosure agreement for that purpose and thereby implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller of the City is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Note in accordance with the Rule, with any changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet the costs the City would be required to incur to perform thereunder. The City Comptroller, acting on behalf of the City, is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, the City attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This Resolution shall take effect immediately upon its adoption by a majority vote of the voting strength of the City Council of the City.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,
Keith, Parker and Sack
NAYS: None
ABSENT: None

The Resolution was adopted by a 7-0 vote.

Councilwoman Keith made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

REVENUE ANTICIPATION NOTE RESOLUTION, DATED AUGUST 11, 2010, AUTHORIZING THE ISSUANCE OF A \$1,100,000 AGGREGATE PRINCIPAL AMOUNT REVENUE ANTICIPATION NOTE OF THE CITY OF RYE, LOCATED IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, IN ANTICIPATION OF THE RECEIPT OF MONEYS TO BE RECEIVED IN AND FOR THE CITY IN ITS FISCAL YEAR ENDING DECEMBER 31, 2011.

WHEREAS, the City of Rye (the “City”), a municipal corporation of the State of New York (the “State”), located in the County of Westchester, pursuant to the Local Finance Law, desires to issue a revenue anticipation note in anticipation of the receipt of revenues from the Federal Highway Administration of \$1,100,000 expected to be received by the City for their respective share of the costs of the acquisition, construction and reconstruction of the Theodore Fremd / Blind Brook Retaining Wall, in and for the City, to be received in its fiscal year ending December 31, 2011; and

WHEREAS, the receipt of such moneys is expected to be received prior to the close of the City’s year ending December 31, 2011; and

WHEREAS, none of such moneys to be received in such fiscal year has been received by the City as of the date hereof, leaving \$1,100,000 of such moneys not yet received in such fiscal year; and

WHEREAS, during the fiscal year ending December 31, 2011, the actual amount of such moneys received by the City is expected to be \$1,100,000; and

WHEREAS, no revenue anticipation notes have been authorized or issued in anticipation of the receipt of such moneys in such fiscal year; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rye, located in the County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued a revenue anticipation note of the City in the aggregate principal amount of up to \$1,100,000, pursuant to the Local Finance Law, in anticipation of the receipt of moneys from the Federal Highway Administration expected to be received by the City for their respective share of the costs of the acquisition, construction and reconstruction of the Theodore Fremd / Blind Brook Retaining Wall in its fiscal year ending December 31, 2011; provided, however, that no such note as authorized herein shall be issued under this Resolution at any time in an amount which exceeds the “cumulative cash-flow deficit” within the meaning of the applicable Internal Revenue Code regulations with respect to such note. Such note shall be designated the “City of Rye, New York Revenue Anticipation Note, Series 2010” (the “Note”).

Section 2. The Note shall be dated, shall mature, shall be in a denomination and series and shall bear interest at the rate of interest per annum, as determined at the time of the sale of the Note by the City Comptroller at a private sale in accordance with the provisions of the Local Finance Law of the State and Chapter 2 of the New York Code of Rules and Regulations.

Section 3. The City Council of the City has ascertained and hereby states that (a) \$1,100,000 of such anticipated moneys referred to herein remain unreceived as of the date hereof for the fiscal year of the City ending December

31, 2011; (b) no revenue anticipation notes have heretofore been authorized or issued in anticipation of the receipt of such moneys for such fiscal year, except the Note; (c) no amount has been included in the annual budget of the City for such fiscal year to offset, in whole or in part, any anticipated deficiency in the receipt during such fiscal year of such moneys to be received for such fiscal year; (d) the Note is to be issued in anticipation of the receipt of revenues other than real estate taxes and assessments; (e) the date of maturity of the Note and any renewals thereof, shall not be extended beyond December 31, 2013, which is the close of the applicable period provided in Section 25.00 of the Local Finance Law for the maturity of the Note; and (f) all earnings from the proceeds of the Note, if any, shall be applied to the payment of interest on the Note when due and payable, or for the payment of other governmental purposes of the City within the meaning of the United States Treasury Regulations or other such regulations in effect or proposed on the date of the Note.

Section 4. Pursuant to the provisions of the Local Finance Law, including Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to sell, issue and deliver the Note and the power to prescribe the terms, form and contents of the Note, including any renewals thereof, are hereby delegated to the City Comptroller, as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute the Note on behalf of the City and the City Clerk is hereby authorized to impress the seal of the City on the Note (or to have imprinted a facsimile thereof) and to attest such seal. The City Comptroller is hereby authorized to deliver the Note to the purchaser thereof upon payment and receipt in full of the purchase price thereof.

Section 5. The Note shall be a full faith and credit obligation of the City pursuant to Article VIII, Section 2 of the New York Constitution and the Local Finance Law payable from moneys for which the Note is issued in anticipation of the receipt thereof.

Section 6. The City Comptroller is hereby directed to file with the City Council of the City, a certificate or certificates reporting the date of the Note, the date the Note matures, the rate of interest payable on the Note, the purchaser of the Note, and a statement to the effect that the power of the City Comptroller to sell, issue and deliver the Note is in full force and effect and has not been modified, amended or revoked prior to the delivery of and payment for the Note, and such other certificates as May be delivered to the purchaser of the Note.

Section 7. In the absence of the City Comptroller, the Deputy Comptroller is hereby authorized to exercise the powers referred to in Sections 4 and 6 of this Resolution.

Section 8. The City covenants for the benefit of the holders and beneficial owners of the Note that it will not make any use of the proceeds of the Note, any funds reasonably expected to be used to pay the principal of or interest on the Note, or any other funds of the City, which would cause the interest on the

Note to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to the Note or the proceeds thereof, if such action or omission would cause the interest on the Note to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the Note or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the Note may be applied to reimburse expenditures or commitments made prior to the issuance of the Note on or after a date which is not more than sixty (60) days prior to the date of adoption of this Resolution by the City Council of the City.

Section 9. For the benefit of the holders and beneficial owners from time to time of the Note, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the "Rule") promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as May be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose and thereby implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller of the City is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Note in accordance with the Rule, with any changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet the costs the City would be required to incur to perform thereunder. The City Comptroller, acting on behalf of the City, is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, the City attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City attorney or such bond counsel or

other qualified independent special counsel in determining whether a filing should be made.

Section 10. This Resolution shall take effect immediately upon its adoption by a majority vote of the voting strength of the City Council of the City.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich, Keith, Parker and Sack

NAYS: None

ABSENT: None

The Resolution was adopted by a 7-0 vote.

10. Resolution authorizing the City Comptroller to reallocate the Recreation Bond to be used for debt service
Roll Call.

City Manager Pickup said that City Comptroller Gribbins has been working hard to identify money to reduce the City's 2011 budget exposure. This is an additional strategy. The City looked at balancing out additional investment in the Recreation facility, including an additional \$125,000 of projects that are included in the current budget, while at the same time giving the Council flexibility in 2011 and 2012 to prioritize projects or look at other sources of revenues for capital projects.

