

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, February 9, 2011, at 8:00 p.m. in the Council Room of City Hall. *The Council will convene at 7:00 p.m. and it is expected they will adjourn into Executive Session at 7:01 p.m. to discuss real estate and attorney/client matters.*

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held January 26, 2011.
5. Residents may be heard who have matters to discuss that do not appear on the agenda.
6. Mayor's Manager Report.
 - Highlights of the 2011 Governor's Budget
 - Grant Awards for Bird Homestead Property Acquisition
 - Legal Update
7. Presentation by the Government Policy & Research Committee on the Westchester County flood law.
8. Presentation by the Playland Strategic Planning Committee on the recommendations for Playland.
9. Presentation by the Traffic & Pedestrian Safety Committee on red light cameras.
10. Discussion on establishing funding for the Rye Free Reading Room through a Chapter 414 vote.
11. Discussion of a proposed Tree Ordinance by the Conservation Commission/Advisory Council.
12. Resolution to transfer funds from contingency to the Public Works Department for costs pertaining to storm overtime and materials.
Roll Call.
13. Authorize payment of the balance of the 2010/2011 Rye Neck Union Free School District taxes collected by the City to the School District.
Roll Call.

14. Authorization for City Manager to enter into a license agreement with Mark C. and Bridget Davis, residing at 8 Upper Dogwood Lane and Conrad J. and Cynthia Wells DeSantis, residing at 12 Upper Dogwood Lane, Rye, New York, for the operation and maintenance of sanitary sewer service laterals and shut-off valves.
15. Appeal of denial of FOIL request by Timothy Chittenden.
16. Miscellaneous communications and reports.
17. Old Business.
18. New Business.
19. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, March 2, 2011 at 8:00 p.m.

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

* Office Hours of the Mayor on 2/9/11 will be held from 6:30 pm to 7:00 pm in the Mayor's Conference Room prior to the scheduled executive session.



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: February 9, 2011

CONTACT: Dawn F. Nodarse

AGENDA ITEM: Draft unapproved minutes of the Regular Meeting of the City Council held January 26, 2011, as attached.

FOR THE MEETING OF:

February 9, 2011

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 Regular Meeting of the City Council held January 26, 2011, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on January 26, 2011 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

The Council convened at 7:33 p.m. Mayor French made a motion, seconded by Councilman Jovanovich and unanimously carried, to immediately adjourn into Executive Session to discuss personnel matters. Councilman Jovanovich made a motion, seconded by Councilwoman Gamache and unanimously carried, to adjourn the Executive Session at 8:14 p.m. The regular meeting convened at 8:18 p.m.

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

Residents were encouraged to go to the City website to sign up for the “No Knock Registry.” Additionally, announcements were made by Councilmembers regarding upcoming meetings, events and activities of various Boards, Committees and organizations.

4. Draft unapproved minutes of the regular meeting of the City Council held January 12, 2011

Councilman Jovanovich made a motion, seconded by Councilman Fillipi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on January 12, 2011, as amended.

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

John Carolin, 66 Milton Road, spoke about moorings off the pier that were utilized by the owner of the Tiki Bar at Playland. He said he understood that the City of Rye has control over the water and did not believe that any fees for the moorings were paid by the owner to the City. He suggested the City look into this for the next season. Councilwoman Parker said she believed that approximately \$40,000 had been paid for the moorings, but was not sure what went to the County and what went to the City.

Jim Amico, 350 Midland Avenue, spoke about pedestrian safety issues, saying the City was not making enough progress. He suggested the Council look into:

- Police Department issues - (The Department is doing well. Enforcement statistics are up; arrest rates on the number of cases cleared are incredible. There may be individual moral issues but they are not issues related to the operation of the Department. The priority of the Department is on patrol.)
- Lack of snow removal - (The City is doing an excellent job in removing snow and there is not much more that can be done without causing budget issues.)
- Problems with construction company policies - (The Traffic and Pedestrian Safety Committee (TPS) is looking into the issue of construction policies and feel that the requirements contained in the building permit and State regulations currently regulate the issue and there are limitations as to what can be enforced.)
- The stop sign on Midland Avenue that he has asked for - (Until the City is fully reimbursed for the Stimulus Projects, the City is unable to do any modifications to the work that was authorized.)
- Crossing guards - (A crossing guard analysis will be done in the Spring when a larger number of people walk and bike. TPS is discussing options.)

Julie Killian, 42 Forest Avenue, said that she was against the Council increasing the gross receipts tax.

Jordan Glass, an attorney representing Raymond Tartaglione and HealtheHarbor.com, spoke about issues related to Hen Island and a recent decision issued by the Supreme Court, Westchester County in connection with the matter *HealtheHarbor.com v. City of Rye, et al.* He said the Court disagreed with the City's contention that Section 161-1 of the City Code regarding inspection of private sewer systems was no longer in effect. The Court also stated that even though the County has enacted regulations regarding sewer systems, it has not usurped the rights of local municipalities to pass their own regulations regarding private sewer systems. He said based on this decision the Council is entitled to act under the authority of Sections 161-1 and 161-3 of the City Code. He said the financial responsibility of repairing any violations would fall on the owners of the properties on Hen Island. He suggested that the Council place the matter on a Council agenda.

6. Mayor's Manager Report

- Update on Snow Removal: Practice and Responsibilities

City Manager Pickup said that the State is looking at the opportunity to file for a Federal Declaration for the December 26th snow storm. Information will be submitted to SEMO this week to see if it meets the criteria to receive financial relief. The DPW has ordered about 90% of its annual salt order quantity based on NY State contract. The next order may put it over the budget line. Going forward, staff may have to come back to the Council and ask for additional appropriation for the salt budget. Anything more than 20% over the ordered amount is subject to higher costs than the contracted amount. He said the City is getting the roads cleaned. He said he understands that some people are upset by snow piles at intersections but the practice has been to try to maintain the commuting areas and school areas as the two principle areas to be cleaned after the principle and secondary roads are open. The City has modified it plan to include the eight staffed crossings to make sure they are clear for students. If the City were to try to clear every intersection with a crosswalk it would have to clear 72 crosswalks, which would add about \$15,000 to \$16,000 to the cost of an average storm. This is not something the City can do with current budget conditions.

Questions and comments:

- Could sand be mixed with the salt? (The City tries to minimize the use of sand because of the clean up that is involved, but it can be done if necessary.)
- Could DPW look at ways to spread salt more evenly at intersections and look at ways to spread out the snow along the street rather than piling it at street corners?
- Are there environmental impacts to the salt used? (The City uses NY State contract salt which is based on NYS specs. While not great for all plants along the roads, there is no significant environmental damage.)
- People such as seniors, the handicapped or those on fixed incomes, who have difficulty clearing snow from their sidewalk, can contact Rye Youth Employment for a list of names of teens, who are willing to shovel snow for \$10 per hour. The Seniors organizations in Rye are also looking to set up a liaison process with Rye Youth Employment.
- The City might be compelled to look at snow removal in a different way and should be clearing all the crosswalks because it is the right thing to do.
- The City Manager should provide information about how much of the 2011 snow budget has already been used.

Jim Amico, Charmaine Neary and Robert Zahm offered the following comments:

- The City could do a better job of cleaning the snow. The law is not specific about who is responsible for clearing crosswalks and should be rewritten.
- It is unfair that some people do not clear a wide enough path on their sidewalks for people to travel easily.
- Clearing snow near the schools should be the first priority, not the train station.
- The area near bus stops should also be cleared.

Rye Town Park

City Comptroller Jean Gribbins made a brief report on information recently received from the Town of Rye regarding an increase in the amount of loss for the Park from \$50,000 to

\$142,000. She said that she and City Manager Pickup would be meeting with the Town of Rye on January 28th and plan to address the issue of the difference in the preliminary results issued in December and the preliminary results issued in January, including the high unemployment costs, interest costs and salary costs. She said the City does not remit payment to the Rye Town Park Commission until after audited financial information is received. The City budgeted \$25,000 for its share and based on the new figures the City's share would be an additional \$44,000 for a total of \$69,000. She said it was disturbing to see an increase this large on an operation that has been closed for months. Councilman Sack said that if the Rye Town Park Commission had known that the budget shortfalls were accumulating during the year, something could have been done to make adjustments. He added that it was a record revenue year for the Park and suggested that a process should be accelerated whereby the City takes over the management of the Park. Mayor French said that part of the costs involved are outside of what is looked at by the Rye Town Park Commission, such as interest costs related to the roof project; the self-insurance of unemployment claims by the Town of Rye; and overruns on wages. He said he has spoken to the other Mayors and Supervisors who sit on the Commission and they want to make immediate changes to the operation including: having the security force report to the Rye Police Commissioner; the City's Finance person having co-accountability with the Park's Finance person; and, coordinating the capital improvement plans of the City and the Park. He said he has asked for an immediate audit of the books by the City's Comptroller and Rye Citizens Finance Committee. He and Councilman Sack have previously focused on policy changes and now will be focusing on the operation of the Park. He said that the Park should be treated as a Department whose staff reports to the Council. Councilman Sack also noted that the Council may have to have a policy and budget discussion because in order to implement an automated parking system, the City may have to front the start-up costs. Mayor French asked Comptroller Gribbins to report back to the Council after the meeting with Rye Town.

- Legal Update

Corporation Counsel Kristen Wilson reported on the following matters:

- Osborn: On Monday the matter was closed when money was exchanged between the parties.
- Beaver Swamp Brook: Harrison has submitted to Department of Environmental Conservation (DEC) staff a Noise and Visual Impact Update. They are still waiting for an updated Traffic Study, which is estimated to be completed by the end of February. She said that the DEC is not addressing flood storage issues that have been raised by the City.
- HealtheHarbor.com v. Rye: A decision was received granting the City's Motion to Dismiss, stating that the petitioners failed to state a cause of action. Judge Zambelli found that it is within the City's discretion to determine how to enforce provisions that are in the City Code and that she would not force the City's hand.

Chuck Pateman spoke about the HealtheHarbor decision. He said the Court made it clear that the City has the authority to have laws that supersede or are in conjunction with County Health laws. He urged the Council to enforce its laws to protect Milton Harbor.

7. Discussion on 2011 Home Rule Legislation

City Manager Pickup said that the State Representatives would like to have Home Rule issues in Albany in February, prior to budget deliberations. Councilmembers commented on the following topics for Home Rule legislation:

Gross Receipts Tax

- It is a regressive tax that is passed on to consumers and is not a good idea.
- The legislation would give the City the right to increase the tax up to 3%.
- The tax is based on the amount of consumption of a utility.
- It is inappropriate to raise taxes mid-year.
- The City should seek the authority to impose the tax but should not do so unless it is part of the public discussion of the 2012 Budget.
- It is a consumption tax that is spread across a larger user base than property taxes.
- It could be used for capital improvements rather than increasing property taxes.
- The City must consider all revenue sources.
- This is not the time to impose an additional tax. It could be reconsidered next year.
- It is similar to a user fee imposed on programs.
- People can opt out of participating in programs – they can't opt out of paying utility bills.
- The Westchester Municipal Officials asked that the State go forward with this as another option for municipalities to utilize to increase revenue.

Members of the public commenting included *Robert Zahm and Charmaine Neary*. Their comments included:

- This is a way around a commitment to control taxes and it not transparent.
- It is more efficient to raise property taxes because they can be deducted.
- The 1% already in effect should be repealed.
- Once the permission is received it will become easier to impose the tax.
- The School Board studied the idea and decided it did not make sense.
- Once taxes are imposed they never go away.

Changing the Vehicle & Traffic Laws (Stopping in Crosswalks and Red light cameras)

- The Traffic and Pedestrian Safety Committee (TPS) recommended against seeking Home Rule for changing traffic laws regarding yielding vs. stopping for pedestrians in crosswalks.
- TPS advised that many issues have arisen across the country regarding red light cameras. Maybe this should be investigated further.
- The City should pursue red light cameras because there are potential residual benefits such as increasing enforcement and engendering compliance.
- Even though Rye is a small city it should be able to do this because it has roads that are used by many people outside of the City.

City Manager Pickup said staff had concerns about red light cameras because there have been issues regarding the vendors who install the equipment and issue the tickets; because the cameras generate ill will in the community; and because some people believe them to be an

invasion of privacy. He said that the authority to utilize red light cameras has only been given to cities with populations of 100,000 or larger.

- What do red light cameras cost? (Instillation and on-going maintenance costs similar to Complus. There would have to be certain traffic volumes for it to be worthwhile for a vendor.)
- There is no privacy right to running through a red light.

Members of the public commenting included *Robert Zahm, Charmaine Neary and Jim Amico*. Their comments included:

- Traffic cameras are the equivalent to have a policeman sitting at the light.
- Contact Assemblyman Latimer, because he has not been optimistic about the ability of getting red light camera legislation passed.
- The only place where cameras would be valuable would be on the Boston Post Road and Playland Parkway.
- The City should start building its case for cameras.
- TPS is right about yielding vs. stopping in crosswalks. Stop signs should be put up at crosswalks instead.

Mayor French said that a vote on which items should be put forward for Home Rule legislation would be taken at the next meeting.

8. Resolution by the Council consenting to Spectrum, NYLCP, and HarbourVest Partners acquiring a non-controlling, minority ownership interest in Yankee Metro Acquisition, LLC

Corporation Counsel Wilson said the City previously executed an Assumption Agreement transferring control of a Franchise Agreement with NEON Optica. An attorney for Spectrum said this was a minority ownership interest and as part of the Assumption Agreement it hit the threshold for City consent.

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

RESOLVED that the City Council hereby consents to Spectrum, NYLCP, and HarbourVest Partners acquiring a non-controlling, minority ownership interest in Yankee Metro Acquisition, LLC.

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.

9. Resolution to adopt a Legal Case Management Committee

Mayor French suggested that the Council discuss the draft he has circulated as well as Councilman Sack's ideas that had been forwarded earlier in the day. Mayor French said that his proposal was to lay out a process to formalize the auditing of legal bills signed off on by the Corporation Counsel or City Manager. Councilman Sack said he believed it was the City Council's fiduciary responsibility to review all legal bills. If the Committee is created it should look at bills as they come in, not after they are paid. He said he believed the Resolution establishing the Committee should simply indicate that the Committee was being formed to review legal bills. City Manager Pickup said that when the Council sets the budget each year, it is the responsibility of the staff to manage within those budgets. He said it was his belief the idea of the proposed Committee was to take a periodic strategic look at litigation. Mayor French agreed that it would look at the management of cases but not from the standpoint of legal strategy.

Council comment included:

- The Council already meets to discuss legal strategy on a fairly regular basis.
- An audit subcommittee is a good idea.
- It is a good way to determine if the money being spent is worth it.
- It could be given a try before formalizing the Committee.
- Is Councilman Sack suggesting that all legal bills should be reviewed prior to payment? (Yes, since most of the bills are paid to the Corporation Counsel's firm. Also, most legal bills in the private sector are cut down before they are paid.) (City Manager Pickup noted that in insurance cases after the first \$50,000 is paid, the review of legal bills is an insurance company issue because that is the point where they become responsible for payment.)
- It is a useful concept.

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

WHEREAS, it is the responsibility of the City of Rye ("the City") Council to oversee and direct the activities of the Law Department and Corporation Counsel and,

WHEREAS, the Corporation Counsel, whether as an employee of the City or a retained independent contractor, serves at the pleasure of the City Council and,

WHEREAS, it is the responsibility of the Corporation Counsel to supervise and direct the legal affairs of the City on any matter affecting the interest of the City, and

WHEREAS, one of the responsibilities of the Corporation Counsel is to review and approve all legal services invoices on behalf of the City on all matters including those handled by insurance carriers and outside legal service providers.

THEREFORE be it resolved that the City Council shall establish the Rye City Council Legal and Case Management Audit Sub-Committee (“the Committee”).

The Committee shall conduct a semi-annual audit of all City legal invoices, accounts and fiscal affairs of the Law Department to include dollars, budget estimates and billable hours, and may provide for more frequent audits or reports as any Councilmember deems necessary.

The Committee shall report back to the Council a summary of its findings, part or all of which may be released to the public based on confidentiality.

Further, Be It Resolved that the Committee shall be comprised of the Mayor, the City Manager, and one Councilmember appointed annually by the Mayor with all meetings open to any and all Councilmembers.

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.

10. Two appointments to the Board of Appeals for a three-year term, by the Mayor with Council approval

Councilwoman Keith made a motion, seconded by Councilwoman Gamache and unanimously approved, to reappoint Scott Beechert and Alan Wiener to the Board of Appeals for three-year terms expiring on January 1, 2014.

11. Three appointments to the Board of Architectural Review, one for a one-year term, one for a two-year term and one for a three-year term, by the Mayor with Council approval

Councilman Filippi made a motion, seconded by Councilwoman Keith to reappoint Carmen Aguilar to the Board of Architectural Review for a one-year term expiring on January 1, 2012; Roberta Downing to the Board of Architectural Review for a two-year term, expiring on January 1, 2013; and Robin Jovanovich to the Board of Architectural Review for a three-year term expiring on January 1, 2014

12. Designation of the Chairman of the Board of Architectural Review by the Mayor

Mayor French designated Carmen Aguilar as Chairman of the Board of Architectural Review.

13. Two appointments to the Conservation Commission/Advisory Council for a three-year term, by the Mayor with Council approval

Councilman Filippi made a motion, seconded by Councilwoman Keith and unanimously carried, to reappoint Paul Berte and Jim Nash to the Conservation Commission/Advisory Council for three-year terms, expiring on January 1, 2014.

