

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, March 2, 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 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 February 9, 2011.
5. Residents may be heard who have matters to discuss that do not appear on the agenda.
6. Mayor's Management Report
 - Legal Update
7. Public Hearing regarding the establishment of the Kirby Lane Extension Sanitary Sewer Special Assessment District.
8. Consideration to set a Public Hearing to amend Local Law Chapter 53, Section 53-2, "Membership of Architectural Review Board", stipulating residency requirements for architects serving on the Board of Architectural Review.
9. Resolution on potential uses for Rye Playland to be submitted to Westchester County.
10. Resolution to adopt the proposed changes to the City of Rye's post 65 retiree Aetna health insurance program.
11. Authorization for City Manager to enter into a preservation easement with the New York State Historic Preservation Office in satisfaction of a grant for the Rye Meeting House from the National Park Service.
12. Appeal of denial of FOIL request by Timothy Chittenden.
13. Miscellaneous communications and reports.
14. Old Business.
15. New Business.

16. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, March 16, 2011.

** 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 3/2/11 will be held at 6:30 pm in the Mayor's Conference Room prior to the scheduled executive session.



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: March 2, 2011

CONTACT: Dawn F. Nodarse

AGENDA ITEM: Draft unapproved minutes of the Regular Meeting of the City Council held February 9, 2011, as attached.

FOR THE MEETING OF:

March 2, 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 February 9, 2011, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on February 9, 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 7:03 p.m. Mayor French made a motion, seconded by Councilman Sack and unanimously carried, to immediately adjourn into Executive Session to discuss real estate and attorney/client matters. Mayor French made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the Executive Session at 8:06 p.m. The regular meeting convened at 8:13 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

Councilman Sack noted the passing of two long-time residents, Joe Brendel and Bruno Triano.

4. Draft unapproved minutes of the regular meeting of the City Council held January 26, 2011

Councilman Filippi made a motion, seconded by Councilwoman Gamache and unanimously carried, to approve the minutes of the regular meeting of the City Council held on January 26, 2011, as amended.

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

Sis D'Angelo, 110 Wappanocca Avenue, said the City should contact the MTA about repairing the wall under the railroad bridge on Purchase Street and said that if they don't want to fix it, the City should fix it and charge them. She also said that storeowners should be shoveling all of the sidewalks in front of their stores and that sandwich boards with balloons should not be allowed on street corners. It was noted that sandwich boards are illegal and the business owners using them should be notified.

Robert Schubert, 980 Forest Avenue, spoke about the situation with his pond, saying that the City is at fault for what has happened to his property. The Mayor advised Mr. Schubert that since there is pending litigation regarding the case, the Council would not comment.

Robert Zahm, Ridgewood Drive, asked if the Council was still considering a Home Rule request to increase the gross receipts tax, and, if not, they should consider repealing the 1% that is already charged.

6. Mayor's Manager Report
● Highlights of the 2011 Governor's Budget

There is a proposal to cut AIM funding by 2%, which would equal a \$25,000 cut to the City, but CHIPs funding will remain flat. The Westchester Municipal Officials Association has put forth legislative priorities regarding the proposed tax cap, which include mandate relief.

● Grant Awards for Bird Homestead Property Acquisition

The City has received \$450,000 for two of the grants. Everything is in place for the \$350,000 Parks and Historic Preservation Grant and the City is waiting for the Grant Disbursement Agreement. A closing must be set for the \$200,000 Westchester County Grant, which the County is talking about having before the end of February.

● Legal Update

Corporation Counsel Wilson reported on the following matters:

Schubert matters – the City is waiting for a decision from Judge Karas on its motion to dismiss in the Federal Civil Rights action and a decision on the Article 78 proceeding pending in Supreme Court, Westchester County. The City has recently been in communication with representatives of the Schuberts.

HealtheHarbor.com v. City of Rye – Judge Zambelli found that Chapter 161 of the City Code is still on the books but the City has the discretion on whether or not to enforce the provisions. The City will be taking a close look at Chapter 161 and other existing provisions in the Code in order to determine what needs to be updated and what needs to be removed. She added that the City has been in recent communication with Westchester County and believes that the City can work cooperatively with the County moving forward.

Ray Tartaglione asked if the City's position had changed with regard to enforcement on Hen Island. Mayor French said the City believes that the County is the City's lead agency in

regard to environmental and health matters. Mr. Tartaglione said that the Court has indicated the City has the discretion to enforce laws on its books; that it should do so and that it is the Council's duty to do so.

Agenda Item 8 was taken out of order.