Council questions and comments included:

- During the budget discussions last year the Council asked if the bond funds could be spent on anything other than recreation capital improvements and was told that they could not be. Why is there a change in direction? (When a project is finished you are allowed to use the left over money to pay back the debt. That is the point the City is at now.)
- Are we reallocating the money for debt service because we were advised that we could not last year and now know that it is acceptable? (The discussion of how the money could be used might have been held prior to the discussion of using it to pay back the debt.)
- Is bond counsel now saying it is alright to use the money for debt service? (Yes)
- This would be undoing a vote of a prior Council.
- This would be using a non-recurring source to pay an ongoing expense, which is not right.
- \$124,500 is almost the \$115,000 amount that the Building Department is up in building permits this year. That money could be used for debt service.
- If the Council had known last year that the money could be used to pay off debt, it would have done so.
- The voters wanted the money spent on Damiano. If it cannot be spent on Damiano, it should be used to pay back the debt.

Councilman Jovanovich made a motion, seconded by Councilwoman Keith, to adopt the following Resolution:

RESOLVED, that the City Council hereby authorizes City Comptroller Jean Gribbins to allocate the remaining proceeds from the 2002 Recreation Bond as follows:

Unspent Balance before adoption of 12/16/09 Resolution:	\$476,000
Less : 12/19/09 Resolution to Reallocate Funds for	
Damiano Bldg Improvements	(126,500)
Gagliardo Park Restrooms	(100,000)
Friends Meeting House	(125,000)
Unspent Balance after adoption of 12/16/09 Resolution:	124,500
Less:	
Attorney and Actuary Fees for Arbitrage Calculation and 12/09 Repurpose Resolution	(14,223)
Arbitrage Penalty	(10,814)
Unspent Balance before adoption of 8/11/10 Resolution:	99,463
Add: 8/11/10 Resolution to Cancel the following Capital Projects	
Gagliardo Park Restrooms	100,000
Friends Meeting House	125,000
Unspent Balance after adoption of 8/11/10 Resolution to cancel projects	324,463
Less:	
Unspent Proceeds Applied to Debt Service - 2011	(150,000)
Unspent Proceeds Applied to Debt Service - 2012	(174,463)
Unspent Balance after adoption of 8/11/10 Repurpose Resolution:	0

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Jovanovich, Keith, and Sack
NAYS: Councilmembers Gamache and Parker
ABSENT: None

The Resolution was adopted by a 5-2 vote.

11. Resolution authorizing the City Manager to sign the settlement agreement, Memorandum of Understanding, between 151 Purchase Street Associates, LLC and the City of Rye Roll Call.

This agenda item was deferred.

12. Authorization for City Manager to seek an RFP for the City of Rye Corporation Counsel position

Mayor French said that the Request for Proposal (RFP) before the Council is a revision based on comments made at the last Council meeting. City Manager Pickup said that the process will allow the Council to be directly involved and will use existing staff to manage the process. Special thanks were offered to Councilman Sack and Eleanor Militana, the City Manager's Assistant, for their work on the project.

Councilman Sack made a motion, seconded by Councilwoman Gamach, to adopt the following Resolution:

RESOLVED, that the City Council hereby authorizes the City Manager to seek a Request for Proposals (RFP) for the position of Corporation Counsel.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich, Keith, Parker and Sack
 NAYS: None
 ABSENT: None

The Resolution was adopted by a 7-0 vote.

13. Resolution establishing a standard workday for elected and appointed officials as per new reporting requirements of the New York State and Local Employees' Retirement System

City Manager Pickup said that this was a regulatory change that grew out of State Retirement reporting requirements. It is a record keeping activity that will include himself and the Corporation Counsel and will require them to keep track of their work days so they will be in compliance with the standard reporting requirements outlined by the State.

Councilman Jovanovich made a motion seconded by Councilman Filippi, to adopt the following Resolution:

BE IT RESOLVED, that the City of Rye hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/Day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Employees					
City Manager	Scott D. Pickup	7	7/1/10 -	Y	20
Corporation Counsel	Kristen Wilson	4.375	1/1/10 -	N	10

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,
and Sack
NAYS: Councilwoman Parker
ABSENT: Councilwoman Keith

The Resolution was adopted by a 5-1 vote.

14. Appointments to the Rye Town Park Advisory Committee by the Mayor with Council approval

Mayor French said that the role of this Committee would be similar to the Rye Playland Advisory Committee and would provide feedback to the Council. There would be representation from the dog group, the Friends of Rye Town Park and the neighbors of the park.

Mayor French made a motion, seconded by Councilwoman Gamache and unanimously carried, to appoint Ann Moller, Dan Mathisson and Michael Corbett to the Rye Town Park Advisory Committee for three-year terms, expiring on January 1, 2013.

Mayor French made a motion, seconded by Councilwoman Gamache and unanimously carried, to appoint Anne McCarthy and Russell Gold to the Rye Town Park Advisory Committee for two-year terms, expiring on January 1, 2012.

Mayor French made a motion, seconded by Councilwoman Gamache and unanimously carried, to appoint Stephanie W. Vroom to the Rye Town Park Advisory Committee for a one-year term, expiring on January 1, 2011.

15. Discussion of and appointments to the Rye Playland Strategic Planning Working Group

Councilwoman Parker said that the County wants to take a new look at Playland, which she likened to the City's Enterprise Funds in that it is expected that revenues will meet expenses. Playland has fallen short of this goal over the last several years. The County is looking at short-term solutions for the park. The City has asked to be part of the discussion. Westchester County is putting out two RFPs that would look at an outside group coming in to run Playland. The City wants to review the RFPs as well as the responses that come back. The short term strategy for the Group would be to create a list of desirable additions or changes that may positively enhance revenue at Playland and also represent the interests of the City. Mayor French, Charles Dorn, County Legislator Myers and Ms. Parker met with former Councilman Doug McKean, who wrote his graduate thesis on Playland. That plan would utilize much of what is already there and look at other uses that are more recreation based such as fields and an amphitheater. The group would like to use Mr. McKean's plan as another option to bring to the County; create a public outreach plan of action; hold public workshops on the options; and, possibly create a survey on keeping Playland as an amusement park or creating a recreation park. Councilwoman Parker will serve as the Council Liaison for the Group.

Council comments and questions included:

- It would make sense to have a member of the Planning Commission in this group. (The City Planner will be the staff liaison.)
- The Committee should not just consider finances. It should take quality of life issues into consideration.
- The group might help to expedite a decision on the Children's Museum by the County.
- Playland is doomed as a ride park. Its revenue is too low. It is too difficult to come up with the capital necessary to maintain a successful park.
- What is currently in place is not working, and a fresh look should be taken to determine if there are other ways to use the recreational space.
- Mayor French should be thanked for his efforts to address issues at Playland and Rye Town Park.

Mayor French noted that this was not an official City Committee, but was more of a working group. Councilwoman Parker said she felt the group would probably need about a year or so to accomplish their goals.

Councilwoman Parker made a motion, seconded by Councilwoman Gamache and unanimously carried, to establish the Rye Playland Strategic Planning Working Group.