14. Two appointments to the Finance Committee for a three-year term, by the Mayor with Council approval

Councilwoman Gamache made a motion, seconded by Councilman Filippi and unanimously carried to reappoint Laura Leach and Stephen Myers to the Finance Committee for three-year terms, expiring on January 1, 2014.

15. Two appointments to the Landmarks Advisory Committee for a three-year term, by the Mayor with Council approval

Councilwoman Gamache made a motion, seconded by Councilman Filippi and unanimously approved, to reappoint Richard Hourahan and Daniel Kelly to the Landmarks Advisory Committee for three-year terms, expiring on January 1, 2014.

16. Two appointments to the Planning Commission for a three-year term, by the Mayor with Council approval

Councilman Filippi made a motion, seconded by Councilwoman Keith and unanimously approved, to reappoint Hugh Greechan and Peter Larr to the Planning Commission for three-year terms, expiring on January 1, 2014.

17. Designation of the Chairman of the Planning Commission, by the Mayor

Mayor French designated Nicholas Everett as Chairman of the Planning Commission.

18. Two appointments to the Recreation Commission for a three-year term, by the Mayor with Council approval

Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously approved, to reappoint Caroline Surhoff and appoint Timothy Muccia to the Recreation Commission for three-year terms, expiring on January 1, 2014.

19. Two appointments to the Rye Cable and Communications Committee for a three-year term, by the Mayor with Council approval

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to reappoint Mark DelliColli and Susan Olsen to the Rye Cable and Communications Committee for three-year terms, expiring on January 1, 2014.

20. Four appointments to the Rye Playland Advisory Committee for a three-year term, by the Mayor with Council approval

Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried, to reappoint Mack Cunningham, Lloyd Emanuel, Lucinda McKinnon and Ellen Slater to the Rye Playland Advisory Committee for three-year terms, expiring on January 1, 2014.

21. Two appointments to the Rye Town Park Advisory Committee for a three-year term, by the Mayor with Council approval

Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried, to reappoint Stephanie Vroom and Elinore White to the Rye Town Park Advisory Committee for three-year terms, expiring on January 1, 2014.

22. Three appointments to the Traffic and Pedestrian Safety Committee for a three-year term, by the Mayor with Council approval

Councilwoman Keith made a motion, seconded by Councilman Jovanovich and unanimously carried, to reappoint James Burke, Stacy Koening and Ben Stack to the Traffic and Pedestrian Safety Committee for three-year terms, expiring on January 1, 2014.

- 22A. Two appointments to the Government Policy and Research Committee for a three-year term, by the Mayor with Council approval

Councilman Filippi made a motion, seconded by Councilwoman Gamache and unanimously carried, to reappoint Robert Cypher and appoint Lizza Reyes Clark to the Government Policy and Research Committee for three-year terms, expiring on January 1, 2014.

- 22B. One Appointment to the Board of Ethics for a three-year term, by the Mayor with Council approval

Councilwoman Gamache made a motion, seconded by Councilman Jovanovich and unanimously carried, to reappoint Elizabeth Griffin Matthews to the Board of Ethics for a three-year term, expiring on January 1, 2014.

23. Designation of the City Council Liaisons by the Mayor

Mayor French designated City Council Liaisons as follows:

Councilwoman Gamache – Rye Free Reading Room; Finance Committee and Audit Committee
Councilman Sack – Rye Town Park Commission and Board of Appeals

Councilwoman Parker – Playland Advisory Committee; Chamber of Commerce and EMS
Councilwoman Keith – Rye Cable & Communications and Traffic & Pedestrian Safety
Councilman Filippi – Conservation Commission/Advisory Council
Councilman Jovanovich – Government Policy & Research; Planning Commission and Audit Committee
Mayor French – Rye Town Park Commission and Board of Education

24. Miscellaneous Communications and Reports

Mayor French reported on a Safe Routes to School meeting held on January 25th. He said they are speaking with the School Board about doing more training in the classrooms on pedestrian safety. He also said that Steve Mochel from Fresh Green Light has offered to lead a community workshop on distracted driving and compliance sometime in March. The Mayor said this would also be a topic of discussion at the joint meeting with the School Board in April.

25. Old Business

Councilman Jovanovich said that the most recent information received from Police Commissioner Connors is a good report on enforcement figures and should be made public quarterly.

Councilwoman Keith said that the Traffic and Pedestrian Safety Committee had looked at the idea of requirements for contractors working in the City. She said that the Committee's recommendation was that there are already State regulations and requirements contained in the building permit that regulate this issue and there are limitations to what can be enforced. They suggested that the only possible change would be to strengthen language in the building permit requirements. Mayor French suggested putting out a value statement about what is expected of contractors who are working in Rye. City Manager Pickup said there issues that come up on a case by case basis regarding access. He said the Building Department is aware of the Council's concerns and has been reinforcing them with the contractors. *Jim Amico* suggested that there should be penalties enacted that would shut down contractors who blatantly violate construction regulations. City Manager Pickup said there must be a reasonable expectation of the Council if they want residents in Rye to improve and maintain the assessed value of their homes.

Councilman Filippi asked if the Pedestrian Safety and Shared Roadways groups could become involved in the planning process for new sewer districts such as the Kirby Lane Extension District that was approved at the last Council meeting. City Manager Pickup said the Council must determine what corridors they believe are important because there are issues in every right-of-way that would require significant investment.

Councilwoman Keith thanked the City Manager for posting information on the website about the Theodore Fremd Avenue Retaining Wall project. Councilwoman Parker asked that additional information about Councilmembers be put on the website.

Councilman Sack asked if there was a policy about what organizations would be charged for police overtime costs in connection with their events. City Manager Pickup said there has

been historic precedence and as new events come up, the Council is asked what their preference is regarding imposing these costs.

26. New Business

Councilwoman Gamache said that she and Mayor French met with the Executive Committee of the Library Board to discuss the future relationship between the Library and the City. The Library Board is looking for a way to create a more stable funding structure and have spoken to a consultant about a 414 Plan, but is also interested in other options. Since the City wants to be involved in upcoming labor negotiations, an alternative discussed was for the City to enter into a longer Agreement with the Library to run the length of the new labor agreement. She asked that an agenda item on library funding be added to the next meeting.

27. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilman Sack and unanimously carried, to adjourn the meeting at 11:21 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: February 9, 2011

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

February 9, 2011

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:

- Legal Update
- Highlights of the 2011 Governor's Budget
- Grant Awards for Bird Homestead Property Acquisition



CITY COUNCIL AGENDA

NO. 7 DEPT.: City Manager's Office DATE: February 9, 2011
CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Presentation by the Government Policy & Research Committee on the Westchester County flood law.

FOR THE MEETING OF:
February 9, 2011
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

A presentation will be made by members of the Government Policy & Research Committee on the flood law proposed by Westchester County.

Storm Water Management in and around Westchester County

Discussion on the History, Current Issues &
Proposed Solutions

The Rye Governmental Policy and Research Committee

February 9, 2011

Scope of Research and Discussion Document

Defining the Issue

- Current Challenges
- Solution Thought Leadership
- Evolution of County Level Legislative Solution

In depth Discussion

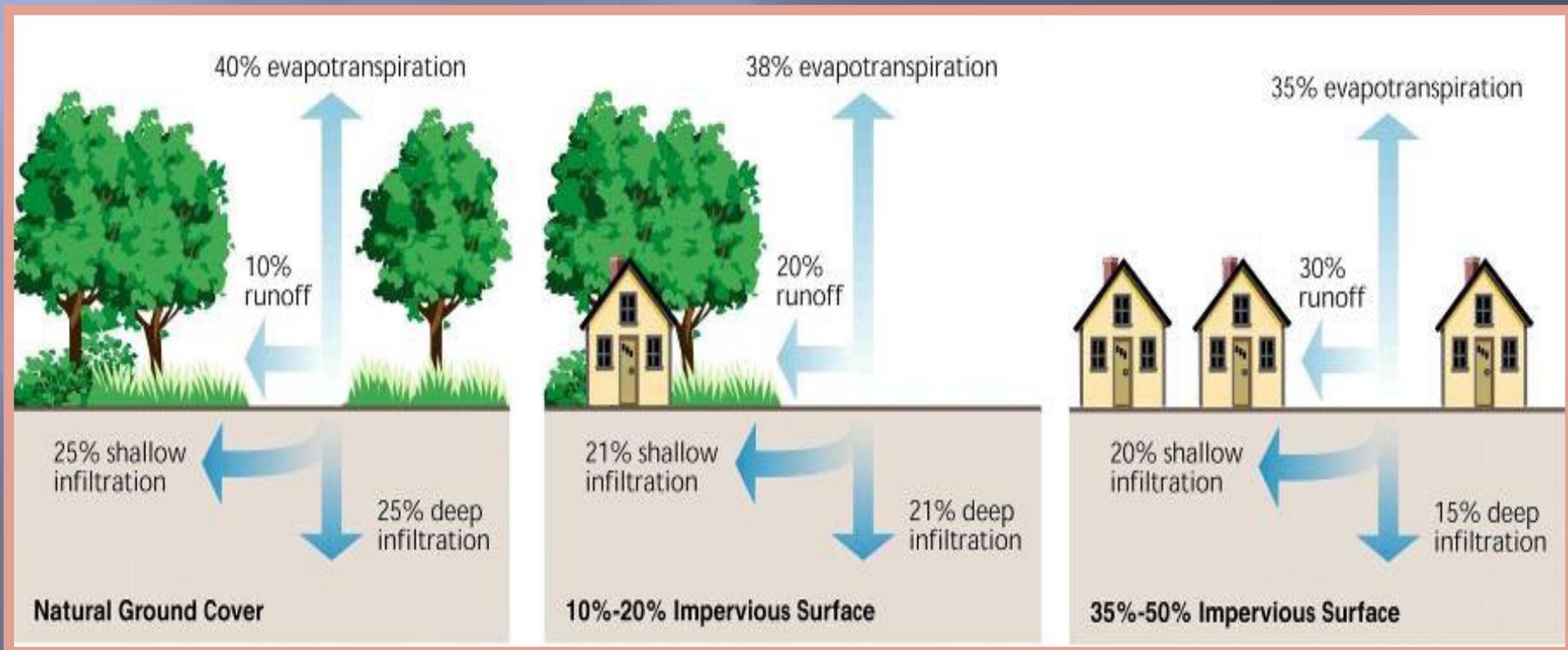
- Westchester County Charter, Local Law 27-2010 Storm Water Management Law
 - Storm Water Management Mission and Operational Requirements
 - “Reconnaissance Plan” Concept
 - Project Plan Governance & Funding
 - Legal Status

Issues to Consider / Next Steps

Appendix

Current Challenges

- In recent years flash flooding and storm water damage has increased both in intensity and frequency in and around Westchester County and has become a primary threat to the safety and welfare of its citizens and local economy.
- A leading cause of the increase in flooding can be traced to the increase in real estate development in Westchester over the last 20 years (particularly within flood plains) causing a corresponding increase in “impervious” surface area (black top, building footprints.)



The Common Wisdom On Flood Mitigation

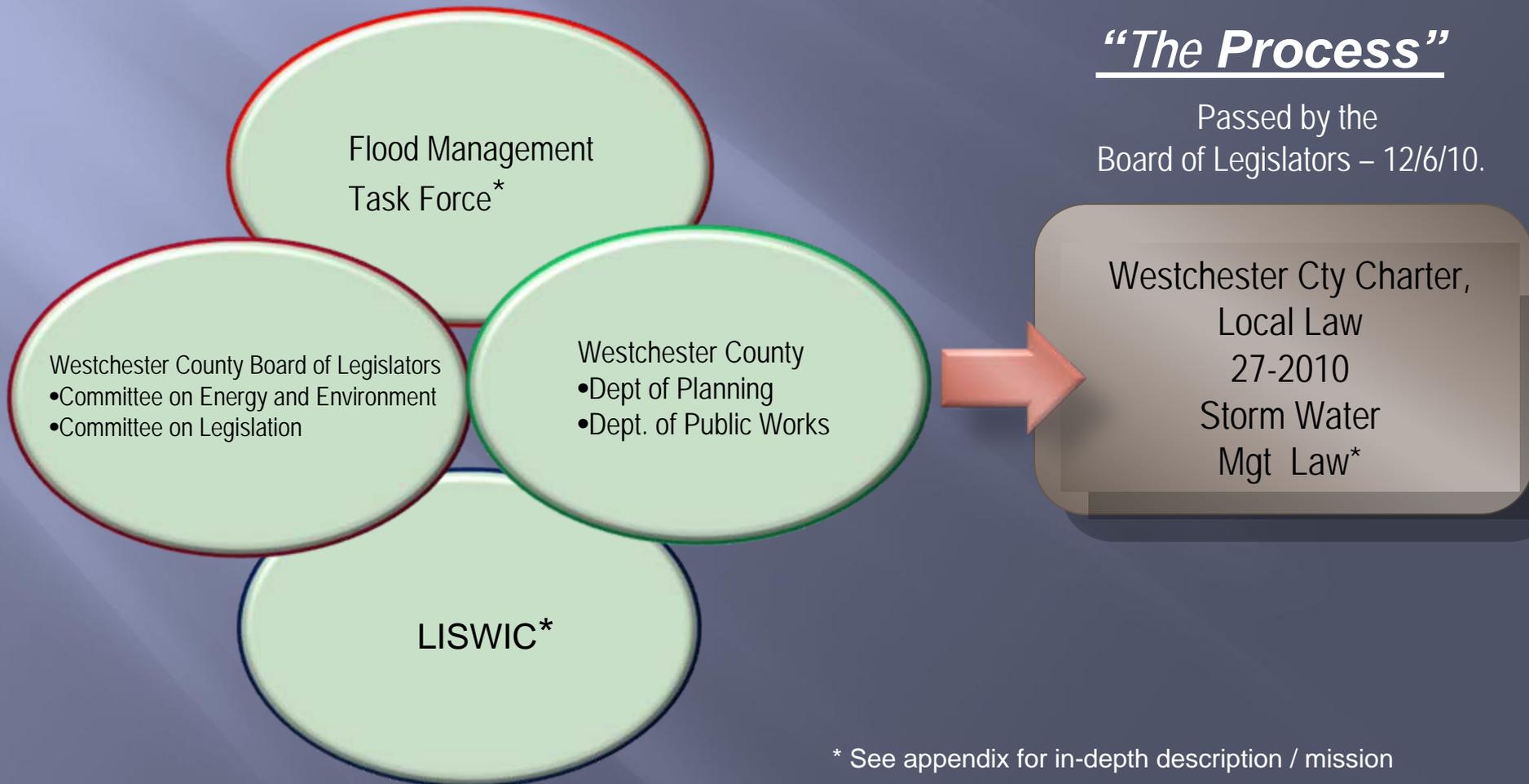
- The proposed flood mitigation projects (of the scope and cost required to effectively manage Westchester's flood problems) are beyond the reach of individual Westchester municipalities and should be viewed from a perspective of "watershed districts".
- In addition the current fiscal constraints on local municipal budgets call for a more collaborative and synergist approach to identifying and funding flood management solutions.
- These "realities" have led to the emergence in recent years of a variety of individual inter-municipal legislative and public policy efforts - most notably the Flood Management Task Force ("FMTF") and the Long Island Sound Watershed Inter-municipal Council ("LISWIC")
- Their influence can be seen in the flood mitigation efforts and discussions currently under discussion here in the City of Rye:
 - Bowman Avenue Dam / Sluice Gate Project
 - Rye City Council proclamation supporting the mission and efforts of LISWIC
 - Initiation of a discussion / narrative for the development of a flood water collection site at SUNY Purchase; redesign of Westchester Airport water collection.

Limitations of Efforts to Date (*post 2007*)

- Projects initiated since 2007 flooding have been individual, discrete efforts with limited inter-municipal scope.
- Funding of flood mitigation has relied on available individual municipal capital improvement budgets and / or grants from NY State and the Federal government
- Correspondingly, the grant approval / fund disbursements from both NY State and Federal sources have been problematic – complex application processes, held up disbursements.
- Engaging bordering municipalities in flood mitigation discussions / planning has been more of a reactive than proactive dynamic.
- Current political environment makes embracing LISWIC concept of dedicated flood management project funding authority challenging (new taxing entity.)
- Proposed LISWIC structures and approaches may not offer the full range of flexibility for member municipalities to act unilaterally if required (top down planning approach.)

Westchester County Legislative Efforts - 2010

Collaborative Thought Leadership....



* See appendix for in-depth description / mission

Westchester County Legislative Efforts

Westchester Cty Charter, Local Law 27-2010 Storm Water Management Law

➤ In an attempt to come up with a pan-Westchester solution for storm water management legislation has been proposed by the County Board of Legislators (BoL) to bring together the best thoughts on producing a storm water management “process”.

Legislative Understanding / Intent:

- Local municipalities within the County should not be solely responsible for storm water management;
- The County should cooperate with local municipalities, NY state, adjoining states, and federal government;
- The County should create incentives for municipalities to work with the County and establish partnerships for the express goal of storm water management;
- The County should provide financial assistance to eligible municipalities for approved storm water management projects that meet established criteria, subject to annual appropriations by the BoL.