7. Presentation by the Government Policy & Research Committee on the Westchester County flood law

Susan Jansen, Matt Thomas and Elaine DiConstanzo representing the Government Policy & Research Committee gave a presentation on Storm water Management in Westchester County and proposed County Legislation Local Law 27-2010. Highlights of the presentation included:

- Increase in real estate development over the last 20 years is a leading cause of the increase in flooding.
- Flood mitigation projects are beyond the reach of individual municipalities and should be viewed from a perspective of “watershed districts.” This had led to the emergence of inter-municipal efforts such as the Flood Management Task Force and the Long Island Sound Watershed Inter-municipal Council (“LISWIC”).
- Flood mitigation projects initiated since 2007 have been limited and relied on individual municipal capital improvement funds or grants.
- The concept of LISWIC, which would be a new taxing entity, is problematic in the current political environment.
- The legislative intent of County Law 27-2010 is that local municipalities should not be solely responsible for storm water management. There should be cooperation among municipalities, the County, the State and Federal Government to come up with storm water management plans.
- The County should provide financial assistance to eligible municipalities for approved storm water projects that meet established criteria, subject to annual appropriations by the Board of Legislators.
- The County legislation would: require development of watershed-wide storm water management plans; create procedures to help fund municipal storm water projects; require development of a Reconnaissance Plan that will serve as the basis for the development of subsequent storm water management plans; create a Storm Water Advisory Board; create Basin-wide Watershed Advisory Boards; and comply with the requirements of the State Environmental Quality Review Act (“SEQRA”).
- If the City decides to participate in the process it would be required to: provide certification to the County that there is a flooding problem and that what is being proposed would not exacerbate flooding in the County; apply for Phase I funding to underwrite engineering projects regarding the nature of flood mitigation projects in Rye; apply for Phase II funding for the construction of storm water mitigation projects; and ongoing management of construction projects, compliance with Inter-municipal Agreements (IMA's) and monitoring of appropriations received from the County.
- The City would be financially responsible for 100% of the costs involved in the certification process; 50% of the costs of the projects and any budget overruns.
- County-wide mitigation projects will be prioritized.

- Negotiations and IMA's with other municipalities will be very important to getting projects done.

City Manager Pickup said the City has already spent a great deal of time and money proving it has flooding issues. He said he is concerned that the Army Corps of Engineers is missing from the County proposal because in order to receive federal money, a project must receive separate approvals from the Army Corps.

8. Presentation by the Playland Strategic Planning Committee on the recommendations for Playland

Charles Dorn, the Chair of the Playland Strategic Planning Committee gave a summary of the work of the committee over the last few months prior to providing the Council with the Committee's recommendations of what they believe should be incorporated in a Resolution. He said the Committee learned there is no vision for the future of Playland included in the Request for Proposal (RFP). He said there were so many options discussed by the Committee that they could not come up with an idea that everyone agreed upon and, therefore, they were presenting a set of values and principles that are important to Rye. They include:

- Playland is a public resource for the use and enjoyment of all residents of Rye and Westchester County and any proposed use should insure public use of and access to open space, Long Island Sound and facilities.
- Any use of the Playland site must be sensitive to environmental considerations and sustainability and any future use to Playland should emphasize the improvement of the environmental impact to the site.
- A large portion of Playland is designated as a National Historic Landmark and any changes, removal or replacement of structures not landmarked should be consistent with the historic heart of Playland.
- Any proposal affecting the site must be examined to insure it is both financially responsible and sustainable and proposed uses that present opportunities to reduce costs or the portion of costs borne by the public should be given careful consideration.
- Any proposal affecting Playland should comply with existing Rye zoning ordinances.

Councilmembers expressed additional concerns such as stronger language regarding zoning; traffic and pedestrian safety; clarification of the jurisdiction and roles of the various involved parties; noise; the Children's Museum; no alienation of parkland, and the Tiki Bar. It was noted that the Tiki Bar has been excluded from the RFP process. It was also suggested that the City should not commit to standards that can be used against it and a simpler Resolution supporting anything that does not adversely affect the City might be more beneficial. The City Council must advocate for what is best for Rye. The City Manager noted that if Playland is open year round, the impact on morning school drop off must be evaluated. Mayor French asked Corporation Counsel Wilson to prepare a Resolution for discussion at the next meeting.

There was also a brief discussion of issues related to the operation of the Tiki Bar such as noise, utilization of space and security issues. Mr. Dorn said that many of the concerns have been addressed in the renegotiated contract with the County.