Councilwoman Parker made a motion, seconded by Councilwoman Gamache and unanimously carried to appoint Charles Dorn, Eva Mallis Fisher, Mayor Douglas French, Sean Janski, Councilman Peter Jovanovich, Lisa Liese, Douglas McKean, Susan Morison, Hugh Robertson, Angela Sculti and Caroline Walker to the Rye Playland Strategic Planning Working Group, with Charles Dorn serving as the Chair.

16. Adoption of the 2010/2011 tax levy and tax rate for the Rye Neck Union Free School District Roll Call.

Councilwoman Gamache made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

WHEREAS, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of \$9,717,222 to be raised on property within the District located in the City of Rye, with the established tax rates of \$672.755231 per \$1,000 of taxable assessed value on homestead property and \$871.849078 per \$1,000 taxable assessed value on non-homestead property, for the fiscal year beginning July 1, 2010 and ending June 30, 2011, now, therefore, be it

RESOLVED, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect said taxes,

subject to any further amendments or approvals required by the Rye Neck
Union Free School District.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,
Parker and Sack
NAYS: None
ABSENT: Councilwoman Keith

The Resolution was adopted by a 6-0 vote.

17. Resolution to declare certain equipment and vehicles as surplus
Roll Call.

Councilwoman Gamache made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

WHEREAS, The City has been provided with lists by the Police Department, Fire Department and Rye Golf Club of City equipment and vehicles identified as being obsolete or will become obsolete during 2010, and

WHEREAS, these Departments have recommended that said equipment and vehicles be declared surplus, now, therefore, be it

RESOLVED, that said equipment and vehicles are declared surplus, and, be it further

RESOLVED, that authorization is given to the City Comptroller to sell or dispose of said equipment and vehicles in a manner that will serve in the best interests of the City.

Police Department Surplus

Global Electric Motors (GEM) Car – all-electric vehicle purchased in 2002 for us by
Parking Enforcement Officers

Fire Department Surplus

Motorola MT 100	546AQG0659
5 Channel Portable Radio	546AQG0660
42.0 – 50.0 Mhz Freq.	546AQW0528
	546AQW0529
	546ATC0166
	546ATC0167
	546ATJ0709
	546AVU0082 X

546AVU0084 X
546AWW0152 X
546AWW0154 X
546AWW0155 X
546AWW0156 X
546TZE0364
546TZE0487
546TZE0743
546TZE0750

Motorola Radius P200
6 Channel Portable Radio
42.0 – 50.0 Mhz Freq.

No Serial Number
126TUN0056
126TXS0943

Motorola Minitor II
33.0 – 50.0 Mhz Freq.

No Serial Number
646BZL2446
MD5BQJ2888
MD5XTQ29GB
MD5XTQ29GJ
MD5XTQ29GR
MD5XVS2B8H
MD5XXX27QC
MD5XXX27QD
MD5XXX28NS
MD5XXX28NX
MD5XYL22LW

Golf Club Surplus

1996 Ford Pickup Truck
2003 Ford Police Car

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,
Parker and Sack

NAYS: None

ABSENT: Councilwoman Keith

The Resolution was adopted by a 6-0 vote.

18. Consideration of request for permission to close a section of Purchase Street for the 58th annual celebration of the Halloween Window Painting Contest

Councilman Filippi made a motion, seconded by Councilwoman Gamache and unanimously carried, to adopt the following Resolution:

RESOLVED, the City Council hereby approves the request of the Recreation Department for permission to close a section of Purchase Street for the 58th Annual Halloween Window Painting Contest on Sunday October 17, 2010 (rain date October 24) from 8:00 A.M. to 3:00 P.M.

19. Miscellaneous Communications and Reports

Councilwoman Parker said that the Shore Walkway at Playland is closed on Monday through Friday until 3:00 p.m. due to a County fence replacement capital project, but it is open on Saturday and Sunday. Ms. Parker also reported about "Midlandia." City residents Sue Seitz and Chris Cohen have been working with Con Edison regarding the area around the Midland Avenue substation. Chris Cohen suggested native species plantings for the area and Sue Seitz created a series of bird houses depicting Playland, Kelly's, Greek's Pizza, the Damiano Center, Belluscio's, and the Yellow House, which have been placed on top of trees that had been cut down by Con Ed at the location.

Mayor French said there has been a great deal of comment about the Duck Pond and yellow ropes in Rye Town Park. He said the pumps that were originally installed in the pond were not sufficient and will be replaced and the yellow ropes around the trees were the recommendation of the Friends of Rye Town Park.

20. Old Business

There was no old business to be discussed.

21. New Business

Councilman Sack suggested that the City save the old street signs that are being replaced by Federal mandate and sell them in order to raise some money.

22. Adjournment

There being no further business to discuss Councilman Sack made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the meeting at 10:31 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Council

DATE: September 15, 2010

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

September 15, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Manager provide a report on requested topics.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Mayor has requested an update from the City Manager on the following:

- Coyote Overview
- Flood Mitigation Update
- Sonn Drive and other traffic improvements
- Legal Update



CITY COUNCIL AGENDA

NO. 9 DEPT.: City Manager's Office DATE: September 15, 2010
CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Presentation by on the Rye Meeting House.

FOR THE MEETING OF:
September 15, 2010
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

A presentation will be made by Anne Stillman regarding proposed plans for the Rye Meeting House.



CITY COUNCIL AGENDA

NO. 10 DEPT.: Corporation Counsel DATE: September 15, 2010
CONTACT: Kristen Wilson, Interim Corporation Counsel

ACTION: Continuation of Public Hearing to amend local law, Chapter 144, Peddling and Soliciting, of the Rye City Code, to revise the law on solicitation.

FOR THE MEETING OF:

September 15, 2010

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Residents have raised concerns regarding solicitors going door-to-door. While the City cannot prohibit solicitors from going door-to-door to deliver their message, the proposed changes to Chapter 144 seek to regulate the process.

See attached draft Local Law.

**CITY OF RYE
LOCAL LAW NO. 2010**

**A local law to amend Chapter 144, Peddling and Soliciting
of City Code of the City of Rye as follows:**

Chapter 144 Peddling and Soliciting

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

Section 1.

§144-1 Definitions

CHARITABLE means the purpose of an organization which has received a letter of determination approving tax exempt status under Title 26 of the United States Code Section 501(c) (3) or the purpose of a school club, recognized and affiliated with a public or private school, having a program with annual campaigns to support the public or private school club.

COMMERCIAL means the purpose of solicitation which is not noncommercial, as defined in this Section.

CORPORATION shall take on the meaning consistent with the New York State Business Corporations Law and the New York State Not for Profit Business Law.

ESTABLISHED PLACE OF BUSINESS means a building or store in which or where the person transacts business and deals in the goods, wares and merchandise he hawks, peddles or solicits for during regular business hours.

HAWKER AND PEDDLER means any person, either principal or agent, who, from any boat or in any public street or public place or by going from house to house or place of business to place of business, on foot or on or from any animal or vehicle, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, except milk, newspapers, periodicals, books and pamphlets.

NONCOMMERCIAL means the purpose of solicitation which is charitable, as defined in this Section, religious or political.