Westchester County Legislative Efforts

Westchester Cty. Charter, Local Law 27-2010 Storm Water Management Law

Storm Water "Process" Operational Requirements:

- Development of watershed wide storm water management plans
- Create procedures to help fund municipal storm water management projects
- Development of "Reconnaissance" plan
- Creates Storm Water Advisory Board (county-wide)
- Create Basin-wide watershed advisory board (proposed 6 boards)
- Comply with the requirements of the State Environment Quality Review Act ("SEQRA")

Proposed Local Law 27-2010 Storm Water Management Law

Reconnaissance Plan: *"the Commissioners of Planning and Public Works will prepare a reconnaissance storm water management plan for the County to serve as the basis for the development of any subsequent detailed comprehensive storm water management plan":*

Review / take inventory of current watershed areas for

- *Existing areas of flood / storm water management problems*
- *Existing storm water management facilities*
- *Potential capital improvements appropriate to reduce flooding / flood damage*

Key Deliverables for Reconnaissance Plan:

- *Recommendations to the BoL concerning the construction of STM facilities*
- *A list of proposed SWM projects for Phase I & II project funding*
- *Identification of local municipalities interested in executing inter-municipal agreements (IMA)*
- *Recommendations concerning the rules, regulations and legislation required to effectively execute county-wide SWM projects*

Definitions of Phases:

- Phase I: *Study and investigation on identifying potential SWM projects at the local municipality level; review of existing SWM plans to scope out detailed design, specifications and construction documents.*
- Phase II: *Funding of "shovel ready" projects - detailed requirements and funding have been confirmed / certified*

Storm Water Mgt – The Process for Rye

- Step 1
- Recognize County Storm Water Management Process as possible solution
 - Provide a comprehensive description of the area-wide benefit from a proposed SWM project to the County
 - Provide a certification that the proposed SWM project will not create or exacerbate flooding conditions in the County as well stipulates that flood management is a significant part of over municipal planning
- Step 2
- Apply for Phase 1 Funding (Design of storm water mitigation facilities/infrastructure)
 - Commits to 50% funding through proclamation and IMAs; begins budget process (w/ potential bonding)
 - Acknowledges willingness to engage in IMA s with neighboring muni (s) & County to execute design plan
 - Engage in Storm Water Management design and spec work with County commissioners / external contractors
- Step 3
- Apply for Phase II Funding (Construction of storm water mitigation facilities/infrastructure.)
 - Commits to 50% funding through proclamation and IMAs; begins budget process (w/ potential bonding)
 - Acknowledges willingness to engage in IMA with neighboring muni (s) & County to execute design plan
 - Engage in Storm Water Management construction with external contractors
- Step 4
- On-going management of construction projects (completion timetables, budgets)
 - On-going monitoring of IMA compliance (municipal partners)
 - On-going monitoring of County Capital Investment Allocations

Capital Investment Budgeting Process : Appropriation

May 1st:

Proposed Flood Management Projects w/ corresponding costs are submitted to County Planning Commissioner:

June – August:

Capital Budget Committee* reviews proposals and submits to County Planning Commission for review/comments:

September:

Planning Commission reviews submissions and makes recommendations in concert with Budget Review Committee to the County Executive:

October:

County Executive makes recommendations to include projects in capital investment portion of overall fiscal budget (capital investments, operating budget.)

County Board of Legislators makes recommendations for addition to Capital Investments Budget within overall fiscal budget

November:

Final Capital /Operating Budgets set
Project Funding Amount "Appropriated" to overall Capital Investment Budget



Final amount negotiated between C.E. and BoL

* Capital Budgeting Committee members include law, budget, public works and planning departments.

Capital Investment Budgeting Process : Allocation

Appropriation:

1. For multi-year Capital Investment Projects the total amount of the project will be "Appropriated" into the County Capital Investment Budget as an accounting entry.

2. The Total Amount of the Appropriation will be "Allocated" on a year by year cost basis



3. In each subsequent year of a project the annual "appropriated amount" will need to go through similar review process used in the overall Appropriation process so as to "Allocate" funds available for project costs. This amount will be bonded in public market.

- Contractors
- Materials
- Consulting (Legal, Engineering)

Summary – Issues to Consider

Through the new legislation the County will provide the following:

- A County-managed process by which local communities may synergistically solve cross-border storm water management issues;
- Local and County-wide advisory boards;
- Expertise in areas of public works planning, design and construction;
- Publically-bonded financial assistance for the underwriting of both storm water management infrastructure design and specification (Phase I) as well as the construction of various storm water management infrastructure and physical plants (Phase II.)

The City of Rye will need to provide / manage:

- 100% of funding for pre-Phase I flood engineering certification;
- Oversight over the drafting and execution of a variety of IMAs between neighboring municipalities and County government for both Phase I and Phase II projects;
- Fund fully 50% of all projected costs for Phase I & Phase II projects.;
- Selection, negotiation and execution of contracts w/ consulting, engineering and construction firms;
- Monitor IMA compliance with other municipalities and County government;
- Assume / manage completion deadlines and construction budget risk.
- Assume / manage County Capital Investment "allocation" volatility.

Appendix

Index:

- Storm Water Management Solution Timeline
- Thought Leaders on Storm Water Management
- Reconnaissance Plan - Tactical Requirements
- Proposed Watershed Districts
- Municipality Participation Requirements
- Capital Investment Budgeting Process
- County Executive Astorino's Veto Rationale

Storm Water Management Efforts: Timeline

Time Line:

April, 2007: Severe flooding effects Sound Shore flood basin – Rye City, Mamaroneck, Bronxville

2007-2009: Various efforts to control storm flooding – Storm Water Task Force, LISWIC, Bowman Ave Sluice Gate,

June –

December 2010: Collaborative effort between FMTF, LISWIC, County BoL to draft comprehensive storm water management legislation

December 6, 2010: County Board of Legislators hold public hearing
3 Public Speakers – D. French, P. Eschweiler, C. Strome
Board holds vote – legislation passed 17-0

December 17, 2010: County Executive Astorino vetoes legislation; lays out objections in letter to the Board (see appendix.)

January 24, 2011: Environment / Energy & Legislation Committees holds hearing to address CE Astorino's objections with Administration officials (G.Oros.)
Amended legislation voted out of committee unanimously to full board for vote.

February 14, 2011 Scheduled Vote by County Board of Legislators

Thought Leaders on Flood Mitigation

Long Island Sound Watershed Inter-municipal Council ("LISWIC") is an consortium of 12 LI Sound-based municipalities organized to promote:

- Processes to identify flood mitigation solutions required in the various flood and tidal basins across Westchester County;
- Cooperation in implementing flood mitigation projects across municipalities
- Key policy position: Create watershed districts to serve as *taxing authorities* to fund storm water management solutions (zones of assessment.)

Flood Mitigation Task Force (FMTF) is a Westchester County government - sponsored resource group established in 2007 that is tasked with 3 core responsibilities:

- Facilitate inter-municipal information and cooperation on storm water management;
- Assist Westchester-based municipalities to apply for County financial assistance;
- Undertake a county-wide storm water management plan.
- The FMTF has collaborated on four individual flood management projects to date:
 - Mamaroneck
 - Scarsdale
 - Rye City/Rye Brook
 - Tarrytown.

Proposed Local Law 27-201 (cont'd)

Fundamentals of the Reconnaissance Plan:

Stakeholders Responsibilities	Information Gathering	Development / Design "Phase I"	Implementation "Phase II"
Commissioner of Planning	<ul style="list-style-type: none"> Review / take inventory of current watershed areas/ flood problem areas Initiate list of possible management projects (Phase I&II) – costs, spec, etc. Consult/advise with advisory boards 	<ul style="list-style-type: none"> Make specific recommendations to the BoL for SWM project research and spec design per municipality Make funding recommendations Consult/advise with advisory boards 	<ul style="list-style-type: none"> Make specific recommendations to the BoL for SWM project research and spec design per municipality Make funding recommendations Consult/advise with advisory boards
Commissioner of Public Works	<ul style="list-style-type: none"> Work with Planning Commissioner on inventory/ initial recommendations 	<ul style="list-style-type: none"> Certify costs/ efficacy of proposed project plans 	<ul style="list-style-type: none"> Certify costs/ efficacy of proposed project plans
Board of Legislators		<ul style="list-style-type: none"> Approve & Appropriate general funds for recommended research and development projects per municipality 	<ul style="list-style-type: none"> Approve & Appropriate general funds for recommended research and development projects per municipality
Storm Water Advisory Board Water District Advisory Boards (6)		<ul style="list-style-type: none"> Advise & consent on projects to BoL, Commissioners, Local Municipalities (prioritization of projects, likely participating muni(s)) 	<ul style="list-style-type: none"> Advise & consent on projects to BoL, Commissioners, Local Municipalities (prioritization of projects, likely participating muni(s))
Participating Municipalities	<ul style="list-style-type: none"> Identify organic flood problems Provide a comprehensive certification of the area-wide benefit for a proposed SWM project Express willingness to participate in County sponsored program through municipal proclamation and IMAs. 	<ul style="list-style-type: none"> Must supply funding (minimum 50%) of total SWM project costs Enter into IMAs w/ effected muni(s) Select/ manage contractors / subcontractors / project costs 	<ul style="list-style-type: none"> Must supply funding (minimum 50%) of total SWM project costs Enter into IMAs w/ effected muni(s) Select/ manage contractors /subcontractors/project costs
Direct Costs	Local municipalities will bear 100% of cost to be certified as storm water management program eligible.	Local municipalities will provide 50% of funding for any Phase 1 Project (of which only 30% may be rendered in payment-in-kind.)	Local municipalities will provide 50% of funding for any Phase 1 Project (of which only 30% may be rendered in payment-in-kind.)

Proposed Local Law 27-201 (*cont'd*)

Municipal Participation

Major Eligibility Requirements (*not exhaustive list*):

- All local municipalities are eligible and encouraged to participate
- All municipalities are eligible for Phase I and II project funding
- Participating local municipalities must provide a clear comprehensive description of the area-wide benefit from a proposed SWM project
- Participating municipalities must supply funding (minimum 50%) of total SWM project costs – 15% of municipality's share of cost may be made in payment –in –kind transfers (as allowable by law and specification.)
- Participating municipalities must provide a certification that the proposed SWM project will not create or exacerbate flooding conditions in the County
- Proposed SWM projects must be part of comprehensive municipal planning process
- Participating municipalities must conform to all FEMA laws, regulations, and guidelines in the conception and design of any SWM project
- Participating municipalities must adopt a resolution that will commit it to working collaboratively with other municipalities and County government on SWM projects and planning.

Capital Investment Budgeting Process – County-level

May 1st

- All Capital investment Projects are submitted from County Dept heads to Planning Dept for funding review and prioritization.

June - August

- Dept of Planning analyzes submitted capital investment requests; Capital Projects Committee* reviews requests, prepares recommendations to C.E.

September

- Capital Projects Committee submits projects to County Planning Board for approval (arms – length review board appointed by C.E.)

October

- County Administration prepares / submits capital and fiscal budgets to County Board of Legislators for consideration .

October

- County Board of Legislators considers C.E. budget, constitutes their own capital & fiscal budget. Budget negotiations begin.

November

- Capital budget is passed and “appropriated” to the County budget

2 Step Process - Capital Budget “Appropriation” vs. “Allocation”

- Approved Capital Investment Projects (w/ corresponding budgets) are approved in totality and as a accounting device are “appropriated” into the County Capital Budgets. This represents a change in the level of approved capital spending. This does not represent an approved amount of “annual spend” for the coming fiscal year.
- “Allocation” of capital investments represents the anticipated approved “spend” for a particular previously approved capital project in the coming fiscal year. This amount of spend is typically funded through public bonding. Multi-year capital projects are only allocated funds to cover the next fiscal year’s anticipate costs through the annual budget process.
- All “out year” capital spending is approved through the annual budget process year by year.

* Capital Budgeting Committee members include law, budget, public works and planning departments.

County Exec. Astorino's Veto Rationale

Excerpted from a letter to the County Board of Legislators – dated December 17, 2010.

- Proposed law would establish an unnecessary level of government by establishing a Storm Water Advisory Board (SWAB). This new board would duplicate in many instances the Capital Projects Committee (which could also cause for conflicts between the two committees' recommended priorities.)
- The proposed legislation also called for the SWAB to have an even amount of voting members where deadlocked votes (5-5) would be foreseeable .
- Local municipal eligibility criteria for participating in either Phase I or II projects are ambiguous (payment-in-kind expenditures, benchmarking on meeting flooding mitigation requirements, etc...)
- Current legislation may infringe on certain home rule laws within municipalities (specific zoning laws, etc...) and may not meet the Type II exemption to the SEQRA law due to the lack of documentation.
- Legislation directs commissioners to take certain actions without requiring or seeking the consent of the County Executive usurping his authority to manage county government and supervise department heads which contrary to the County charter.

Proposed Watersheds of Westchester County

1. Bronx River and its Sub-Watersheds
2. Long Island Sound South and its Sub-Watersheds
3. Hudson River South and its Sub-Watersheds
4. Croton River and its Sub-Watersheds
5. Hudson River North and its Sub-Watersheds
6. Long Island Sound North and its Sub-Watersheds



CITY COUNCIL AGENDA

NO. 8 DEPT.: City Manager's Office DATE: February 9, 2011
CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Presentation by the Playland Strategic Planning Committee on the recommendations for Playland.

FOR THE MEETING OF:
February 9, 2011
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

A presentation will be made by members of the Playland Strategic Planning Committee who have been evaluating options for Rye Playland.



Playland Strategic Planning Group Report to the City Council February 9, 2011

In anticipation of Westchester County issuing a “Request for Proposal” (RFP) about Playland, the Rye City Council appointed a Playland Strategic Planning Working Group in 2010. Soon thereafter, Westchester County issued the RFP entitled “Reinventing Playland Park for the 21st Century. “

Through the fall of 2010 and the beginning of 2011, the Playland Strategic Planning Working Group met on a regular basis to educate themselves on the issues concerning Rye, our residents and Westchester County. These public meetings plus community forums, a tour of the park and a significant amount of formal and informal input from our residents have allowed us to present the following findings.

The County’s request for proposal is unusual because it does not reflect any particular vision for Playland and invites responses to supply such a vision. Therefore, widely differing responses reflecting many visions can be expected. In light of this, the Rye Playland Strategic Planning Working Group has not focused on defining a “Rye vision” for Playland. Instead it has sought to identify principles and values it believes should be applied to evaluate responses to the request for proposal.

On the basis of the foregoing, the Committee unanimously recommends to the Council the following principles:

1. Playland is first and foremost a public resource for the use and enjoyment of all residents of Rye and Westchester County. Any proposed use of the Playland site should be consistent with insuring public use of and access to open space, Long Island Sound and facilities.

There is wide scope for enhancing existing facilities and open space and increasing access to them. These opportunities range from such simple measures as ensuring walks are open more frequently to more substantial but not new undertakings such as enhancing the aquatic facilities

New uses such as augmented concert, sports or other facilities may also be proposed and, if so, should also be assessed in the same light. While private enterprise may have a role in any proposed use of Playland, the role should nevertheless be consistent with preserving and enhancing open space available to all.

2. Any use of the Playland site must be sensitive to environmental considerations and sustainability, including the integrity of the Edith Read Sanctuary, Playland Lake and the waters of Long Island Sound. Playland's fragile natural site requires any proposed use be carefully examined for adverse impact. Sewage, solid waste, noise and visual pollution are vital considerations as are congestion and energy efficiency. Any future use of Playland should emphasize the improvement of the environmental impact to the site.
3. A substantial portion of Playland has been designated a National Historic Landmark. This is the highest level of national historic designation and reflects Playland's unique historical importance. While adaptive uses of existing facilities or changes, removal or replacement of structures which are not national historic landmarks could be considered, any of these should be consistent with the historic heart of Playland.
4. Any proposal affecting the Playland site must be examined to insure it is both financially responsible and sustainable. Demonstrated financial viability over the long term is an essential criterion in evaluating any proposal. However, public parks rarely are profitable in a commercial sense, and an appropriate proposed use could well contemplate a sustainable level of public expenditure to maintain the existing or a re-envisaged Playland and supporting infrastructure. Proposed uses consistent with the principles set forth above that present opportunities to reduce these costs or the portion of them borne by the public should be given careful consideration.
5. Rye has a long established designated zoning policy which reflects a careful balancing of many considerations. This policy insures the interests of affected neighborhoods and the community at large is given appropriate consideration.

Any proposal affecting Playland should comply with existing Rye ordinances. New structures or uses should be on a scale including height and mass and in a style consistent with, or complimentary of, Playland's site, neighborhood and access

Respectfully submitted,

Charles D. Dorn, Chairman

Susan Morison, Vice-Chair

Hugh Robertson

Eva Mallis Fisher

Sean Jancski

Lisa Liese

Angela Sculti

Mayor Douglas French

Councilwoman Catherine Parker

Councilman Peter Jovanovich

Ex-Officio

Scott Pickup

Christian Miller

Scott Yandrasevich



CITY COUNCIL AGENDA

NO. 9 DEPT.: City Manager's Office DATE: February 9, 2011
CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Presentation by the Traffic & Pedestrian Safety Committee on red light cameras.

FOR THE MEETING OF:
February 9, 2011
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

A presentation will be made by Brian Dempsey, chair of the Traffic & Pedestrian Safety Committee on the use of red light cameras.