9. Presentation by the Traffic & Pedestrian Safety Committee on red light cameras

Brian Dempsey, Chairman of the Traffic and Pedestrian Safety Committee, said there are mixed opinions on the value of red light cameras. They are supported by the Federal Highway Administration; they reduce the number of people who run red lights, which is a major cause of serious accidents; they reduce right-angle accidents; but they increase the number of rear-end accidents and increase the total number of accidents at intersections. There are currently 26 states that allow red light cameras. There are six red light camera programs approved in New York, all in large cities or counties. In order to receive approval the City must show a need for them by showing there are locations with enough traffic and violators to warrant them. Companies that install and maintain the cameras may not be interested unless they can obtain sufficient revenue from them. New York State is in a four-year trial program regarding the currently approved locations and it is doubtful that they will permit any other installations during that period.

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

Debra Julian, Director of the Library Board, explained the Chapter 414 process, which is a way for libraries to gather petitions and go out for a vote on their budgets. The overall goal is to get sustainable funding for the Library in order to create a strategic plan to offer the best services to the community. A 414 Plan requires a significant amount of time for publicity and marketing to the community before getting on a ballot and is very costly. A 501 (c)(3) organization must be formed to fund the process, which could cost up to \$50,000. Councilwoman Gamache, the Council Liaison to the Library, noted that the turnout for library votes is usually small and they must go through the process every time they want to increase their funding. She added that the Library has agreed to work with the City's labor lawyer on their upcoming labor agreements and it might be a better idea to consider an agreement with the Library to provide a certain level of funding during the length of the contract. City Manager Pickup warned that if the State Legislature enacts a tax cap, a 414 Plan for the Library could be more beneficial to the City than a long-term agreement because the Library would be funded separate from the City budget.

Councilmembers expressed their belief that the Library provides an essential service to the community and needs sustainable funding. It was noted that there may not be the will in the community to support the idea of a 414, which would create another taxing authority. There was also support expressed for a 414 Plan because it would test community support for the Library. It was also noted that if the 414 vote was timed with local elections there would be a higher turnout. Mayor French said he believed it was the general sense of the Council to pursue the option of a multi-year agreement with the Library.

Robert Zahm said he believed that a 414 would actually reflect the will of the voters and suggested that if approved, the Council should commit to eliminate the money currently allocated for the Library from its budget or reallocate it to infrastructure improvements.

11. Discussion of a proposed Tree Ordinance by the Conservation Commission/Advisory Council

Councilman Filippi said there has been discussion about revising the City's Tree Ordinance for several years. City Planner Christian Miller has proposed amendments to the current law, which would make Rye more in line with surrounding communities in maintaining trees. Caroline Cunningham from the Planning Commission and Jim Nash from the Conservation Commission/Advisory Council (CC/AC) referred to a joint proposal from the Planning Commission and CC/AC that included seven conditions that should be included in an updated ordinance dealing with (1) applicability; (2) clear cutting; (3) removal criteria; (4) applicability to City property; (5) Planning Commission review; (6) Board of Architectural Review jurisdiction; and (7) consistency in the Code. Their main focus is to stop the loophole in the current law that permits clear cutting of trees prior to subdivision approval and removal of large numbers of trees. They believe there should be some entity that reviews tree clearing actions and pointed out that many other communities are strengthening their tree ordinances and requiring permits to take down trees.

City Manager Pickup said there are issues involved in the proposal to change the tree ordinance due to reductions in staff in the Department of Public Works and Building Department. He said the Council has to discuss how they expect the new law will be implemented; how it will physically operate; and how people will go out in the field and make it work, either by adding staff or hiring private parties to do the work and charging it back to homeowners. He said there should also be consideration regarding adding additional work for the Boards and Commissions and advised that there would also need to be an appellate process set up.

It was suggested that City Planner Miller be asked to look at an amendment to the law that would deal with only the worst problems that currently exist. There was also a suggestion to consider it as part of the overall Sustainability Plan for the City. Staff was asked to come back to the Council with a draft revision that dealt with the issues of clear cutting and multiple tree removal.

12. Resolution to transfer funds from contingency to the Public Works Department for costs pertaining to storm overtime and materials
Roll Call.

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

WHEREAS, City staff has determined that the amounts required for sale 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.

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Filippi

The Resolution was adopted by a 6-0 vote.

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.

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

RESOLVED that the City Council of the City of Rye hereby authorizes that payment of the balance of \$148,903.49 of unpaid Rye Neck U.F.S.D taxes, on property within the City of Rye as of December 31, 2010, be made to the Treasurer of the Rye Neck UFSD.

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.

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

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

RESOLVED, that the City Manager is hereby authorized to enter into license agreements with Mark C. and Bridget Davis, residing at 8 Upper Dogwood Lane (Sheet 139.18, Block 1, Lots 1.1 and 1.2 on the Tax Assessment

Map of the City of Rye) and Conrad J. and Cynthia Wells DeSantis, residing at 12 Upper Dogwood Lane (Sheet 139.18, Block 1, Lot 1.9 on the Tax Assessment Map of the City of Rye) for the operation and maintenance of sanitary sewer service laterals and shut-off valves.