PERSON means any individual, firm, partnership, joint venture, association, social club, league, fraternal organization, joint stock company, estate, trust, business trust, receiver, trustee, syndicate or any other group acting as a unit. The word "person" shall include the definition of corporation.

SOLICITOR means any person whether a resident of the City or not, engaged in solicitation.

SOLICITATION includes the act of any person, whether a resident of the City or not, traveling by foot, vehicle or any other type of conveyance who goes from house to house, business to business, from place to place or in or along any highway, street or sidewalk within the City either;

1. requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value;
2. taking or attempting to take orders for the sale of any goods, wares, merchandise or services of any kind, or description for future delivery or for services to be performed in the future, either in person or by distributing flyers and leaflets; and
3. selling and making immediate delivery of any goods, wares, merchandise or services of any kind or description, commonly referred to as "peddling."

Solicitation shall not include the following so long as the person is not requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value:

- a. A person communicating or otherwise conveying ideas, views or beliefs or otherwise disseminating oral or written information to a person willing to directly receive such information, provided that such information is of a political, religious or charitable nature;
- b. A person seeking to influence the personal belief of the occupant of any residence or business in regard to any political or religious matter;
- c. A person seeking to obtain, from an occupant of any residence or business, an indication of the occupant's belief in regard to any political or religious matter,
- d. A person conducting a poll, survey or petition drive in regard to any political matter; and
- e. A person carrying, conveying, delivering or transporting dairy products, newspapers, or other goods to regular customers on established routes or to the premises of any person who had previously ordered such products, goods or services and is entitled to receive the same.

§144-2 Exemptions

Nothing contained in this chapter shall be deemed to apply to any of the following:

- A. A sale conducted pursuant to an order of any court.
- B. A wholesaler selling articles to dealers or merchants who have an established place of business in the City of Rye.

- C. A child 18 years of age or under who resides within the City or Rye and who solicits or peddles on behalf of a charitable, religious, athletic, social, educational or civic organization, including but not limited to the Boy Scouts, Girl Scouts, Cub Scouts, Brownie Scouts, clubs, classes or organizations sponsored by any school located within the City of Rye of which such child is a member.
- D. The peddling of meats, fish, fruit and farm produce by farmers and persons who produce such commodities on their own land, provided that they have otherwise complied with all applicable licensing and health and safety requirements of any other competent governmental body or agency, as well as the Zoning Code of the City, and the sale takes place from a stationery location upon property owned or leased by the seller of such goods.
- E. A not-for-profit organization's sale of food ancillary to a fundraising event, such as a picnic or carnival, that lasts no longer than five consecutive days. This exemption shall not apply to any door-to-door peddling or soliciting.
- F. Any person holding a license pursuant to Section 32 of the General Business Law "Licenses to veterans of the Armed Forces of the United States."

§144-3 License Required

It shall be unlawful for any person to act as a hawker, peddler or solicitor, as herein defined, without first having obtained a license from the Clerk. The license shall be carried on the person of the licensee at all times while engaging in peddling or soliciting and shall be exhibited by the licensee to any person on demand. A picture of the licensee shall appear on the valid license.

§144-4 Certificate as to equipment

The application for a license shall be accompanied by a certificate from the Sealer of Weights and Measures of the County of Westchester, certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.

§144-5 License Application

To obtain a license to solicit, peddle or hawk within the City of Rye, a person shall make a written application to the Clerk in a form prescribed by the Clerk and provide the following information:

- A. The full name of the applicant, including any nicknames commonly used, home address, telephone number, any mobile telephone number or email address used on a regular basis, date of birth and social security number.
- B. A valid driver's license with a clearly delineated license number and state of issuance or other acceptable proof of identification;
- C. If the applicant works for another person or entity of any nature, the name, address, telephone number, email address, and website address, of the person or entity to the extent such exists;

Deleted: §144-3.1 License Fees
 ¶
 The annual license fees shall be set annually by resolution of the City Council before adoption of the budget for the following year for each license(s) issued pursuant to this chapter.¶

- D. A brief description of the solicitation business to be conducted, and the intended area where the business is to be conducted if less than the entire residential area of the City;
- E. Two photographs, two inches by two inches in size, full face on a white background, taken of the applicant within the prior sixty (60) day period of time which accurately reflect the appearance of the applicant on the date of the application;
- F. An affidavit that the applicant is not disqualified because of prior criminal history and whether the applicant has ever been convicted of a crime and, if so, under what name, with a listing of such conviction, including crime jurisdiction, date and sentence imposed.
- G. If the solicitor is a minor (under the age of 16), a notarized authorization by the applicant's parent or legal guardian. The authorization form is part of the application form.
- H. A description of the vehicle which the applicant wishes to use in carrying out his business or occupation as well as the name of the vehicle owner and registration details.
- I. County Health Department permit number, if a food vendor.
- J. If peddling or soliciting for a corporation, the state in which it is incorporated and the names of its officers along with a copy of its certificate of incorporation.

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§144-5.1 Criminal Background Check

This section shall only apply to commercial solicitation.

1. The City of Rye shall initiate a criminal history background check of prospective solicitors, including those persons acting on behalf of an employer or other person.
2. The criminal background check shall not be initiated without the written consent of the person.
- ~~3.~~ A license shall not be issued to any person who refuses to consent to or cooperate in the securing of a criminal history record background check.
- ~~4.~~ Each applicant shall submit two sets of fingerprints and any other necessary information to L-1 Identity Solutions (or other outsourcing agency under contract with the New York State Division of Criminal Justice Services (DCJS)) for processing. In addition, a certified check or money order, in the amount specified by and made payable to DCJS, to cover the cost of processing fingerprints, shall accompany the application.
- ~~5.~~ The City of Rye Police Commissioner and/or his designee shall be responsible for reviewing the criminal history record information (CHRI) disseminated by DCJS. All applicants requiring a background check must have the results of their background check reviewed by the Police Commissioner and/or his designee prior to submitting their application to the City Clerk.
- ~~6.~~ If a prospective applicant has been convicted of a specified criminal activity, any decision regarding such prospective applicant's fitness for a

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Deleted: to the Commissioner of Police or his designated representative.

Deleted: the New York State Division of Criminal Justice Services (

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license must be made upon consideration of new York State Correction Law §§701-703-b and §§751-753.