**CITY OF RYE
MEMORANDUM**

TO: Mayor and Council
ALSO TO: S. Pickup, C. Miller, G, Mottarella, Commissioner Connors
FROM: Traffic and Pedestrian Safety Committee
SUBJECT: Red Light Cameras
DATE: February 4, 2011

The Traffic and Pedestrian Safety Committee (TPS) is currently performing a review of Red Light Cameras and have prepared this preliminary memo describing the benefits and issues regarding the Cameras. The opinions on red light cameras throughout the country are mixed in terms of whether they should be installed and whether they improve safety or are just being utilized as revenue generators. In general, the major benefit of red light cameras is that they do reduce the number of red light infractions (which are a major cause of serious crashes involving injuries/fatalities) as well as reducing the number of angle crashes at intersections (which are the more serious accidents that result in more injuries). However, some studies have shown that they also increase the number of rear end accidents and that they also increase the total number of accidents at an intersection. In addition, there have been various lawsuits regarding red light cameras, some successful and some that were tossed. The Federal Highway Administration (FHWA) does support red light cameras. To prepare this memo, numerous studies of red light cameras were reviewed.

Commissioner Connors has previously prepared a review of the use of red light cameras. TPS is agreement with the Commissioner's review.

Background

Red light cameras were first installed in the US in New York City in 1991. Currently there are 484 Red Light Camera programs in 26 states. While some programs have recently been added, others have been removed. Six of the programs are in New York, all in large Cities or Counties. Yonkers is currently in the process of installing the cameras. The other locations are on Long Island and upstate. White Plains considered pursuing the State for permission to install them but did not pursue them due to lack of support.

Attached is a recent article from The Journal News regarding red light cameras.

Issues

* To obtain public support, it is important to show a need for the program and the safety benefits, that it is not just a revenue generator. There are other methods to reduce red light running such as signal timing modifications, sight line improvements, etc.

* Some people are concerned of "Big Brother" watching them. However, there are already cameras on various traffic signals including along Playland Parkway that are used to control traffic signal timing and to help alert of traffic issues.

- * The fines issued are to the owner of the vehicle, not the driver.
- * A major question is whether Rye has enough traffic and enough violators to support a camera program. The places where these cameras have generally been installed are large multi-lane intersections or high speed roads. The cost from one vendor was \$4,200 a month per camera. Thus, if the cameras were put on all four legs of an intersection (though they may only be put on the major legs), the cost would be \$16,800 per month per intersection, which would be \$200,000 a year.
- * The major roads that may benefit from the use of the cameras would be Boston Post Road, Playland Parkway, and Theodore Fremd Avenue. However, the last two are County roadways so who would obtain the money, the County or the City?
- * A key issue is the tolerance level to be accepted. This would be how much time after the signal turns red is enforcement pursued, immediately, 0.25 seconds, etc. This has a significant effect on how many tickets are issued and how much money is generated. It also is an issue for the public.
- * Any program must be coordinated with the Police Department, the Engineering Department, and the Legal Department.
- * Who collects the fines and how to handle the times when traffic legitimately travels through a red light will need to be determined.
- * There are several Camera vendors and the selection of the appropriate vendor is critical. Some charge a fee per camera, some collect a percentage of each ticket issued (and thus are accused of trying to issue more tickets), and some handle all of the collections.

Lawsuits

There have been various lawsuits regarding red light cameras. Generally these are from people who have gotten tickets and have argued that the yellow timing on the signal was not proper or that the process was not legal. The Missouri State Supreme Court ruled that Springfield, MO had to stop their use of the cameras because of the process utilized. Some places had to throw out the tickets issued. Attached is a summary of some of the major court rulings.

Obtaining Approvals

To obtain approval, it must go through the State Legislature. Currently, the State is doing a trial period of four years for the cameras being installed at the recently approved Cities/Counties. It is doubtful that the State will approve additional cameras until that trial is completed (although NYC has been using them for a long time). To obtain approval, since Rye has a relatively small population, it may be better that the State is approached on a County-wide basis, like Nassau and Suffolk Counties did. Otherwise, the argument could be made regarding the amount of people traveling through the City along Playland Parkway and Boston Post Road.

Future

After the installation of red light cameras, the next step some municipalities are taking is speed photo enforcement. This is not currently permitted in this area but is something that is increasing in popularity around the country. One of the issues there is how much above a speed limit should the ticket be issued. There are currently 69 locations in 13 states that use photo speed enforcement.

Since then, the police have been largely pulled from the streets and replaced by the Egyptian army.
Contributing: Oren Dorell in McLean, Va.

administration for not taking a harder stance against his regime.
"We have heard since Iraq the United States is only interested in democracy in the Arab world. This is the real place for democracy,"

Mubarak.
One of the best organized alternatives to Mubarak is the Muslim Brotherhood, a fundamentalist group founded in Egypt in 1928 that has alarmed the West.

"So many people are capable," said Salah Abu Zaid, an administrator at the Cairo rail station, but said no names came to mind immediately.
"Once there are fair and honest

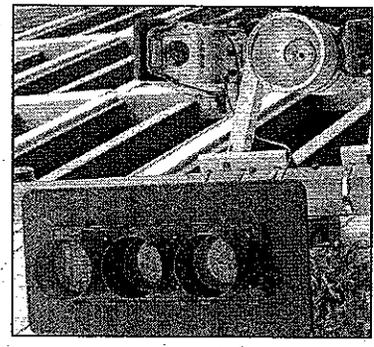
Red-light cameras back in spotlight

By Larry Copeland
USA TODAY

The national debate over red-light cameras is heating up again as a new analysis from a traffic safety group argues that the controversial devices saved 159 lives in 14 cities during a five-year period.

The insurance Institute for Highway Safety says red-light cameras reduced the rate of fatal red-light running by 24% in 2004-2008. Had the cameras been installed in all U.S. cities with populations above 200,000, 815 deaths would have been prevented, says the insurance institute, a group funded by the auto insurance industry that aims to reduce deaths, injuries and property damage caused by crashes on the nation's roads.

"The cities that have the courage to use red-light cameras despite the political backlash are saving lives," IIHS President Adrian Lund says.



BY NICK-UG, AP
In Los Angeles, Effectiveness of cameras like this one is at issue.

The research was immediately challenged by camera opponents. Gary Biller, executive director of the National Motorists Association, a drivers' rights group, says cameras increase crashes in some areas and that other strategies are more effective in making intersections safer.

"Lengthening the duration of the yellow cycle can reduce red-light running by 50% or more," Biller says, citing a 2005 study by the Texas Transportation Institute, a research arm of Texas A&M University. "They say red-light cameras are a low-cost way to police intersections. It may be low-cost to cities and law enforcement, but to motorists in the area, it's an extremely expensive way to go."

"Doing nothing is better than putting up cameras," says Greg Mauz, a researcher for the Best Highway Safety Practices Institute, which studies traffic safety laws. "There are about 700 additional

that cameras have never been approved by voters in 16 tries. Camera opponents such as Mauz argue that their only purpose is to generate revenue.

Around the USA:

- ▶ An Iowa state representative has introduced a bill that would require cities to hold public hearings and apply to the state before they could legally operate red-light cameras.
- ▶ Virginia legislators are considering a bill to bar cities from installing red-light cameras after July 1. Cameras currently installed could remain.
- ▶ Houston voters rejected cameras in November; Baytown, Texas, voted to end its program. Mukitoo, Wash., Garfield Heights, Ohio, and Anaheim, Calif., also vetoed camera programs.
- ▶ Murrieta, Calif., voted to expand the use of red-light cameras.
- ▶ In Maryland, an anti-camera petition drive failed.

deaths since cameras have proliferated, from 2001 on. The idea that cameras can prevent fatalities and crashes is total nonsense." Mauz says the year 2008 should not have been used in the IIHS study because traffic deaths dropped everywhere then because of the recession. He noted

an Cowen confirmed he won't seek re-election to parliament.
Cowen said he has decided to end his 26-year parliamentary career after battling to save his country from the brink of bankruptcy. His approval ratings have plummeted to record lows after his government in November negotiated a \$91-billion rescue from the European Union and International Monetary Fund.

Cowen, 51, told his local radio station in Ireland's rural midlands that the time is right to retire from politics, "having held the highest office in the land and after coming through the most difficult stage that this state has faced for the last 80 years."

Earlier, the new Fianna Fail leader, Micheal Martin, presented a 21-member team as his choices for the next Cabinet. Martin led an unsuccessful push two weeks ago to oust Cowen, then was elected leader last week after Cowen quit as party leader.

By Fred Anklam Jr. with staff and wire reports.

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Table 3. Major Court Rulings Related to US Photo Enforcement Programs

Legal Issue	Case	Brief Summary
Program control and oversight	State v. John Allen, et al.	San Diego's RLC program was found to violate CA law by allowing a private company to have an excessive role in program operation. The court rejected evidence because of the city's lack of oversight and method of compensation of its contractor. Consequently 292 citations were invalidated. Changes were subsequently made to operation of the program. The court declined to declare unconstitutional the CA law permitting cameras, including a provision that requires registered vehicle owners to identify the drivers. The court allowed the practice of delegating to contractors the screening of photos and referral to police for determination about whether citations should be issued.
Conflict of laws and preemption	State v. Kuhlman	The MN Court of Appeals held that a Minneapolis RLC ordinance was preempted by state law. Minnesota had no state camera enforcement law. The MN Highway Traffic Regulation Act preempts local ordinances that conflict with state law. The court found a conflict existed because both the requirements of state and local law must be uniform. MN law does not permit cities to unilaterally regulate traffic. Consequently, the Minneapolis program was terminated. However, the court emphasized that the decision did not determine the general validity of photo enforcement.
	Shavitz v. City of High Point	Dedication of fine revenue was the subject of litigation between the Guilford County Board of Ed. and the City of High Point, NC. The NC Constitution provides that after deductions up to 10% for collection costs, fine revenue is to be turned over to the county Board of Ed to support public schools. The ordinance provided that after deduction for cost, fine revenue was payable to the City of High Point. The NC Court of Appeals held that proceeds fell under the constitutional provision allocating fines to schools. Consequently, several NC photo enforcement programs were terminated.
	Mendenhall et al. v. City of Akron et al.	The OH Supreme Court held that a municipality does not exceed home rule authority by passing an ordinance authorizing photo enforcement and a civil sanction for violations, provided the municipality does not alter statewide traffic regulations. The court noted photo enforcement supplemented rather than replace traditional enforcement, and that the ordinance specifically stated no photo enforcement citation would be valid if a traditional citation was issued for the same offense.
Presumption	Agomo v. Williams	A DC trial judge upheld the presumption that the driver was the registered owner. The opinion noted that in civil cases, the owner of a vehicle is liable for the negligence of any person driving the vehicle with the owner's consent and that vehicle owners are routinely held liable for parking infractions and abandoned vehicles.
	State v. Dahl	The OR ASE law gives the state the benefit of a presumption that the registered owner is the violator if a civil citation is properly issued to the registered vehicle owner. The presumption was upheld by the OR Supreme Court, noting that a traffic violation is a civil offense.
Decriminalization	Mendenhall et al. v. City of Akron et al., Ohio Supreme Court	The OH Supreme Court ruled that Akron's ordinance imposing a civil, rather than a criminal, sanction for speeding did not conflict with state law. The ordinance does not change the ability of police to cite offenders. After enactment of the ordinance, a person who speeds and is observed by police remains subject to usual traffic laws. Only when no officer is present and the camera captures an infraction does the ordinance apply. The ordinance complements rather than conflicts with state law.
Notice	Agomo v. Williams	Over several months, the plaintiff's vehicle was photographed speeding 16 times in DC. Although the plaintiff received notice and appeared at hearings to contest several citations, the citations were mailed to an address in TX where the vehicle was registered. The court stated it is the obligation of the registered owner to check for mail sent to him.
Delegation of Powers	City of Knoxville v. Kimsey	The TN Court of Appeals held that Knoxville's ordinance permitting contractors to gather and process photos used in camera enforcement is not an improper delegation of police power. Under the contract, private companies gather photos and data, and then a police officer reviews the evidence to determine if a citation should be issued. The contractor's activity was deemed not to constitute an exercise of police powers.



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager

DATE: February 9, 2011

CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Discussion on establishing funding for the Rye Free Reading Room through a Chapter 414 vote.

FOR THE MEETING OF:

February 9, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Currently the Rye Free Reading Room is funded by the City of Rye. Chapter 414 of the New York State Laws of 1995 provides public libraries in New York State with the ability to place a funding proposition on a municipal ballot. The library must obtain signatures from eligible voters within the municipality on a petition requesting that a library-funding proposition be placed before the voters at the next municipal election. The number of signatures must equal at least 10 percent of the number of votes cast in the last gubernatorial election. If the petitions are properly executed and filed, the municipality must comply. If the proposition passes, the municipality must collect the taxes and pay them to the library.

Municipal Ballot

Chapter 414 of the New York State Laws of 1995 provided public libraries in New York State (including association libraries) with the ability to place a funding proposition on a municipal ballot. The library must obtain signatures from eligible voters within the municipality on a petition requesting that a library-funding proposition be placed before the voters at the next municipal election. The number of signatures must equal at least 10 percent of the number of votes cast in the last gubernatorial election. If the petitions are properly executed and filed, the municipality must comply. If the proposition passes, the municipality must collect the taxes and pay them to the library.

Municipal Ballot – How to go about it

1. Representatives from the library meet with the local Board of Elections or municipal clerk to discuss requirements for placing a proposition on the municipal ballot.
2. It is advisable for the library board to appoint one person to lead the effort and form appropriate working committees to carry out specific assignments.
3. The library board contacts local municipalities (especially those that are currently funding the library) to inform them of the library's intentions and to obtain their support and assurance that municipal financial support will continue if the library's budget vote fails.
4. The library board/working committee(s) obtains the required number of signatures of registered voters on a petition supporting the budget proposition (at least 10 percent of the number of votes cast in last gubernatorial election).
5. The library board must go on the record by passing a resolution supporting the budget proposition. (This is a protection built into the law to ensure that propositions to reduce the amount of funding for the library cannot go forward without library board approval.)

6. The library verifies the petition signatures to ensure validity (voter lists can be obtained from Board of Elections).
7. Petitions (proposition and signatures) are filed with the Board of Elections and the municipal clerk, meeting minimum lead-time requirements.
8. The vote on the library-funding proposition is scheduled to take place at the next general election (November).
9. The library board and appropriate working committees conduct a campaign to educate the community and advocate for passage of the proposition. No public funds can be used to advocate for the proposition. However, library support organizations such as the Friends of the Library can use private funds for advocacy.
10. If the proposition passes, the municipality collects the taxes and turns them over to library.
11. The amount collected will continue from year to year until another proposition is placed on the ballot to increase the amount. To increase the amount, the entire process (collecting and verifying signatures, etc.) must be repeated.

§ 259. Library taxes.

1. a. Taxes, in addition to those otherwise authorized, may be voted for library purposes by any authority named in section two hundred fifty-five of this part and shall, unless otherwise directed by such vote, be considered as annual appropriations therefor until changed by further vote and shall be levied and collected yearly, or as directed, as are other general taxes. In the case of a school district the appropriation for library purposes shall be submitted to the voters of the district as proposed by the library board of trustees in a separate resolution and shall not be submitted as a part of the appropriation of the necessary funds to meet the estimated expenditures of the school district. All moneys received from taxes or other public sources for library purposes shall be kept as a separate library fund by the treasurer of the municipality or district making the appropriation and shall be expended only under direction of the library trustees on properly authenticated vouchers, except that money received from taxes and other public sources for the support of a public library or a free association library or a cooperative library system shall be paid over to the treasurer of such library or cooperative library system upon the written demand of its trustees. All such moneys paid over to a public library treasurer shall be deposited and secured in the manner provided by section ten of the general municipal law and the library trustees or the library treasurer, if the trustees shall delegate such duty to him, may invest such moneys in the manner provided by section eleven of such law.

b. (1) Except as provided in subparagraph two of this paragraph, whenever qualified voters of a municipality, in a number equal to at least ten per centum of the total number of votes cast in such municipality for governor at the last gubernatorial election, shall so petition and the library board of trustees shall endorse, the question of establishing or increasing the amount of funding of the annual contribution for the operating budget of a registered public or free association library by such municipality to a sum specified in said petition, shall be voted on at the next general election of such municipality, provided that due public notice of the proposed action shall have been given. An increase in library funding provided pursuant to this paragraph shall not apply to a municipal budget adopted prior to the date of such election.

(2) Solely for the purposes of this paragraph, the term "municipality" shall:

- (i) not include a city with a population of one million or more,
- (ii) mean only a county when the public libraries located in such county are members of a federated public library system whose central library is located in a city of more than three hundred thousand inhabitants.

2. In the case of a joint public library authorized to be established by two or more municipalities or districts pursuant to section two hundred fifty-five of this chapter, the governing bodies of the participating municipalities and districts shall enter into an agreement designating the treasurer of one of the participating municipalities or districts to be the treasurer of the joint public library. The agreement shall be for a period of not less than one year nor more than five years and the state comptroller and the commissioner of education shall be notified in writing by the board of library trustees of such agreement and designation.

The municipality or district whose treasurer is designated to serve as treasurer of a joint public library may be compensated for the services rendered by such official to the library. The amount to be paid for such services shall be determined by agreement between the governing body of the municipality or district and the board of library trustees,

and shall be paid at least annually from the public library fund.

3. The treasurer of a joint public library shall maintain the separate library fund required by subdivision one of this section and shall credit to such fund all moneys received. The state aid apportioned to a joint public library, amounts appropriated by participants toward its support and all amounts received from other sources shall be paid to the library treasurer. Appropriations for the library made by the participating municipalities or districts shall be paid in full to the library treasurer within sixty days after the beginning of the library fiscal year.

Disbursements for purposes of a joint public library shall be made by the treasurer in the manner prescribed in subdivision one of this section.

Within thirty days after the close of the fiscal year the treasurer shall make an annual report of the receipt and disbursement of library moneys to the board of library trustees and to the governing body of each of the participating municipalities or districts.

4. Notwithstanding the provisions of subdivisions one and three of this section, the library trustees may by resolution establish a petty cash fund, in such amount as they shall determine, for any employee who has supervision of any library or branch thereof. Expenditures from such fund may be made by such employee in advance of audit by the library trustees, but only after the submission of properly itemized and authenticated vouchers for materials, supplies or services furnished to the library or branch thereof and upon terms calling for payment to the vendor upon the delivery of any such materials or supplies or the rendering of any such services. At each meeting of the library trustees a list of all expenditures made from such fund since the last meeting of the trustees, together with the vouchers supporting such expenditures, shall be presented by such employee to the library trustees. The trustees shall direct the treasurer to reimburse such petty cash fund in an amount equal to the total of such bills which the trustees shall so allow. Any of such bills or any portion of such bills which the library trustees shall refuse to allow shall be the personal liability of such employee and he shall promptly reimburse such petty cash fund in the amount of such disallowances. If such reimbursement has not been made by the time of the first payment of salary to such employee after the action of the library trustees in disallowing an amount so expended, such amount shall be withheld from such salary payment to such employee and, if necessary, subsequent salary payments and paid into such petty cash fund until an amount so disallowed by the library trustees has been repaid in full to the petty cash fund.

Questions & Answers

1. What was the rationale behind the law?

While special and school district public libraries have their budgets voted on through establishing legislation, association and municipal public libraries were left with no funding mechanism defined by law. Voters could establish a local association or municipal public library but had no way to ensure it was adequately funded.

The inequality in access to public input on library funding has caused gross under-funding of many public libraries and unequal access and services for a large part of New York State's population.

[See text of the law: [Appendix 1](#)]

2. What is the intent of the law?

The intent of the law is to provide equality to those voters who did not have a direct voice to support improvements in local public library funding and services at the local level.

The law is permissive; it is not a mandate. A library board happy with its funding from a local municipality may ignore the new law and continue the existing practices of requesting funds from the municipality.

3. Isn't this taxation without representation?

No. The library is not taxing, they are putting the budget up for a vote.

The public is voting on the amount to tax themselves, through the municipality, for library services thereby representing themselves in a directly democratic way.

A library board may choose to have trustees elected by the public at any time.

4. Which public libraries are affected by the law?

It applies to almost all public libraries in the state except for those in the counties of Bronx, Kings, New York, Queens, Richmond and Erie. The new law also excludes libraries not members of a cooperative or federated public library system. Also excluded are any special tax district public libraries where the statutory authority contains language pre-empting any general laws.

5. What is the difference between a 414 vote and becoming a special district?

Chapter 414 allows for a library to place a proposition on the ballot to let taxpayers have a say in how much a municipality will spend on library services.

Becoming a special district library involves having legislation written at the state level to re-charter your organization so that you become a separate taxing entity. Once you are a special district library your budget is voted on and your trustees are elected annually. Your library would then fall under civil service and be eligible for the NYS Retirement System. It is a complete change of the type of library you are.

6. What is the difference between a 414 vote and a school district ballot (a.k.a. "259 vote")?

Chapter 414 allows for a library to place a proposition on the ballot to let taxpayers have a say in how much a municipality will spend on library services. It will follow municipal lines, not school district lines as the 259 vote does.

[New York State Education Law § 259](#) provides public libraries in New York State (including Association Libraries) with the ability to place a funding proposition on a school district ballot*. In New York it is unlikely that a library currently servicing an entire school district is not already a school district public library. Therefore, if you share a school district with other libraries it would be prudent to use this mechanism jointly to avoid unfair taxation.

*This process often requires that the library board simply pass a resolution notifying the school board that it wants to place a funding proposition on the ballot for the upcoming school district election. However, local school districts may require a formal petition process. That entails gathering 25 signatures in support of the proposition from eligible voters residing within the school district. For more information see [School District Ballots](#)

7. Does this mean our trustees will now have to be elected by the public?

The law does not require that trustees be elected in order to make use of Chapter 414.

However, it is an option. If pursued, the election could demonstrate a commitment to transparency in government that may win over those skeptical (about the nature of association libraries in particular.) Municipal libraries could do this if the town supervisor (or equivalent) agreed.

8. Is this a new tax?

No. The funds are still part of the municipality's budget.

9. Will the library amount appear as a separate line on the tax bill?

This is at the discretion of the municipality. The library may request this.

10. Our library would like to place a budget resolution before the voters. How do we start?

The rules for placing propositions on the ballot are different for different kinds of municipalities. Before you do anything else, it is important to meet with your local Board of Elections and municipal Clerk to discuss local requirements. For counties, towns and cities, you should talk to the County Board of Elections and the County Clerk, City Clerk or Town Clerk as appropriate. In Villages, talk to the County Board of Elections and to the Village Clerk, who also acts as the Village Election Officer.

11. What precedes the petition process?

Although anyone might collect signatures under the law, the petition process and setting the amount of the requested increase in local funds will normally be done by the library's board of trustees.

The board should appoint one person to be in overall charge and to form committees of individuals willing to work hard on assigned tasks. Such committees might be:

- a. Public education before, during and after the collection of signatures,
- b. Training volunteers to collect signatures of qualified voters residing in the municipalities
- c. Financing the public education campaign (usually done through a separately incorporated Friends Group or PAC – political action committee)
- d. Liaison with election officials, other municipal officials as appropriate and with key community leaders (the inclusion of key community leaders as proponents of the ballot proposal is important)
- e. Legal issues

12. How does the petition process work?

Generally, the law requires two things. First, a petition (see samples at Appendices [3](#) and [4](#)) must be signed by registered voters in the municipality asking that the library budget proposition be placed on the ballot. The person collecting signatures must be a registered voter in the municipality. The number of signatures required is equal to ten percent of the total number of votes cast in the municipality for Governor in the last gubernatorial election. Second, the library board of trustees must pass a resolution (see sample at [Appendix 5](#)) endorsing the placement of the budget proposition on the ballot.

If the library board does not endorse it, the matter simply dies.

When the petitions and resolution are endorsed, the budget proposition is placed before the voters at the next general election, after "due public notice." For most municipalities, this means the November election. For most villages, this means March.

It is wise to collect more than the 10% to protect against challenges to signatures of people who may not be registered to vote in the municipality.

If possible, get the 10% number in writing from the appropriate municipal official. In towns and cities, this is the county board of elections; in villages, this is the village clerk.

13. How should the proposition be worded?

The proposition should be worded in the form of a question and state the full amount the library is asking for. The wording should be reviewed by the town attorney.

14. Where do we file the original petition?

Again, check with local authorities. Generally, the original petitions and an original resolution (see sample at [Appendix 5](#)) from the library board would be filed with the County, City, Town or Village Clerk, who then is obligated to transmit a certified copy of the proposition to the Board of Elections. The Board of Elections is then obligated to place the proposition on the ballot.

15. When do petitions have to be filed?

This is one of the most important things to verify with the local Clerk and Board of Elections. At a minimum, however, the local Clerk must transmit the certified copy of the proposition to the local Board of Elections at least 36 days prior to the election itself. Your petitions and resolution must be filed with the municipality in sufficient time to allow the Clerk to fulfill this requirement.

16. How do we verify that a person who signed a petition is really registered to vote in the municipality?

The County Board of Elections will give or sell you a list of the registered voters in the municipality. Signatures appearing on the petition may be verified against the list. Some counties have the ability to do special sorting of names.

17. Is there any special form for the petition?

Neither the Education Law section nor the Election Law specifies any particular form. The safest thing to do is use a form similar to that used for Nominating petitions. The samples at Appendices [3](#) and [4](#) may be shown to local Boards of Elections for comment before collecting signatures.

18. Does our library have to pay any of the costs of the election?

Because the law requires the library budget resolution to go to the voters at a regularly scheduled election, it is unlikely that there will be any additional expenses attributable to the library. In any event, according to the New York State Election Law, "all expenses related to any election... shall be a charge upon the town, city, village or other political subdivision or district involved." The expenses of an election for a library serving a municipality should, therefore, be paid by the municipality.

19. May the library use public funds to encourage people to sign the petition and to vote for passage of the proposition?

No. You cannot use public funds to encourage people to sign the petition or vote in favor of the proposal. You may, however, use public funds for educational purposes such as publicizing details of the library budget, how the increased funds will be used and the location of polling places. You should consult with your own attorney before spending public funds for these purposes to ensure that you do not cross the line between "educating" and "advocating."

Nonpublic funds, such as those of "friends of the library," or a group organized specifically to promote the proposition, or from other private sources may be used to encourage people to sign the petition and to vote for the ballot proposal, provided that this does not conflict with a group's non-profit status.

20. What is the role of staff in getting petitions signed and getting out the vote?

See answer to # 19 (above).

21. May a ballot proposal be used to decrease a public library's budget?

No. The law allows only for a proposal to increase the library's budget.

22. May a municipality increase funding for a library without a public vote?

Yes, it may, whether the current municipal contribution is based on a public vote or not.

23. May our library, assuming we get the proper number of signatures, get a proposition placed on a county ballot?

Yes, but remember that you will have to acquire signatures equal to at least 10% of the number of votes cast for Governor in the last gubernatorial election throughout the entire county.

You will also need to negotiate with other libraries in the county. If all the libraries in a county did a joint vote, that would be the best scenario.

24. Should a legal notice be placed in the library's local newspaper?

The law requires "due public notice" but does not define the term. Check with the City or Town Clerk (or in the case of villages, with the Village Clerk) and the County Clerk for phrasing and when such a notice should be advertised. If there is no established practice for public notices of ballot proposals, publishing a legal notice is still strongly advised. The notice should be published in the official newspaper of record for the municipality where the vote will take place. [Appendix 7](#) contains a sample legal notice.

To be safe you could follow NYS Election Law §4-120:

"publish once in each of the two weeks preceding a general election...in two newspapers published within the county."

25. How much money should we go for?

The amount of funding you ask for needs to be based on community needs and clearly justified through an easy to understand budget. What will people pay for? What is in it for them? The legwork done early on to investigate community needs through focus groups/surveys/patron and staff feedback become the basis for the increase. Another factor is what the community will bear, you will need to crunch the numbers and see what the cost per household will be. As residents of the community this figure will give you a good idea if your neighbors will go for it or not.

26. Many of our borrowers come from neighboring localities who pay nothing in local taxes for library service and who live in unchartered service areas. Assuming we can acquire the proper number of signatures in each of the localities, may we ask those local governments to place a proposition before their voters?

Legally you may. However, there needs to be recognition that an effort will need to be made well in advance of attempting a 414 vote to reach out to that area and demonstrate / communicate your services to them to build your case for support.

27. Many of our borrowers come from a neighboring locality where there is a chartered public library, albeit a grossly under-funded one. Assuming we get the proper number of signatures from that locality, may we ask the local government to place a proposition before its voters?

The law does not prohibit this but such an action, invading another library's turf, would probably create lasting enmity and bitterness with your neighbors. It would be far better to work with the neighboring library's board of trustees with the purpose of strengthening the finances of both libraries so that imbalances in borrowing can be minimized.

28. Could a proposition be placed before the voters in one locality for the support of two or more public libraries, which serve that locality?

Yes. The proposition must stipulate how the money will be allocated to each of the libraries specified in the proposition. Consult an attorney on the wording of the petition and the proposition. Note that when a library is funded by two or more municipalities, a vote for a budget increase in one does not automatically drive an increase in the other(s).

29. Assuming a positive vote, when does the increased funding level take effect?

According to the law, the increased funding level will not apply to any budget adopted prior to the date of the election. Since in most municipalities the budget is adopted after Election Day, the new funding level should appear in the next annual budget after the election.

If the budget were adopted prior to the election, then the increased budget would take effect in the year after next.

30. Will a successful vote change our charter?

No. Your charter remains the same. Only the municipal appropriation to your library is impacted.

31. Are there specific rules governing funds received by a library through a municipality?

Yes. All funds paid over to a public library from a municipality need to follow the guidelines defined in [General Municipal Law \(GML\), section 10](#).

Under General Municipal Law and subsequent court rulings, all funds must be deposited/ secured in the following limited number of financial vehicles:

- Time deposit accounts or certificates of deposit in commercial banks and trust companies located and authorized to do business in NYS;
- Obligations made by the United States of America or guaranteed by the United States of America, and obligations of the State of New York;
- Under very limited circumstances, obligations of municipalities and other municipal corporations.

[Excerpted from the [Handbook for Library Trustees of New York State, 2005 edition](#)]

32. If the proposition fails, what then?

If the amount of the library's budget was established by a previous public vote, the same amount must be paid to the library by the municipality in the succeeding year. This assumes that the previous proposition contained the word "annually," as in the samples at Appendices [3](#) and [4](#).

If the amount of the library's budget was never established by a public vote, the municipality may fund your library at whatever level it wishes, in the same way as before the new law was enacted.

Timeline

This timeline combines the steps in the process to get your vote on the ballot with suggested activities that need to take place to get your vote passed. The goal is to give a library an idea of the workload and number of volunteers needed to be a success.

Month	414 Process Action Item	Suggested Campaign Activities
January – March	<ul style="list-style-type: none"> Talk to your System and other libraries that have done successful 414 votes about the process. 	<ul style="list-style-type: none"> Assess community needs; what services do people want from the library? Think about who would oppose a vote on your budget. How can you target services and communication for this group? Gather statistics & resources to support your case Make your budget reports transparent and easy to understand Educate staff on the needs of the library
April	<ul style="list-style-type: none"> Board agrees to pursue a 414 vote and decides on the budget amount to ask for via official vote. Designated library spokesperson speaks with local officials and explains what you are doing and why. Petition <ul style="list-style-type: none"> Write draft petition Check with Board of Elections about wording Check with local municipal clerk for specifics 	<ul style="list-style-type: none"> Creation of an overall Public Relations effort. See the MHLs <i>Public Library Vote Toolbox</i> at http://midhudson.org/vote/ Identify roles and responsibilities within the campaign Use the MHLs <i>Magic Quadrant</i> to identify current supporters and groups to target for additional support. [http://midhudson.org/GTY/toolkit/magic-quadrant.htm] Begin creating a supporter database or spreadsheet that you can use to connect with "yes" voters throughout the campaign and for Get Out the Vote activities. Add names to this list throughout the campaign. Arrange for voter registration at the library.
May	<ul style="list-style-type: none"> Obtain a list of registered voters from the Board of Elections Develop strategy for petition drive including identifying volunteers who are registered to vote, events where you can get lots of signers at once and a script for staff and petitioners. 	<ul style="list-style-type: none"> Identify community groups that will support the library. Confirm at least two "champions" in the community that will endorse your campaign. Create a "Friends & Allies" Group or email list of 10-20 well-connected patrons who will support your cause. Begin a letter to the editor campaign. Issues non-vote related press releases about library services, return on investment, etc.
June-July-August	<ul style="list-style-type: none"> Get petitions signed. [See <i>Petition Tips</i> section] Identify dates of municipal meetings and target one for petition submission to help the Town Clerk meet the submission deadline to the Board of Elections (minimum 36 days prior to election day.) By August 31 petitions should be completed. 	<ul style="list-style-type: none"> Create messages that will form the basis for all marketing & PR activities within your vote campaign. Coach staff, trustees, Friends and "Friends & Allies" on messages to ensure consistent promotion of the vote. Develop Frequently Asked Questions (FAQ) guide that provides strong answer to questions about the vote. Determine registered vs. non-registered patrons eligible to vote. Develop campaign promotional materials Get FAQs on your web site and circ desk Begin targeting efforts (programs, mailings, presentations, etc.) Begin educating the media Identify tasks for fall portion of the campaign

<p>September</p>	<ul style="list-style-type: none"> • Prepare for public reaction to 414 announcement • Petitions must be submitted to town board. (minimum 36 days prior to election day). [see <i>Municipal Communications</i> section for more details and tips] • Assign someone to follow up and insure petitions are sent to Board of Elections by the municipality within the timeframe above. • Public announcement of 414 	<ul style="list-style-type: none"> • Continue media relations • Initiate direct contact through phone calls, mailings, programs etc. as deemed necessary • Send letter to regular users • Send direct mail piece/pieces to supporters
<p>October</p>	<ul style="list-style-type: none"> • Monitor Board of Election public notice process <ul style="list-style-type: none"> ◦ Legal notices must be sent to two newspapers for each of the two weeks preceding the vote. According to NYS Election Law, the board of elections is supposed to do this, but you should check with them and make sure it happens. [Sample public notice: Appendix 7] 	<ul style="list-style-type: none"> • Door-to-door campaign activities (if deemed necessary) • Friend-to-friend campaign activities (if deemed necessary) • Create Band Wagon PR piece that shows breadth of community support • Letters to the editor; stress needs identified through community needs analysis process • Get Out the Vote strategy for the week and days prior to Election Day
<p>November</p>	<ul style="list-style-type: none"> • If you win: send thank you notes to all involved; communicate changes/improvements that will take place at the beginning of next year with the new funds • If you lose: figure out what went wrong; plan for next year 	<ul style="list-style-type: none"> • Mail Band Wagon piece • Create scripts and recruit volunteers for reminder phone calls the night before the vote • Initiate reminder phone calls to yes voters the night before (include friends and family eligible to vote "yes") • Arrange for poll watchers to increase yes voter turnout the day of the vote • Arrange rides to polls for yes voters who will need them the day of the vote

For more help visit the Mid-Hudson Library System's
Public Library Vote Toolbox: Know-how for your library's vote at
<http://midhudson.org/vote>





CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager

DATE: February 9, 2011

CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Discussion of a proposed Tree Ordinance by the Conservation Commission/Advisory Council.