§144-5.2 Expiration – Renewal – Revocation – Denial - Appeal

The following provisions shall apply to licenses for commercial solicitation:

1. All licenses granted under the provisions of this Chapter shall be reviewed annually and may be renewed thereafter, unless sooner revoked.
2. Prior to the expiration of a license and upon application for renewal of the license, the Clerk shall determine if the applicant, peddler or solicitor has acted in compliance with the applicable provisions of this Chapter and conditions of the license.
3. The license may be renewed upon a determination that the solicitor or peddler has substantially complied with the terms and conditions of the permit and the requirements of this Chapter.
4. Renewal fees shall be established by a resolution of the City Council and may be amended from time to time.
5. If it is determined that the solicitor or peddler has not been in compliance with any of the provisions of this Chapter the license shall not be renewed.
6. The Clerk may revoke any license granted under the provisions of this Chapter for any of the following reasons:
 - a. The applicant provided false, misleading or misrepresented information in procuring the license;
 - b. The applicant or any person who worked on behalf of or with the applicant failed to comply with the requirements of this Chapter;
 - c. The applicant or any person working on behalf of or worked on behalf of or with the applicant is convicted of violating any federal, state or local law while in the course of operating under the license;
 - d. The activities for which the license was granted were or are being conducted in a manner that is detrimental to the public health, safety, peace or welfare.
7. When a license has been revoked, no other license shall be issued under the provisions of this Chapter to the same applicant within one (1) year of the date of revocation.
8. An application for a license under this Chapter may be denied for the following reasons:
 - a. The applicant fails to cooperate or consent to the criminal background check as stated in this Chapter.
 - b. An applicant's background check reveals a conviction for any criminal offense including but not limited to, violent crimes, sexual assault, and possession of a controlled substance, theft, fraud or burglary.
 - c. Fraud, misrepresentation or false statement in the application for the license.

- d. Fraud, misrepresentation or false statement made in the course of carrying out the applicant's trade, business or occupation.
- e. Any violation of this chapter.
- f. Carrying out of the licensed business, trade or occupation in an unlawful manner or in such a way as to breach the peace or to constitute a menace to the health, welfare or safety of the public.
- g. The license shall not be transferable or assignable. In the event that a licensee shall permit any other person to possess or use such license, such license shall automatically be revoked, and the licensee shall thereby be guilty of violating this Chapter, and no application for a further license may be made for a period of one year from the date of revocation.
- h. Any applicant who has had a license denied or revoked by the Clerk may appeal to the City Manager, in writing, within 30 days of the receipt of the denial or revocation. The City Manager will thereafter hold a hearing within 45 days of receipt of the demand for such hearing to review the determination of the Clerk.

§ 144-6 License Fee

The annual license fees shall be set annually by resolution of the City Council before adoption of the budget for the following year for each license issued pursuant to this Chapter.

§144-7 Name and address on vehicle

Every vehicle used by a licensed hawker, peddler or solicitor in or about his or her business shall have the name of the licensee and his or her address plainly, distinctly and legibly painted in letters and figures at least two inches in height in a conspicuous place on the outside of the sides of every such vehicle, and such name and address shall be kept so painted plainly and distinctly at all times while such vehicle is in use during the continuance of the license.

§144-8 Restrictions

A licensed hawker, peddler or solicitor shall:

- A. Not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale; or offer for sale any unwholesome, tainted or diseased provisions or merchandise.
- B. Keep the vehicle and receptacles used by him in a clean and sanitary condition and the foodstuffs and edibles offered for sale well covered and protected from dirt, dust and insects.
- C. Not blow a horn, ring a bell or use any other noisy device to attract public attention to his or her wares, or shout or cry out his or her wares.

- D. Not stand nor permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.
- E. Not sell any confectionery or ice cream within 250 feet of any school property between the hours of 8:00 a.m. and 4:00 p.m. on school days.
- F. Not permit any vehicle used by him or her to stop or remain on any crosswalk.
- G. Not create or maintain any booth or stand, or place any barrels, boxes, crates or other obstructions, upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise

§144-8.1 Hours Restricted

No person while conducting the activities of peddler or solicitor shall enter upon any private residence, knock on doors, or otherwise disturb persons in their residence between the hours of 8:00 p.m. and 9:00 a.m.

§144-9 When written orders required; duplicates

All orders taken by licensed solicitors, who demand, accept or receive payment or deposit of money in advance of final delivery shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one copy shall be given to the purchaser at the time the deposit of money is paid to the solicitor.

§144-10 “Do Not Knock” Registry

A. Any owner or occupant of property located in the City who wishes to prohibit soliciting on the premises shall complete a form available in the City Clerk’s office and on the City’s website. The completion of the form will allow the owner/occupant’s premises to be included on a list of properties that do not permit solicitation (herein referred to as the “Do Not Knock Registry” or “Registry”).

B. In order to be removed from the Registry, the owner and/or occupant must complete a form indicating that he/she does not want he/her property to be included on the Registry.

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C. Any owner and/or occupant who has requested enlistment on the Do Not Knock Registry, pursuant to this chapter shall be able to purchase from the City, for a nominal fee, a sticker or sign for display indicating enlistment on the Do Not Knock Registry.

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D. All solicitors shall obtain the current Do Not Knock Registry at the time of issuance of a permit or at the time of registration to solicit pursuant to the provisions of this Chapter.

- E. Solicitors shall not solicit at any premises identified on the then current Do Not Knock Registry.
- F. It shall be the responsibility of the solicitor to check each residence for the presence of such signage and to obtain updated copies of the Registry.

§141-11 Unwanted Solicitations Prohibited

- A. It is unlawful for any person to go upon, ring the bell, knock on the door of or attempt to gain admission to the premises of any residence, dwelling or apartment in the City of Rye where the owner, adult occupant or other person in control thereof has expressed his objecting to such activity either by explicit instructions, oral or written, or by posting a sticker or sign indicating the location is listed on the City's Do Not Knock Registry pursuant to Section 144-10, or by posting a sign or decal bearing the words "No Solicitation" or words of similar import such as: "No Solicitors", "No Solicitation", "No Soliciting", "No Peddlers", or "No Trespassing", provided the signage has letters at least one (1) inch in height, and is posted conspicuously so that it can be seen by persons approaching the front entry of the residence or at the front doorway, or by persons assisting a solicitor who has such a visual impairment as to be unable to see the sign.
- B. Activities related to a service requested by the owner or occupant of the property and undertaken in the ordinary course of business, including but not limited to deliveries of utility notices, telephone directory deliveries, regular newspaper deliveries, work order notices and service inquiries, are presumed to be requested or invited for the purpose of this Section.
- C. Nothing in this Section shall be construed to prohibit the distribution of leaflets, pamphlets or other literature such as commercial, political or religious material distributed in a lawful manner.

§144-11.1 Penalty

Any violation of the provisions of this Chapter shall be punishable as provided in Section 1-15 of the Code of the City of Rye and as otherwise provided herein.

Section 2. Severability

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

Section 3.

This local law shall take effect on January 1, 2011.

DRAFT



CITY COUNCIL AGENDA

NO. 11 DEPT.: Corporation Counsel DATE: September 15, 2010
CONTACT: Kristen Wilson, Interim Corporation Counsel

ACTION: Continuation of Public Hearing to repeal Chapter 87, Environmental Quality Review, and add new Chapter 87, Escrow Provisions, of the Rye City Code to assign the costs of any experts utilized by a City Board or Commission to the applicant.

FOR THE MEETING OF:
September 15, 2010
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

A proposal has been put forth to adopt a new law which would set up an escrow fund to cover the costs of outside consultants that might be necessary to review a project before one of the City's Boards and Commissions. The costs would be borne by the applicant and would be used to pay for consultants retained by the City.

See attached draft Local Law.

LOCAL LAW NO. of 2010

A Local Law to add
Chapter 87 Escrow Provisions,
Of the Code of the City of Rye, New York

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

Section 1. A local law deleting the existing Chapter 87 “Environmental Quality Review” and replacing it with a new Chapter 87 “Escrow Provisions” of the Code of the City of Rye as follows:

§ 87-1. Fees and consultants.