FOR THE MEETING OF:

February 9, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

A discussion on revisions to the City tree ordinance will be spearheaded by the Conservation Commission/Advisory Council.



CITY COUNCIL AGENDA

NO. 12

DEPT.: Finance

DATE: February 9, 2011

CONTACT: Jean Gribbins, City Comptroller

AGENDA ITEM: Resolution to transfer funds from contingency to the Public Works Department for costs pertaining to storm overtime and materials.

FOR THE MEETING OF:
February 9, 2011

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for salt and overtime for storm coverage in fiscal 2011 will exceed the amounts provided for in the adopted 2011 budget by \$50,000, and,

WHEREAS, the General Fund Contingent Account has a balance of \$300,000, now therefore be it

RESOLVED, that the City Comptroller is authorized to transfer \$50,000 from the General Fund Contingent Account to the Public Works Department.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Use and status of the Contingent Account:

01/01/2011 Beginning balance	\$300,000
02/09/2011 Transfer to Public Works for Storm costs	<u>(50,000)</u>
02/09/2011 Balance	<u>\$250,000</u>



CITY COUNCIL AGENDA

NO. 13

DEPT.: Finance

DATE: February 9, 2011

CONTACT: Jean Gribbins, City Comptroller

ACTION: Authorize payment of the balance of the 2010/2011 Rye Neck Union Free School District taxes collected by the City to the School District.

FOR THE MEETING OF:

February 9, 2011

RYE CITY CODE,

CHAPTER 22.9
SECTION

RECOMMENDATION: That the Mayor and the City Council authorize payment of the 12/31/10 balance of \$148,903.49 on 2/15/2011.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The balance of unpaid Rye Neck U.F.S.D. taxes on property within the City of Rye is \$148,903.49 at 12/31/10. This balance represents 1.61% of the total tax levied, \$9,271,234.29, on September 1, 2010. Arrears notices will be mailed in conjunction with the 2011 City tax bills, and again during March 2011 to try to collect these balances prior to the filing of the list of delinquent taxes with the County scheduled for July 1, 2011.

In accordance with Section 22.9 of the City Charter, it is requested that the City Council authorize the City Comptroller to pay the Treasurer of the Rye Neck UFSD the amount due at December 31, 2010.



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager's Office

DATE: February 9, 2011

CONTACT: Scott Pickup, City Manager

ACTION: Authorization for City Manager to enter into a easement agreement with Mark C. and Bridget Davis, residing at 8 Upper Dogwood Lane and Conrad J. and Cynthia Wells DeSantis residing at 12 Upper Dogwood Lane, Rye, New York, for the operation and maintenance of sanitary sewer service laterals and shut-off valves.

FOR THE MEETING OF:

February 9, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and Council authorize the City Manager to enter into the easement agreement.

IMPACT: Environmental Fiscal Neighborhood Other: Sanitary Sewer Maintenance

BACKGROUND:

Due to field conditions at the Upper Dogwood sanitary sewer extension project two shut-off valves were required to be installed outside of the existing roadway easement. The two properties are owned by Rye residents Mark C. and Bridget Davis and Conrad J. and Cynthia Wells DeSantis.

The shutoff valves are located on the service laterals which connect the habitable structures to the sewer main. The City of Rye needs access to the shut-off valves during maintenance procedures.

See attached.

alteration and repair of a sanitary sewer main and appurtenances (the "Easements").

The parties further agree as follows:

1. That the First Party is seized of the said premises in fee simple and has good right to convey the same.

2. That the Second Party shall quietly enjoy the said Easements subject to the following:

(a) These Easements are granted solely for the purpose of installation, maintenance, alteration and repair of a sanitary sewer main and related appurtenances.

(b) The Second Party is granted the right and privilege to enter upon the property of the First Party, its heirs, executors, administrators, successors or assigns, as required for the installation, maintenance, alteration and repair of a sanitary sewer main and appurtenances, and shall exercise reasonable care when on the First Party's property, but shall not be held accountable for improvements prohibited by this Agreement.

(c) The First Party or its heirs, executors, administrators, successors or assigns shall have the right to use the property made subject to these Easements but shall not erect any buildings, walls, fences, walks or other structures of any kind upon the easements, nor plant any trees or shrubs on said easement areas, nor in any way cause or permit anything to interfere with Grantee's quiet enjoyment of the Easements..

(d) The Second Party shall rake and re-seed any area of the property disturbed by the Second Party for the purpose of exercising rights under this grant as soon as possible after the purpose of such entry has been attained.

3. The Second Party shall accept from the First Party who hereby grants, dedication

of all of its right, title and interest in, on and to all pipes, sanitary sewer mains and/or other materials associated with the sanitary sewer system, specifically excluding any lateral connections extending from the valve box into the property of the First Party, that have or may be placed in said easement area.

TO HAVE AND TO HOLD such Easements unto the Second Party, its successors and assigns forever.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and date first above mentioned.

Bridget Davis

Mark C. Davis

City of Rye

By:_____

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

On this day of _____, 2011, before me personally came Bridget Davis and Mark C. Davis personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

On this day of _____, 2011, before me personally came _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

SCHEDULE A-1

**DESCRIPTION OF A SEWER EASEMENT TO BE GRANTED
TO THE CITY OF RYE
ON A PORTION OF LANDS KNOWN AS
TAX I.D. 139-18-1-1
CITY OF RYE, WESTCHESTER COUNTY, NEW YORK**

Starting at a point formed by the intersection of the Private Roadway Easement as shown on filed Map No. 1423 and the southeast corner of Tax parcel 139-18-1-1-1 as shown on the Tax Map of the City of Rye also known as Lot 1 on Filed Map No. 22996, thence along said property line, North 01°56'40" East, a distance of 15.90 feet to the POINT OF BEGINNING, and thence;

Along easterly property line of Lot 1, North 01°56'40" East, a distance of 9.10 feet to an angle point, thence;

Continuing along said property line North 30°26'40" West, a distance of 10.45 feet to an angle point, thence;

South 37°29'42" West, a distance of 11.97 feet to an angle point, thence;

South 54° 56'43" East, a distance of 14.99 feet, to said POINT OF BEGINNING.

Containing 115.09 square feet, more or less.

SCHEDULE A-2

**DESCRIPTION OF A SEWER EASEMENT TO BE GRANTED
TO THE CITY OF RYE
ON A PORTION OF LANDS KNOWN AS
TAX I.D. 139-18-1-1-2
CITY OF RYE, WESTCHESTER COUNTY, NEW YORK**

Starting at a point formed by the intersection of the south line of Private Roadway Easement as shown on filed Map No. 1423 and the southwest corner of Tax parcel 139-18-1-1-2 as shown on the Tax Map of the City of Rye also known as Lot 2 on Filed Map No. 22996, thence along said property line, North $01^{\circ} 56' 40''$ East, a distance of 15.90 feet to the POINT OF BEGINNING, and thence;

Following the south line of said Private Roadway Easement, North $72^{\circ} 37' 00''$ East, a distance of 5.88 feet to an angle point, thence;

North $78^{\circ} 17' 00''$ East, a distance of 16.37 feet to an angle point, thence;

North $67^{\circ} 00' 30''$ West, a distance of 27.46 feet to an angle point at the westerly property line of Lot 2, thence;

Along said property line South $30^{\circ} 26' 40''$ East, a distance of 7.78 feet to an angle point, thence;

Continuing along said property line South $01^{\circ} 56' 40''$ West, a distance of 9.10 feet, to said POINT OF BEGINNING.

Containing 156.58 square feet, more or less.

EASEMENT AGREEMENT

between

BRIDGET DAVIS AND MARK C. DAVIS

and

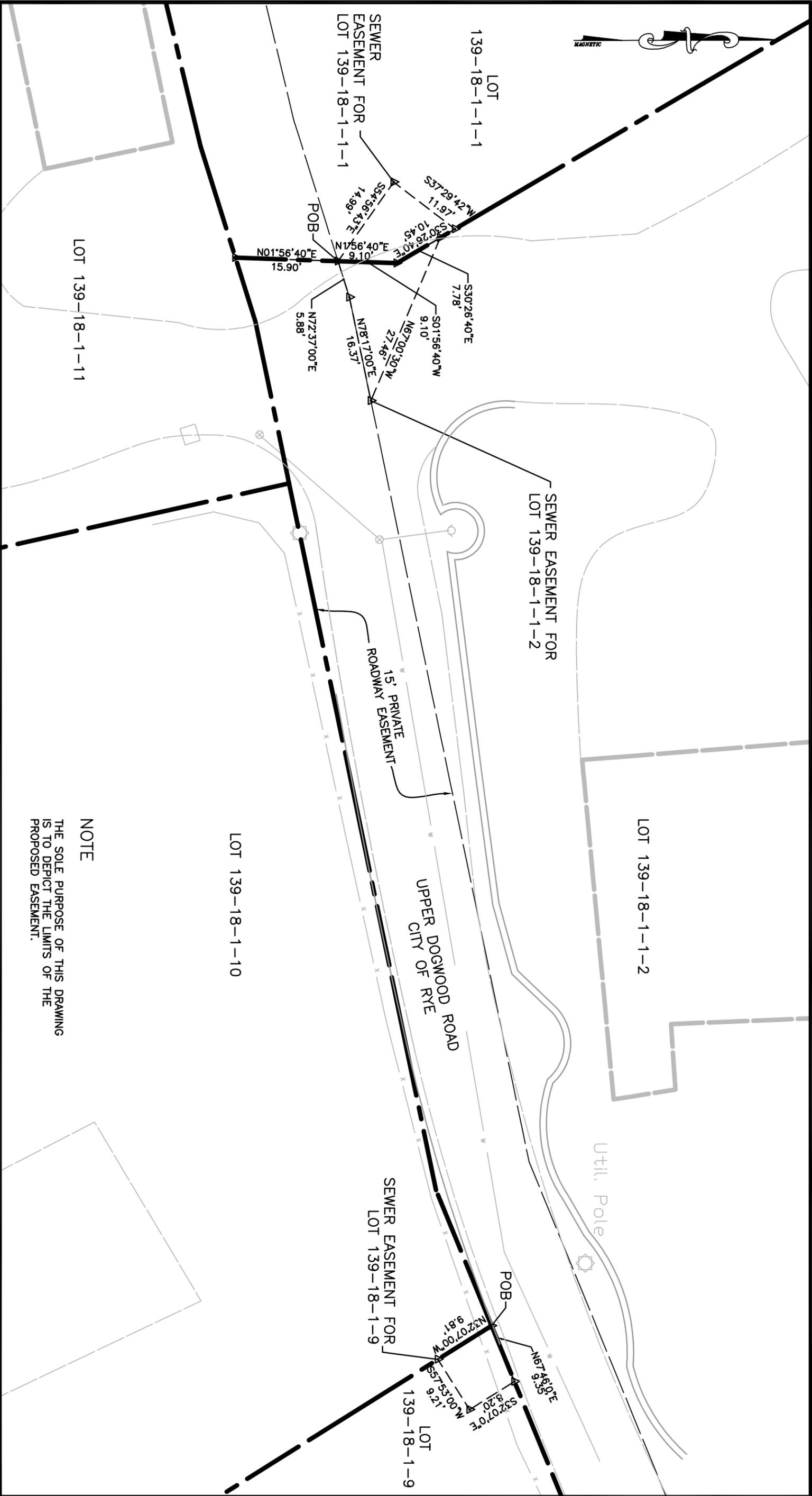
CITY OF RYE

RECORD AND RETURN TO:

PROPERTY AFFECTED:

City of Rye
Sheet 139.18
Block 1
Lots 1.1 and 1.2

Town of Harrison
Block 523
Lot 24



NOTE
 THE SOLE PURPOSE OF THIS DRAWING
 IS TO DEPICT THE LIMITS OF THE
 PROPOSED EASEMENT.

Drawing Name: F-UTILITY_Easement.dwg
 Drawn: JYP
 Designed: MF
 Checked: WCU
 Released:

W. CHARLES UTSCHIG, JR., P.E.
 N.Y. License No. 062303-1
 DATE:

SEWER EASEMENT
FOR PARCEL ID 139-18-1-1-1
UPPER DOGWOOD LANE
LOW PRESSURE FORCEMAIN

SITUATED IN
 TOWN OF RYE, NEW YORK

BIRDSALL SERVICES GROUP
 ENGINEERS & CONSULTANTS

Birdsall Engineering, Surveying & Landscape Architecture, LLC
 1311 Manatoneck Avenue, Suite 30
 White Plains, NY 10605
 NY Certificate of Authorization No. 0004795

Job No. 0801606
 Date 01/01/07
 Scale: (H) 1"=15'
 (V)

Tel.: 914.686.1000
 Fax: 914.686.1222
 WWW.BIRDSALL.COM

1 OF 1

SEWER EASEMENT AGREEMENT

AGREEMENT made on this day of , 2011 by and between CONRAD J. DESANTIS and CYNTHIA WELLS a/k/a CYNTHIA WELLS DESANTIS, with an address at 12 Dogwood Lane, Rye, New York 10580 (First Party), and the CITY OF RYE, a municipal corporation with an address at City Hall, 1051 Boston Post Road, Rye, New York 10580 (City of Rye and/or Second Party).

W I T N E S S E T H:

WHEREAS, the First Party represents that it is the owner in fee simple of certain property conveyed to the First Party by deed recorded in the Office of the Westchester County Clerk, Division of Land Records on 11/26/91 at Liber 10161 Page 305, which property is also known as Sheet 139.18, Block 1, Lots 1.9 on the Tax Assessment Map of the City of Rye.

WHEREAS, the First Party desires to grant an easement to the Second Party in the area described in Schedule A hereto annexed for the installation, maintenance, alteration and repair of a sanitary sewer main and appurtenances including valve boxes, and the Second Party is willing to accept such an easement.

NOW, THEREFORE, in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration, the receipt whereof is hereby acknowledged, the First Party for it, its heirs, executors, administrators, successors or assigns does hereby remise, release and forever quitclaim unto the Second Party, its successors and assigns, an easement in and to the area designated in Schedule A annexed hereto, for installation, maintenance, alteration and repair of a sanitary sewer main and appurtenances (the "Easement").

The parties further agree as follows:

1. That the First Party is seized of the said premises in fee simple and has good right to convey the same.

2. That the Second Party shall quietly enjoy the said Easement subject to the following:

(a) This Easement is granted solely for the purpose of installation, maintenance, alteration and repair of a sanitary sewer main and related appurtenances.

(b) The Second Party is granted the right and privilege to enter upon the property of the First Party, its heirs, executors, administrators, successors or assigns, as required for the installation, maintenance, alteration and repair of a sanitary sewer main and appurtenances, and shall exercise reasonable care when on the First Party's property, but shall not be held accountable for improvements prohibited by this Agreement.

(c) The First Party or its heirs, executors, administrators, successors or assigns shall have the right to use the property made subject to this Easement but shall not erect any buildings, walls, fences, walks or other structures of any kind upon the Easement, nor plant any trees or shrubs on said easement area, nor in any way cause or permit anything to interfere with Grantee's quiet enjoyment of the Easement.

(d) The Second Party shall rake and re-seed any area of the property disturbed by the Second Party for the purpose of exercising rights under this grant as soon as possible after the purpose of such entry has been attained.

3. The Second Party shall accept from the First Party who hereby grants, dedication of all of its right, title and interest in, on and to all pipes, sanitary sewer mains and/or other

materials associated with the sanitary sewer system, specifically excluding any lateral connections extending from the valve box into the property of the First Party, that have or may be placed in said easement area.

TO HAVE AND TO HOLD such Easement unto the Second Party, its successors and assigns forever.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and date first above mentioned.

Conrad J. DeSantis

Cynthia Wells a/k/a Cynthia Wells DeSantis

City of Rye

By: _____

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

On this day of , 2011, before me personally came Conrad J. DeSantis and Cynthia Wells personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

On this day of , 2011, before me personally came _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

SCHEDULE A

**DESCRIPTION OF A SEWER EASEMENT TO BE GRANTED
TO THE CITY OF RYE
ON A PORTION OF LANDS KNOWN AS
TAX I.D. 139-18-1-9
CITY OF RYE, WESTCHESTER COUNTY, NEW YORK**

Beginning at a point formed by the intersection of the south edge of the Private Roadway Easement as shown on filed Map No. 1423 and the northwest corner of Tax Parcel 139-18-1-9 as shown on Tax Map of the City of Rye, the POINT OF BEGINNING, and thence;

Following the northerly property line of Tax parcel 139-18-1-9 and the southerly line of the Private Roadway Easement (15' Right-of-way), North 67° 46' 00" East, a distance of 9.35 feet to an angle point, thence;

South 32°07'00" East, a distance of 8.20 feet to an angle point, thence;

South 57°53'00" West, a distance of 9.21 feet to an angle point, thence;

Along the westerly property line of Tax Parcel 139-18-1-9, North 32° 07'00" West, a distance of 9.81 feet, to the POINT OF BEGINNING.

Containing 82.93 square feet, more or less.

EASEMENT AGREEMENT

between

CONRAD J. DESANTIS AND CYNTHIA WELLS

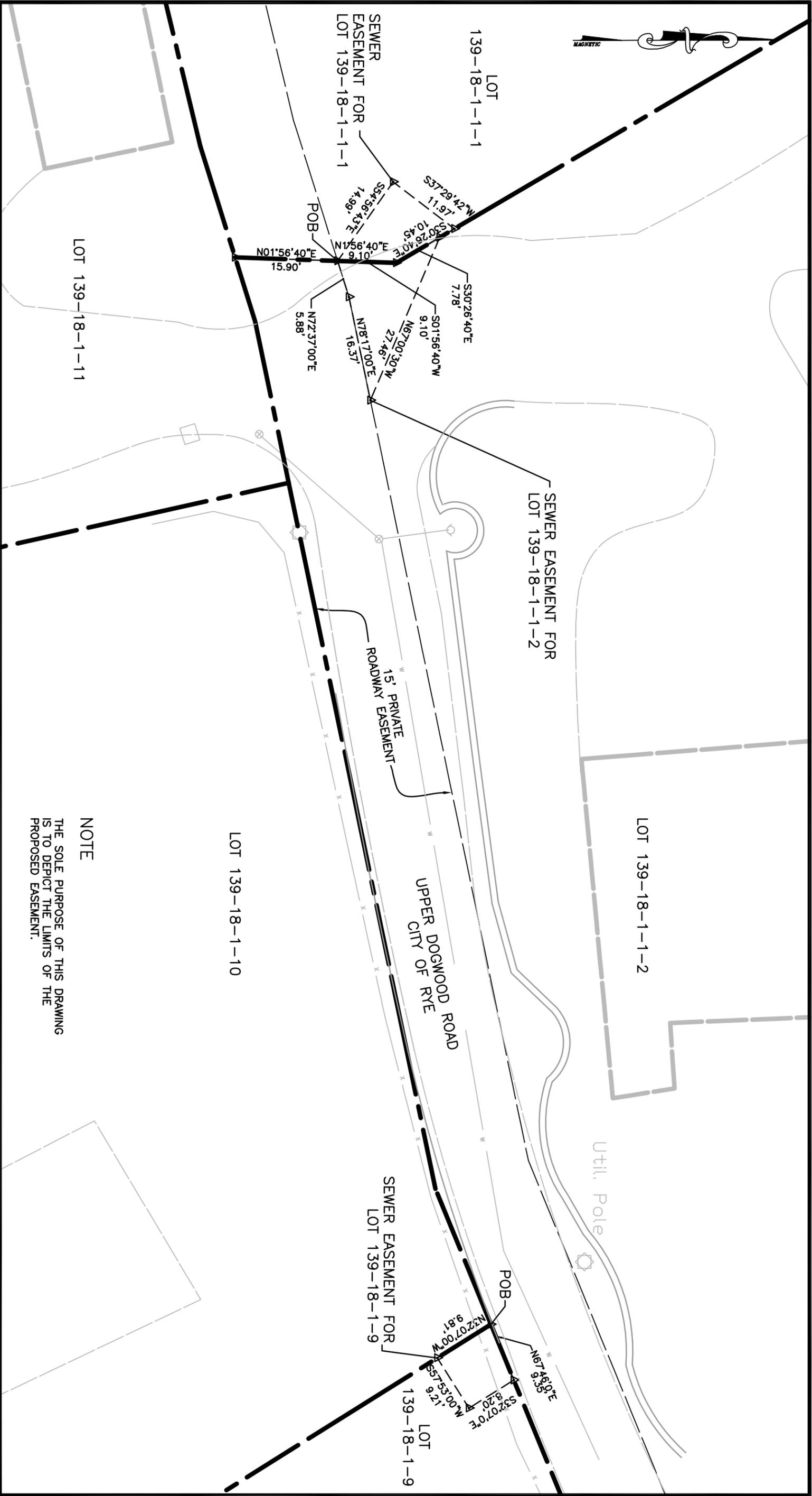
and

CITY OF RYE

RECORD AND RETURN TO:

PROPERTY AFFECTED:

City of Rye
Sheet 139.18
Block 1
Lots 1.9



NOTE
 THE SOLE PURPOSE OF THIS DRAWING
 IS TO DEPICT THE LIMITS OF THE
 PROPOSED EASEMENT.

Drawing Name: F-UTILITY_Easement.dwg
 Drawn: JYP
 Designed: MF
 Checked: WCU
 Released:

W. CHARLES UTSCHIG, JR., P.E.
 N.Y. License No. 062303-1
 DATE: _____

**SEWER EASEMENT
 FOR PARCEL ID 139-18-1-9
 UPPER DOGWOOD LANE
 LOW PRESSURE FORCEMAIN**

SITUATED IN
 TOWN OF RYE, NEW YORK

BIRDSALL SERVICES GROUP
 ENGINEERS & CONSULTANTS

Birdsall Engineering, Surveying & Landscape Architecture, LLC
 1311 Manhattanek Avenue, Suite 30
 White Plains, NY 10605
 NY Certificate of Authorization No. 0004795

Job No. 0801606
 Date 01/01/07
 Scale: (H) 1"=15'
 (V)

Tel.: 914.686.1000
 Fax: 914.686.1222
 WWW.BIRDSALL.COM

1 OF 1



CITY OF RYE
CITY HALL • RYE, NEW YORK 10580
TELEPHONE (914) 967-5400

ENGINEERING DEPARTMENT

February 1, 2011

Westchester County Department of Health
145 Huguenot Street
New Rochelle, NY 10801

RE: Upper Dogwood Sewer Extension (Low Pressure Force Main Project), Shut off Valve Easements Request for Information

Ms. Caruso,

We have obtained easements for the two shut off valves at the Upper Dogwood sewer project that have been installed outside of the original roadway easement on Upper Dogwood Lane.

Valve number "1" (see attached map and photo) was installed as close to the roadway easement as possible. The proximity of the stone retaining wall along the edge of pavement and the grading beyond the wall prohibited the valve from being located within the roadway easement.

Valve Number "2" (see attached map and photo) was installed just behind the curb line at the end of the Upper Dogwood Lane. While it is outside of the road way easement it is located adjacent to the paved area and is not physically obstructed. It is currently accessible to the City of Rye from the road way. This valve was relocated outside of a high traffic area. The change in location was prompted by an issue with a cable TV line which was discovered during excavation. This information was not available to the City of Rye from the utility company during the design phase of this contract, nor was the line marked by the code 753 mark-out. There was also a concern with the traffic load transmitting through the valve structure to the PVC lateral and causing a breakage.

Regards,

Christopher A. Tallarini
Assistant City Engineer



CITY OF RYE

CITY HALL • RYE, NEW YORK 10580

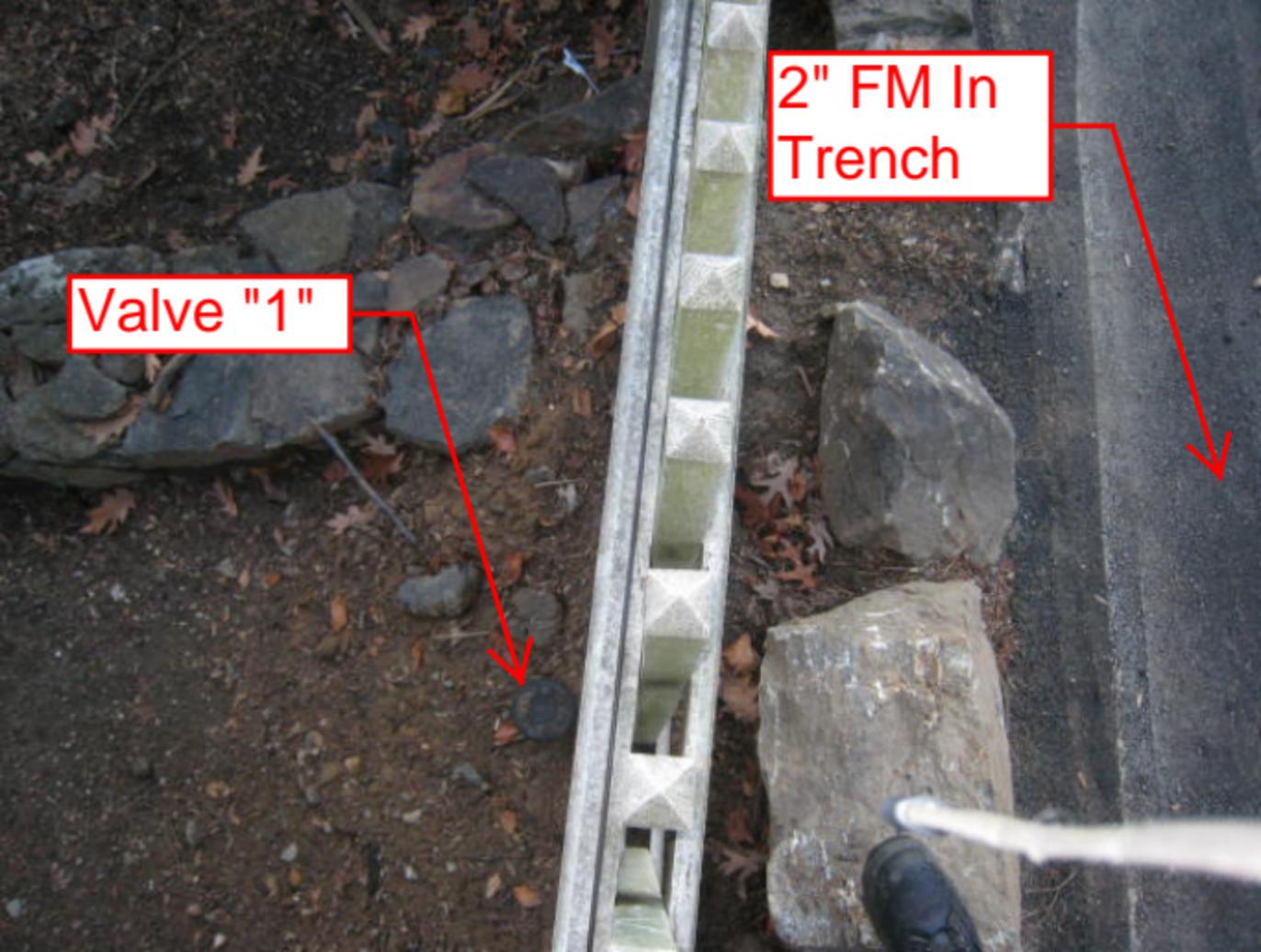
TELEPHONE (914) 967-5400

ENGINEERING DEPARTMENT

VALVE PICTURES AND MAP

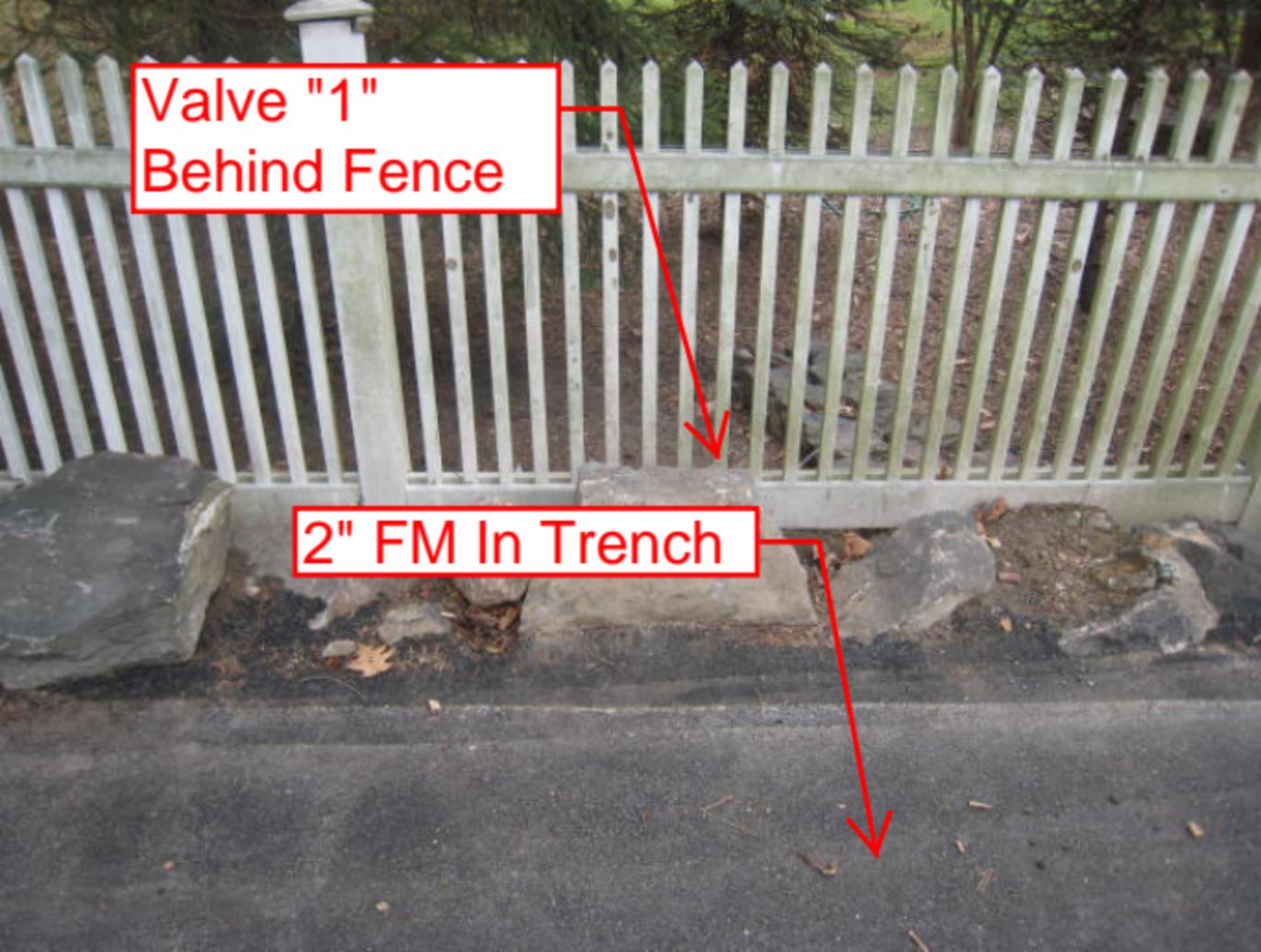
Valve "1"

2" FM In Trench



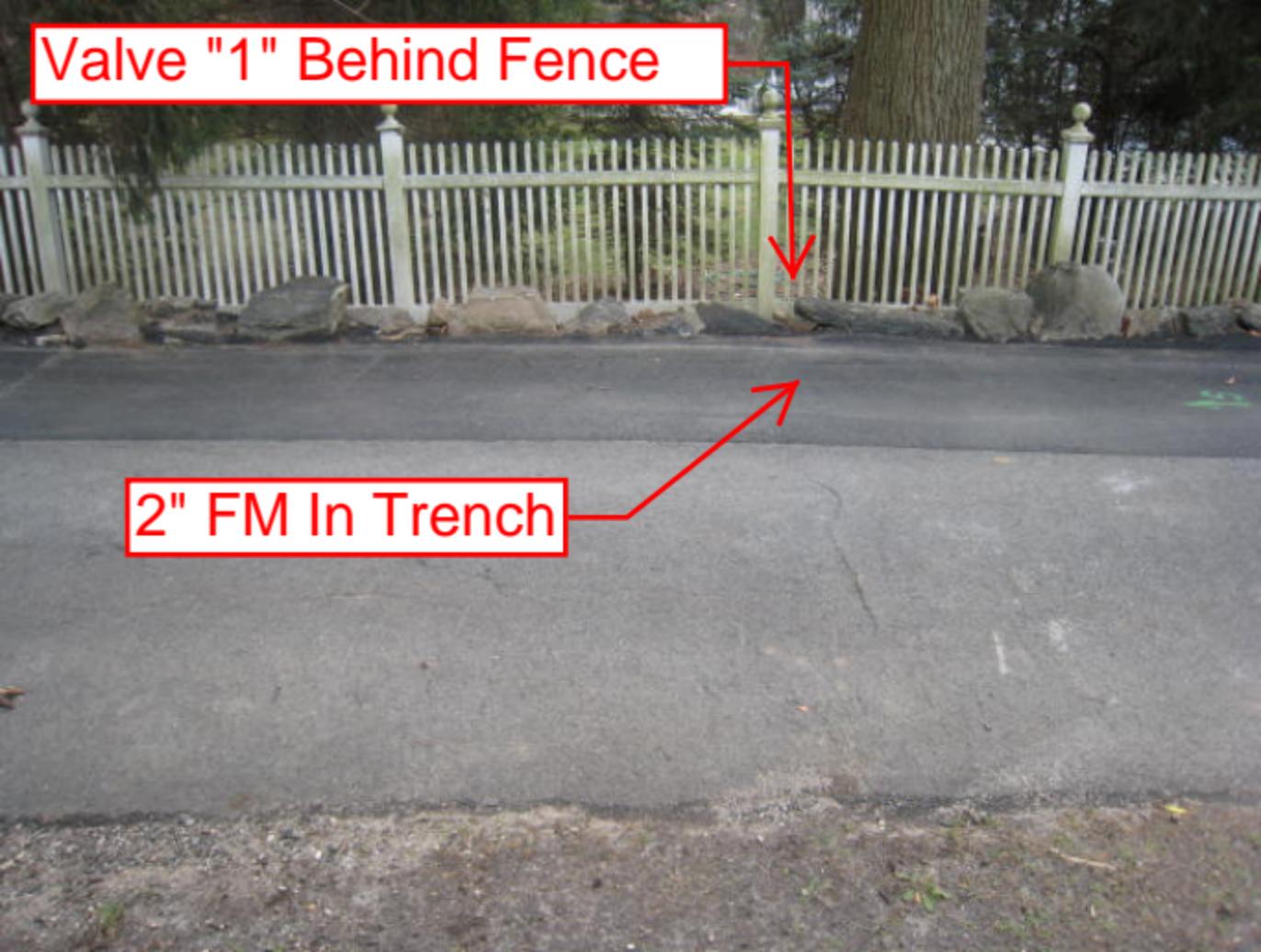
Valve "1"
Behind Fence

2" FM In Trench



Valve "1" Behind Fence

2" FM In Trench



Valve "2"