A. Upon any application to the City, the Planning Commission, the Planning Commissioner, the Board of Appeals, the Architectural Review Board, the Building Inspector, the City Engineer, or other employee or official (“boards, commissions and employees”), subject to the provisions of this Section, may require the applicant to deposit with the City, pursuant to an escrow agreement in a form that shall be approved by the Corporation Counsel, funds sufficient to reimburse the City for all reasonable costs of consultant and expert evaluation and consultation in connection with the review of any application.

B. Any City boards, commissions or employees involved in the review of any application may refer such application to such engineering, planning, legal, technical or environmental consultant or other professionals, hereinafter referred to as "consultant or consultants," as they deem reasonably necessary to enable it to review such application as required by law, provided that the required expertise is not available from city staff, and subject to the following:

(1) The consultant(s) shall send to the City a detailed statement of the consulting services (“statement”) to be provided by the consultant(s) and it shall include the consultant's fees for said services with an acknowledgement by the consultant(s) that the applicant, not the City, shall be ultimately responsible to the consultant(s) for the services provided. A copy of the statement shall be sent to the applicant by the City.

(2) Upon approval by the applicant of the fees and services proposed, the applicant shall deposit a sufficient sum to cover said fees, subject to the

conditions set forth in the signed escrow agreement with the City Comptroller. When said amount is diminished to 50% of the original amount, the applicant will be asked to replenish the escrow with funds sufficient to bring the account back to the level of the original amount. Excess funds are to be returned to the applicant as soon as is practicable following the application and approval/denial process.

(3) If the applicant wishes to review the services and the costs with the City boards, commissions or employees, the request for a review shall be in writing and mailed to the City Clerk by certified mail, return receipt requested, or delivered in person, within seven days of the applicant's receipt of the service and cost statement.

(4) The boards, commissions or employees shall authorize the consultant to proceed within 7 days of receipt of the funds by the City Comptroller. All details related to the kind and manner of payment shall be in the discretion of the City Comptroller.

(5) Nothing contained herein or in the escrow agreement shall be deemed as an indication or obligation by the City to approve the application or grant its approval. The escrow arrangement shall be for the benefit of the applicant to facilitate the review process and provide the City with the necessary expertise where the City does not have such expertise. The applicant, in the escrow agreement shall hold the City of Rye and all of the relevant boards, commissions and/or employees harmless.

(6) Payment of the consultant(s)' fees shall be required in addition to any and all other fees required by this or any other section of this chapter or any other City law or regulation.

(7) No final action on an application or permit shall be taken and/or issued until all consultant's fees charged in connection with the review of the applicant's project have been paid.

Section 2. Severability

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

Section 3.

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



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager

DATE: September 15, 2010

CONTACT: Scott D. Pickup, City Manager

ACTION: Consideration to set a Public Hearing to amend Local Law Chapter 191, Vehicles and Traffic, Section 191-47 C, D, and E, Parking application, fees and location to clarify the language regarding City municipal parking places.

FOR THE MEETING OF:

September 15, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Local Law is being updated to clarify the language regarding City municipal parking places allowing for uniformity in permit parking assignment and enforcement.

See attached draft Local Law.

**CITY OF RYE
LOCAL LAW NO. 2010**

A local law to amend Chapter 191, Vehicles and Traffic, Section 191-47 C, D and E, Parking application, fees and location of the Code of the City of Rye as follows:

Section 1.

§191-47 Parking application, fees and location.

[Amended 6-15-1955; 4-18-1956; 10-5-1960; 12-5-1962 by Ord. No. 12-1962; 12-3-1969 by Ord. No. 6-1969; 3-19-1975 by Ord. No. 1-1975; 1-21-1976 by Ord. No. 4-1976; 11-19-1980 by Ord. No. 5-1980; 2-15-1984 by L.L. No. 5-1984 Editor's Note: This local law also provided that former §§191-41 through 191-49 be renumbered to become §§191-40 through 191-48, respectively. ; 4-6-1988 by L.L. No. 5-1988; 11-2-1988 by L.L. No. 17-1988; 12-15-1993 by L.L. No. 12-1993; 3-1-1995 by L.L. No. 3-1995; 12-18-1996 by L.L. No. 17-1996; 6-18-1997 by L.L. No. 6-1997; 12-20-2000 by L.L. No. 19-2000; 11-29-2006 by L.L. No. 11-2006]

- C. Any merchant or other person employed within ~~the Central Business District~~ [1000 feet of a municipal parking place] desiring to park all day shall, upon application to the City Clerk and payment of the annual fee, receive a merchant tag or license permitting him/her to park his/her motor vehicle in ~~the Central Business District~~ [a municipal parking place]. The merchant tag or license for that vehicle must be displayed on the driver's side of the vehicle's rear window. The merchant permits will not be honored on public streets or in the following parking spaces: ~~Any person with a merchant permit who parks on a public street or in the spaces delineated below will be required to comply with the rules and regulations of such areas.~~

	Car Park	Space Numbers
	1	1-2; 20-23; 43-46; 70-71
	2	80-84; 158-160; 197-199; 200-202; 222-225; 233; 237-243
	3	315-332
	4	488-519; 530-531
	5	550-557

- D. Residents of the City of Rye desiring an all-day/all-night parking permit shall, upon application to the City Clerk and payment of an annual fee, receive a tag or license entitling him/her to park his/her motor vehicle. The ~~car park~~ [municipal parking place] that is closest to the applicant's place of residence will be ~~the car park~~ assigned to the applicant. The proper parking tag or license for that vehicle shall be displayed on the driver's side of the vehicle's rear window.

- E. Residents of the City of Rye desiring an all-night parking permit shall, upon application to the City Clerk and payment of an annual fee, receive a tag or license permitting him/her to park his/her automobile or other vehicle. The ~~one~~ **park [municipal place]** that is closest to the applicant's place of residence will be assigned to the applicant.

Section 2. This law will take effect immediately upon filing with the New York State.



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Mayor

DATE: September 15, 2010

CONTACT: Mayor Douglas French

AGENDA ITEM: Resolution pursuant to the Stipulation of Settlement removing the ETPA from the building located at 151 Purchase Street.

FOR THE MEETING OF:

September 15, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council pass a resolution removing the ETPA from the building at 151 Purchase Street *nunc pro tunc* to February 24, 2006.

IMPACT: Environmental Fiscal Neighborhood x Other:

BACKGROUND: 151 Purchase Street Associates filed an amended complaint against the City of Rye. The matter has been settled and the City Council now needs to act in accordance with the terms of the settlement.



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager

DATE: September 15, 2010

CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Resolution authorizing the changes for commuter parking as discussed with Metro North.

FOR THE MEETING OF:

September 15, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider the changes put forth by Metro North regarding the commuter parking permits.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 15

DEPT.: City Council

DATE: September 15, 2010

CONTACT: Mayor French

AGENDA ITEM: Resolution expanding the scope of responsibilities and changing the name of the Rye Cable Television Committee.

FOR THE MEETING OF:

September 15, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider adopting the attached Resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached Resolution.

Rye Cable and Communications Commission

City of Rye

Draft resolution for consideration by the City Council

WHEREAS, new and emerging communication technologies have opened up and will continue to open up broad opportunities available to its residents; and

WHEREAS, the City of Rye has for over three decades sought to make such opportunities available to its residents through agreements with cable television providers but now needs to broaden into newer media;

WHEREAS, the Rye Cable TV Committee needs to be expanded in the scope of its responsibilities and in the skills of its members, with adjustment to its title to reflect its broader scope; and

WHEREAS, the City has long-term franchise agreements with Cablevision Systems Corporation and Verizon New York Inc. entered into on March 28th, 2008 and December 13, 2007 respectively,

NOW THEREFORE, be it resolved that;

- 1) The existing Rye Cable TV Committee is hereby renamed as the Rye Cable and Communications Committee, consisting of 9 members appointed by the Mayor and elected by the City Council to staggered three-year terms, one of them to be designated by the Mayor to chair the Committee for a period of three years.
- 2) The Committee is responsible for:
 - a. monitoring compliance by Cablevision and Verizon with their respective agreements, and bringing to the City

Council's attention any compliance problems that are not settled by negotiation;

- b. establishing policy regarding all aspects of Rye's television channels devoted to public access and to consult with the Council policies regarding the government access and educational channels;
- c. maintaining relations with Rye City School District and the Rye Neck School District concerning matters of mutual interest;
- d. advising the City Council on budget issues related to the operations of Rye's television channels or any other media-related activities that the City may undertake;
- e. maintaining constant review of technological developments in any medium whose use for the benefit of Rye residents might be useful and feasible;
- f. formulating plans for the local application of any such development, and
- g. any and all other actions related to the foregoing that are necessary and proper for their achievement.



CITY COUNCIL AGENDA

NO. 16

DEPT.: City Council

DATE: September 15, 2010

CONTACT: Councilmember Suzanna Keith

AGENDA ITEM: Discussion of and appointments to the Pedestrian Safety & Biking Planning Committee.

FOR THE MEETING OF:

September 15, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider the draft resolution regarding the establishment of a Pedestrian Safety & Biking Planning Committee and appoint the members noted.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Committee members include:

James Burke
Steve Cadenhead
Lucy Cassidy
Susan Gervis
Maureen Gomez
Greg Howells
Howard Husick
David Kimmel
Kate Madigan
Martha McDade
Al Vitiello
Bob Zahm

See attached Resolution.

**RESOLUTION OF THE CITY OF RYE ESTABLISHING A TEMPORARY SHARED
ROADWAY PLANNING WORKING GROUP FOR PEDESTRIAN AND BIKING
SAFETY**

WHEREAS, the residents of the City of Rye (the “City”) continue to need safe sidewalks, crosswalks and roadways to walk and bike throughout the City; and

WHEREAS, the City would like to identify new ways for Rye to be a safer walking and biking community providing a more sustainable and healthier quality of life; and

WHEREAS, it is desirable to have a temporary Shared Roadway Planning Working Group for Pedestrian and Biking Safety to study and develop a plan of shovel ready pedestrian and school safety projects for review by the City Council and the community;

NOW, THEREFORE, BE IT RESOLVED, that the City of Rye Shared Roadway Planning Working Group for Pedestrian and Biking Safety (“Working Group”) is hereby established; and be it further

RESOLVED, that the Working Group shall consist of, but not solely inclusive of, representatives of key user groups in the City (seniors, schools, recreation, neighborhoods and the YMCA); and be it further

RESOLVED, that the Working Group is temporary in nature and shall function and report to the Council independently from the Traffic and Pedestrian Safety Commission but will have a liaison from that Commission; and be it further

RESOLVED, that the members of the Working Group shall be appointed by the Mayor with approval of the City Council and that up to two members shall be designated by the Mayor as Chairpersons, and be it further

RESOLVED, that the Working Group shall have the following duties and powers:

1. Recommend and prioritize shovel ready engineering projects and related grant funding focusing on neighborhoods and school issues;
2. Evaluate and prioritize the remaining recommendations of the 2007 Temporary Trailways and Safe Schools Committee by engaging the community; and
3. Recommend education initiatives in coordination with the YMCA Safe Routes to School and Board of Education and Traffic and Pedestrian Safety Commission; and
4. Evaluate and participate in other community and governmental best practices such as “Complete Streets” initiatives in nearby towns; and

5. The Working Group shall present their initial set of recommendations to the City Council by May 2011 with a final submission prior to the August 2011 Capital Improvements budget meeting for 2012.

DRAFT



CITY COUNCIL AGENDA

NO. 17

DEPT.: Police

DATE: September 15, 2010

CONTACT: Commissioner William R. Connors

AGENDA ITEM: Bid Award for Police Uniforms (Bid# 4-10).

FOR THE MEETING OF:

September 15, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That Bid# 4-10 be awarded to New England Sportswear, Inc., of White Plains, New York.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Police Commissioner has reviewed the bids for police uniforms received from two vendors and has recommended the bid be awarded to the low bidder.

See attached.



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York

21 McCullough Place

Rye, N. Y. 10580

Phone: (914) 967-1234

FAX: (914) 967-8341



September 10, 2010

Memorandum for: Scott D. Pickup, City Manager

Subject: **BID #4-10 – POLICE UNIFORMS**

On September 2, 2010, bidding was closed on Bid #4-10, for suppliers of Police Department uniforms. Two vendors submitted bids.

One bidder, Buckshollow Emergency Equipment Corp. of Mahopac, New York, was not able to supply the model of body armor specified in the Department's bid specifications. Therefore, I recommend that the bid be awarded to New England Sportswear, Inc., of White Plains, New York.

Submitted for your consideration.

WRC/wrc

William R. Connors
Police Commissioner



CITY COUNCIL AGENDA

NO. 18

DEPT.: Boat Basin/

DATE: September 15, 2010

CONTACT: Peter T. Fox, Boat Basin Supervisor

ACTION: Two appointments to the Boat Basin Commission by the Council, for two-year terms expiring January 1, 2013 and the designation of one member to the Boat Basin Nominating Committee.

FOR THE MEETING OF:
September 15, 2010
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council designate the individuals elected to serve on the Boat Basin Commission and Nominating Committee.

IMPACT: Environmental Fiscal Neighborhood x Other:

BACKGROUND:

The following individuals were elected to serve on the Boat Basin Commission for two-year terms ending January 1, 2013:

Richard Dempsey
Greg Gavlik

The following individual was elected to serve on the Boat Basin Nominating Committee:

Ford Winters

CITY OF RYE

MEMORANDUM

TO: Scott Pickup, City Manager
Peter T. Fox, Boat Basin Supervisor

FROM: Dawn F. Nodarse, City Clerk

SUBJECT: De Pauw Municipal Boat Basin Commission
and Nominating Committee Election

DATE: August 25, 2010

The following are the results of the Boat Basin Election:

Envelopes Received	110
Ballots Cast	109
Invalid Ballots	1

The election results for two representatives to the De Pauw Municipal Boat Basin Commission are (two open seats):

Candidates	# of Votes Received
Richard Dempsey	74
Greg Gavlik	84
George Szczerba	51

The election results for one member to the Nominating Committee are:

Candidates	# of Votes Received
Frank Mangiamele	16
Ford Winters	89

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 19

DEPT.: City Council

DATE: September 15, 2010

CONTACT: Mayor French

AGENDA ITEM: One appointment to the Board of Architectural Review for a two-year term, by the Mayor with Council approval.