Cable TV Line

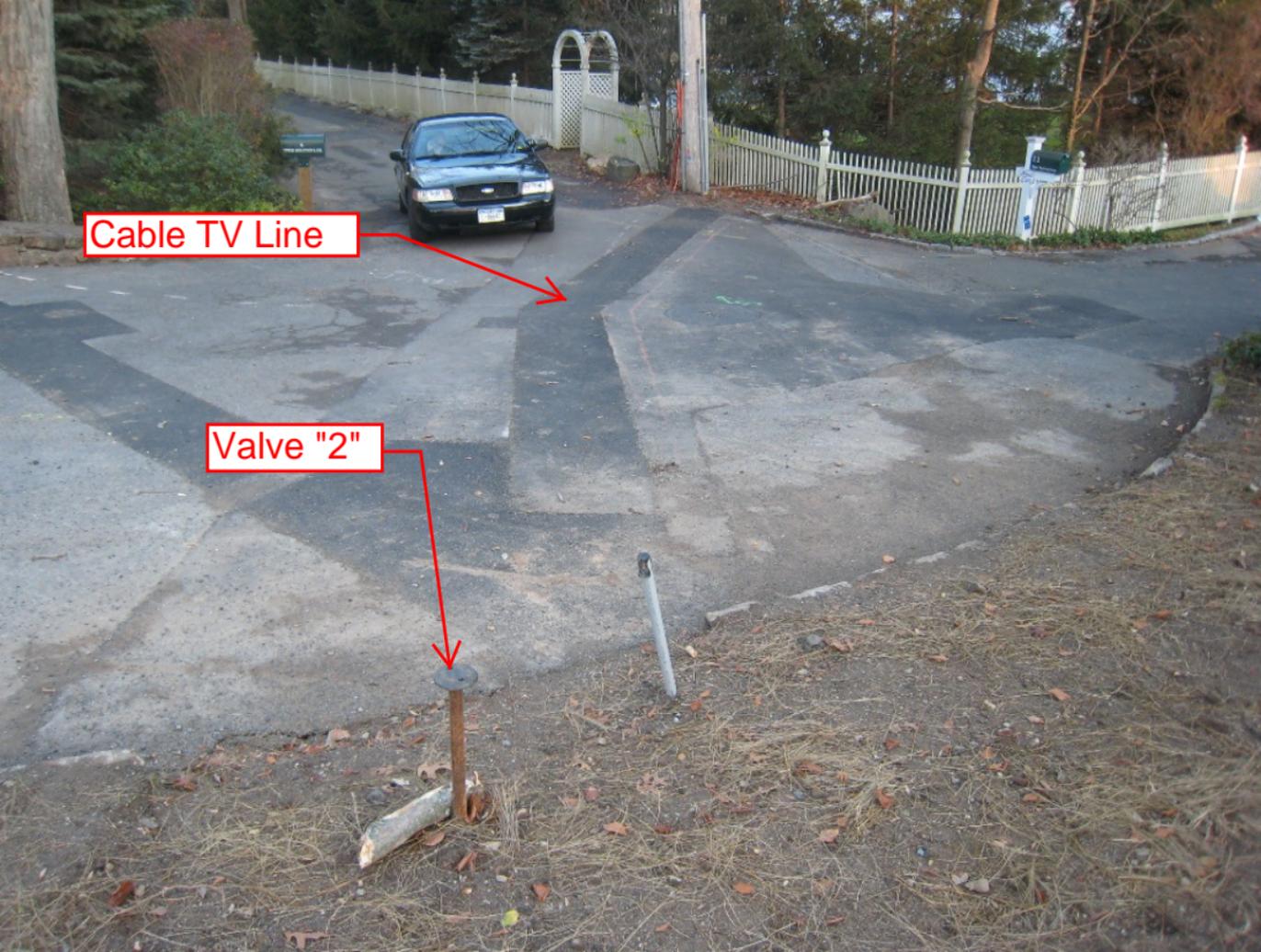


57



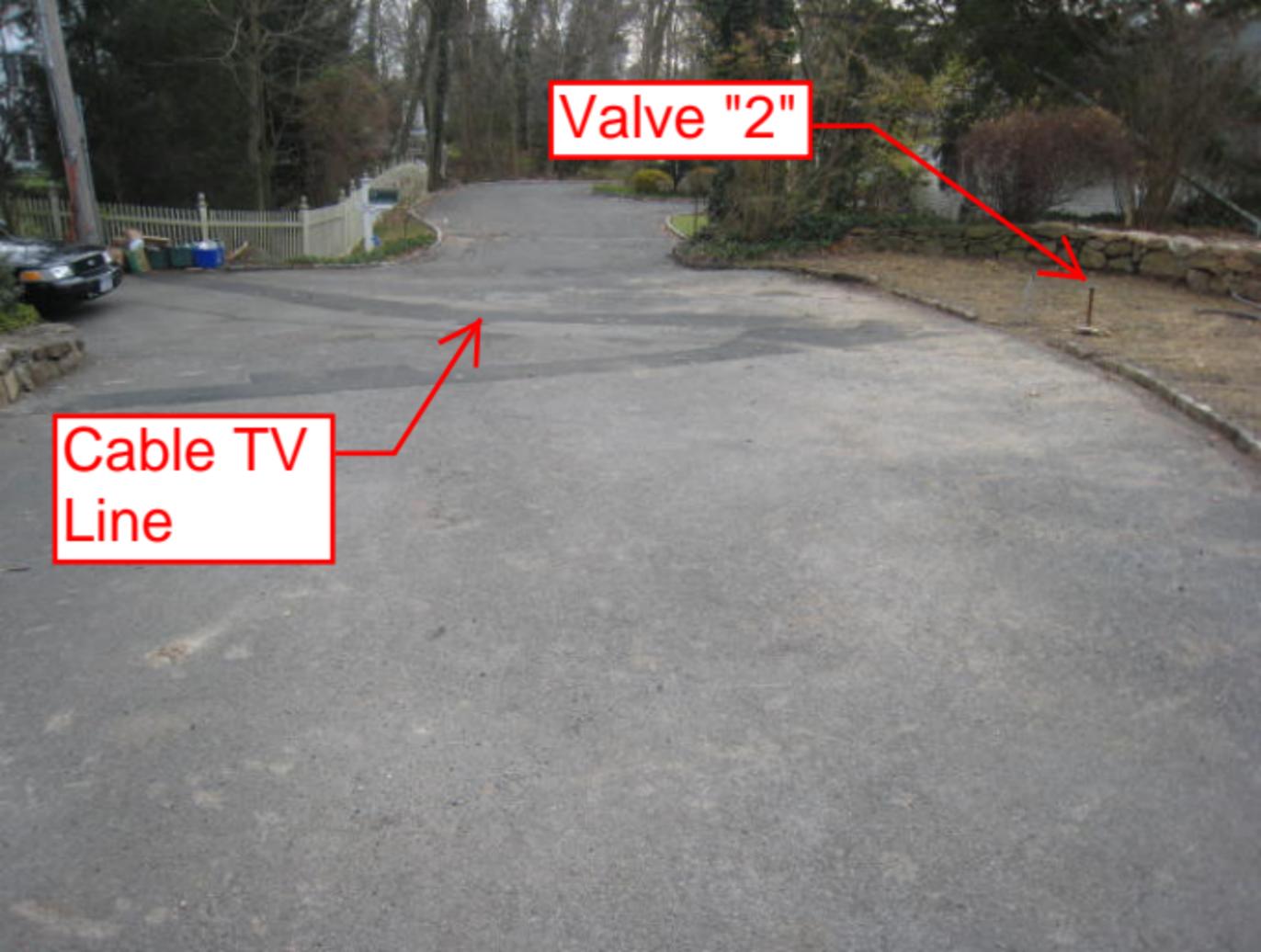
Cable TV Line

Valve "2"



Valve "2"

Cable TV
Line



Valve "2"



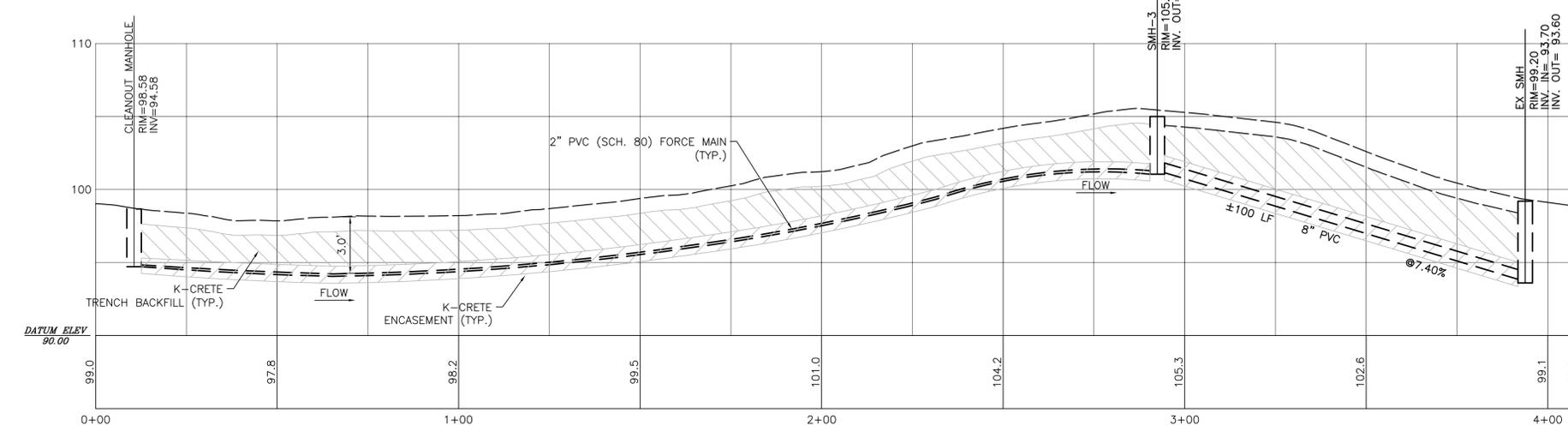
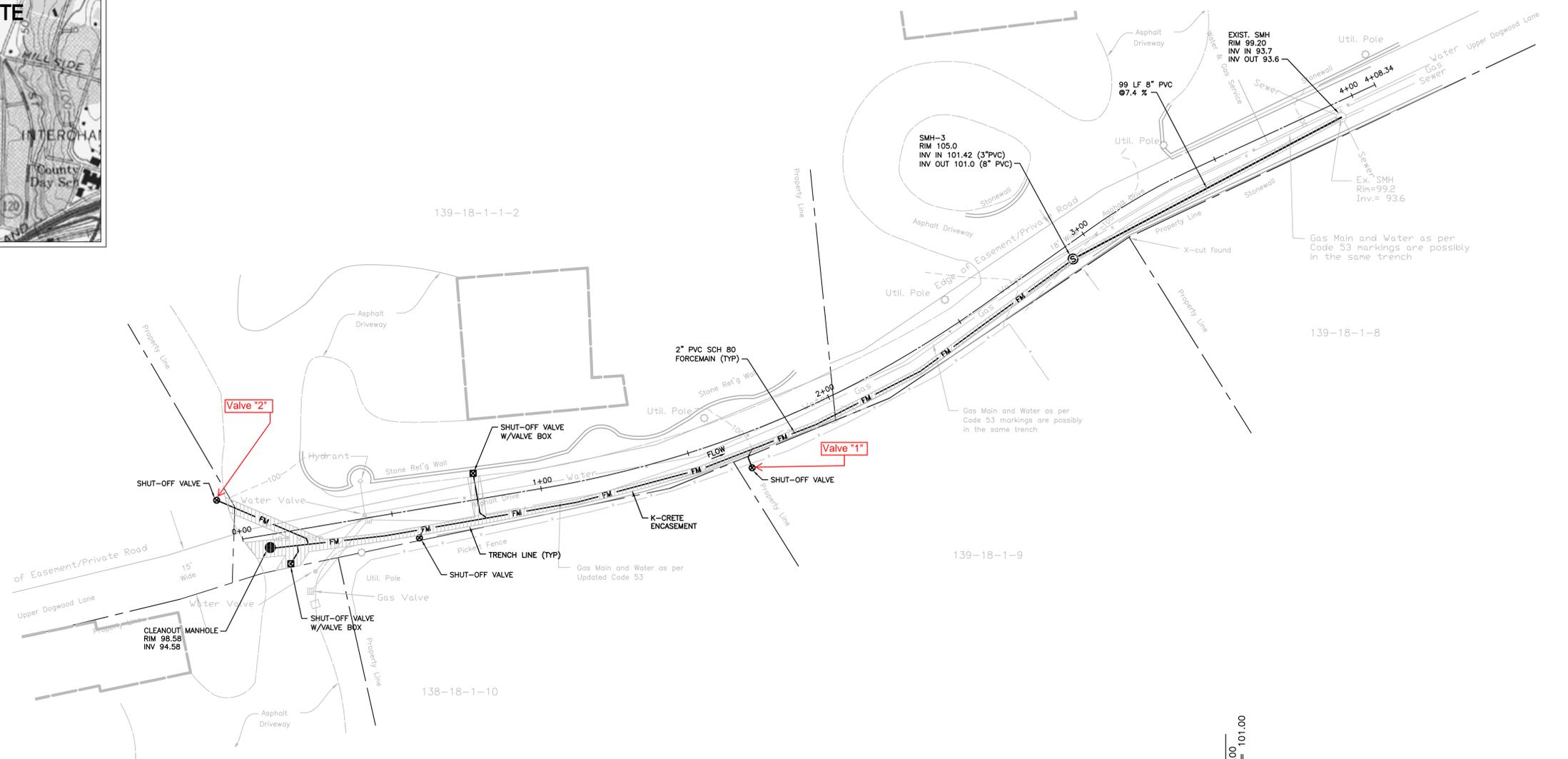
Cable TV
Line





VICINITY MAP
N.T.S.

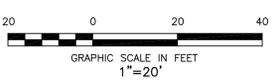
EXIST.	PROP.	DESCRIPTION
—	—	STREET SIGN
○	○	UTILITY POLE
—	—	EDGE OF PAVEMENT
—	—	MINOR CONTOUR
—	—	MAJOR CONTOUR
—	—	TREE LINE
—	—	SPOT GRADE
—	—	PROPERTY LINE/RIGHT OF WAY
—	—	ABUTTING PROPERTY LINE
—	—	EASEMENT LINE
○	○	STONE WALL



ALTERNATIONS BY ANY PERSON IN ANY WAY, OF ANY ITEM CONTAINED ON THIS DOCUMENT, UNLESS ACTING UNDER DIRECTION OF THE LICENSED ENGINEER WHOSE PROFESSIONAL SEAL IS AFFIXED HERETO, IS A VIOLATION OF TITLE VII, SECTION 69.5 (b) OF NEW YORK STATE LAW.

DOGWOOD LANE
HOR. SCALE: 1" = 20'
VER. SCALE: 1" = 5'

NOTICE
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W. CHARLES UTSCHIG, JR.
PROFESSIONAL ENGINEER, N.Y. LIC. No. 62303-1



1311 MAMARONECK AVENUE
SUITE 50
WHITE PLAINS, NY 10605
TEL (914)686-1000
FAX (914)686-1222

UTILITY PLAN
UPPER DOGWOOD LANE
LOW PRESSURE FORCEMAIN

CITY OF RYE WESTCHESTER COUNTY NEW YORK

PROJECT NO. 080160601	DATE 9/28/2010
DRAWN BY JYP	DESIGNED BY DM
SCALE 1"=20'	CHECKED BY WCU
BSG	
SHEET NO. 1 of 1	



CITY COUNCIL AGENDA

NO. 15

DEPT.: Corporation Counsel

DATE: February 9, 2011

CONTACT: Kristen Wilson, Corporation Counsel

AGENDA ITEM: Appeal of denial of Freedom of Information Law request made by Timothy Chittenden.

FOR THE MEETING OF:

February 9, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council make a decision on the appeal.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: On December 7, 2010 a request was received for:

All transcripts from all court proceedings and depositions with regard to Michael Bassett v. City of Rye.

A response was sent to the requestor on January 14, 2011; that response is being appealed.