FOR THE MEETING OF:

September 15, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the appointment of John Clark.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 20

DEPT.: City Council

DATE: September 15, 2010

CONTACT: Mayor French

AGENDA ITEM: One appointment to the Board of Appeals to fill a term expiring on January 1, 2013, by the Mayor with Council approval.

FOR THE MEETING OF:

September 15, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the appointment of David Cutner.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 21

DEPT.: City Mayor

DATE: September 15, 2010

CONTACT: Mayor Douglas French

ACTION: One appointment to the Rye Town Park Advisory Committee for a one-year term, by the Mayor with Council approval.

FOR THE MEETING OF:

September 15, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the appointment of Elinore White.

IMPACT: Environmental Fiscal Neighborhood X Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 22

DEPT.: City Council

DATE: September 15, 2010

CONTACT: Mayor French

ACTION: Designation of the Chairman of the Rye Town Park Advisory Committee by the Mayor.

FOR THE MEETING OF:

September 15, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 23

DEPT.: Police

DATE: September 15, 2009

CONTACT: Commissioner William R. Connors

AGENDA ITEM: Acceptance of Grant Award from Governor's Traffic Safety Committee in the amount of \$1,800 for participation in the "Child Passenger Safety" program.

FOR THE MEETING OF:

September 18, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Manger be authorized to accept the Grant Award from the Governor's Traffic Safety Committee in the amount of \$1,800.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye Police Department has been awarded a grant of \$1,800 from the Governor's Traffic Safety Committee to participate in the "Child Passenger Safety" program. The goal of the program is to increase the proper use and installation of child safety seats thereby reducing serious injury and deaths that result from vehicle accidents.

See attached.



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York
21 McCullough Place
Rye, N. Y. 10580
Phone: (914) 967-1234
FAX: (914) 967-8341



August 2, 2010

Memorandum for: Scott D. Pickup, City Manager

Subject: **CHILD PASSENGER SAFETY GRANT**

I am pleased to report that the City of Rye Police Department has been awarded a grant of \$1,800 by the Governor's Traffic Safety Committee's Child Passenger Safety Program to participate in the statewide "Child Passenger Safety" program. The program's goal is to increase the proper use and installation of child safety seats in New York State. This grant follows a similar one that was awarded to the Department last year.

The Child Seat Program is a valuable safeguard for the safety of our city's children, and has been exceptionally well received by the community. Combined with donations received by grateful parents, this grant should cover all materials and supplies associated with the program.

A copy of the grant award letter is attached for your information.

A handwritten signature in cursive script that reads "William R. Connors".

WRC/wrc

William R. Connors
Police Commissioner

cc: Jean Gribbins, Comptroller



DAVID A. PATERSON
Governor

STATE OF NEW YORK
GOVERNOR'S TRAFFIC SAFETY COMMITTEE
DEPARTMENT OF MOTOR VEHICLES



DAVID J. SWARTS
Chair

July 28, 2010

Patrol Officer Jason Washco
Rye City Police Department
21 McCullough Place
Rye, New York 10580

Re: CPS-2011-Rye City PD -00279-(060)
Child Passenger Safety Program
EFFECTIVE DATE: October 1, 2010

Dear Officer Washco:

On behalf of Governor David A. Paterson, I am pleased to notify you that the City of Rye has been awarded \$1,800 to participate in the statewide "Child Passenger Safety" program. Our goal is to increase the proper use and installation of child safety seats in New York State. Please note all grants will be effective only upon final approval by the New York State Office of the State Comptroller.

Thank you for participating in this very important statewide program. I wish you success in your efforts. If you have any questions, please contact the Governor's Traffic Safety Committee at (518) 474-5111.

Sincerely,

David J. Swarts
Chair and
Commissioner of Motor Vehicles

DJS:et

Enclosure

cc: Joseph Fazzino
William Connors ✓



CITY COUNCIL AGENDA

NO. 24

DEPT.: Police

DATE: September 15, 2010

CONTACT: Commissioner William R. Connors

AGENDA ITEM: Acceptance of Grant Award from Governor's Traffic Safety Committee in the amount of \$8,040 for participation in the "Buckle Up New York" program.

FOR THE MEETING OF:

September 15, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Manger be authorized to accept the Grant Award from the Governor's Traffic Safety Committee in the amount of \$8,040.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye Police Department has been awarded a grant of \$8,040 from the Governor's Traffic Safety Committee to participate in the "Buckle Up New York" program. The goal of the program is to increase the use of seat belts thereby reducing serious injury and deaths that result from vehicle accidents.

See attached.



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York

21 McCullough Place

Rye, N. Y. 10580

Phone: (914) 967-1234

FAX: (914) 967-8341



August 5, 2010

Memorandum for: Scott D. Pickup, City Manager

Subject: **“BUCKLE UP NEW YORK” SEAT BELT ENFORCEMENT
GRANT**

I am pleased to report that the City of Rye Police Department has once again been awarded a grant of \$8,040 by the Governor’s Traffic Safety Committee to participate in the statewide “Buckle Up New York” program during the coming year. The program’s goal is to increase the use of seat belts, thereby reducing serious injury and death resulting from vehicle accidents.

A copy of the grant award letter is attached for your information.

A handwritten signature in cursive script that reads "William R. Connors".

WRC/wrc

William R. Connors
Police Commissioner

cc: Jean Gribbins, Comptroller



DAVID A. PATERSON
Governor

STATE OF NEW YORK
GOVERNOR'S TRAFFIC SAFETY COMMITTEE
DEPARTMENT OF MOTOR VEHICLES



DAVID J. SWARTS
Chair

July 30, 2010

Patrol Officer Jason Washco
Rye City Police Department
21 McCullough Place
Rye, New York 10580

Re: BUNY-2011-Rye City PD -00305-(060)
"BUCKLE UP NEW YORK!"
EFFECTIVE DATE: October 1, 2010

Dear Officer Washco:

On behalf of Governor David A. Paterson, I am pleased to notify you that the City of Rye has been awarded \$8,040 to participate in the statewide "BUCKLE UP NEW YORK!" campaign. Our goal is to increase seat belt usage in an effort to reduce serious injury or death from traffic crashes. Please note all grants will be effective only upon final approval by the New York State Office of the State Comptroller.

Thank you for participating in this very important statewide program. I wish you success in your efforts. If you have any questions, please contact the Governor's Traffic Safety Committee at (518) 474-5111.

Sincerely,

David J. Swarts
Chair and
Commissioner of Motor Vehicles

DJS:et
Enclosure

cc: Joseph Fazzino
William Connors ✓