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.

15. Appeal of denial of FOIL request by Timothy Chittenden

Corporation Counsel Wilson said that Mr. Chittenden, under the Freedom of Information Law (F.O.I.L.), has requested all transcripts from all court proceedings and depositions in connection with the *Michael Bassett v. City of Rye* lawsuit. She said it was a two part appeal. The first part deals with the request for the trial transcript. She was provided with the transcript that consists of approximately 400 pages, in paper form from the trial attorney's office and informed him of the cost of the document. Since that response, the City has obtained a scanner that is equipped to scan large documents and the document has been scanned and provided. The second part of the appeal deals with the deposition testimony. This was denied under Section 87-2(e) of the Public Officers Law. The depositions did not take place in public. The matter proceeded to trial and there are post-trial motions pending at the trial level. Ms. Wilson said that she has spoken with Bob Freeman of the Committee on Open Government and based on her conversations with him, he believes that 87-2(e) could be applicable as well as 87-2(a) and 2(b).

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

RESOLVED, that the appeal of the denial of a Freedom of Information Law (F.O.I.L.) request dealing with the method of producing the transcripts of the court proceedings in the *Michael Bassett v. City of Rye* lawsuit, is hereby denied.

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.

The Council then discussed the second part of the F.O.I.L. appeal – the denial of the request for deposition transcripts. Ms. Wilson said she had denied access to these records under Section 87-2(e) of the Public Officers Law that concerns documents that are compiled for law enforcement purposes, which would, if disclosed, interfere with law enforcement investigations or judicial proceedings.

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

RESOLVED, that the appeal of the denial of a Freedom of Information Law (F.O.I.L.) request for the deposition transcripts in connection with the *Michael Bassett v. City of Rye* lawsuit is hereby approved subject to redaction of all confidential information and charging the appropriate fees.

ROLL CALL:

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

The Resolution was defeated by a 6-1 vote.

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

RESOLVED, that the appeal of the denial of a Freedom of Information Law (F.O.I.L.) request for the deposition transcripts in connection with the *Michael Bassett v. City of Rye* lawsuit is hereby denied under sections 87-2(a), 87-2(b) and 87-2(e) of the New York State Public Officers Law.

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.

16. Miscellaneous Communications and Reports

Councilwoman Keith reported that the Sustainability Stakeholders Committee would be meeting on March 31st. The goal would be to listen to key stakeholders in town.

Councilwoman Parker announced that she would be holding a Town Hall meeting for children to talk about Playland on February 28th at 4:30.

17. Old Business

Councilman Filippi asked if a Home Rule request could be considered to allow the City to recoup fees expended in tax foreclosure actions. He also suggested discussing setting up a penalty structure for repeat offenders.

Councilwoman Keith asked for an update on two issues regarding the Tiki Bar – the moorings and if the property is taxable by the City. City Manager Pickup said it is believed that the moorings are in City jurisdiction and the owners of the Tiki Bar will be billed for them retroactively for 2010 and for 2011. He said that the Assessor is looking into the tax issue. Ms. Keith also asked if the Council was interested in passing a resolution endorsing the East Coast Greenway, similar to ones passed by Mamaroneck and Port Chester.

Councilman Sack said that the discussion of the Golf Club originally scheduled for the March 7th meeting, will be expanded to include other groups and, therefore, will be postponed to some time in April.

Mayor French asked that Police Commissioner Connors come to a meeting in March and provide an update on Coyotes. He also asked that Comptroller Gribbins come back to update the Council on Rye Town Park issues.

18. New Business

Councilwoman Keith said the residents can go to the MTA website to receive alerts when changes are made to schedules. City Manager Pickup said that the long-term fix for the MTA is to receive federal money through the Transportation Planning process.

Mayor French said that former Councilman Gerry Seitz would be making a presentation at the March 16th meeting regarding parking technology. The Mayor also asked staff to highlight issues that the Council should be looking at regarding the Model Ordinance proposal to deal with the affordable housing issue

19. Adjournment

There being no further business to discuss Councilman Sack made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the meeting at 12.13 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: March 2, 2011

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

March 2, 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



CITY COUNCIL AGENDA

NO. 7 DEPT.: Engineering DATE: March 2, 2011
CONTACT: George Mottarella, City Engineer

AGENDA ITEM: Public Hearing regarding the establishment of the Kirby Lane Extension Sanitary Sewer Special Assessment District.

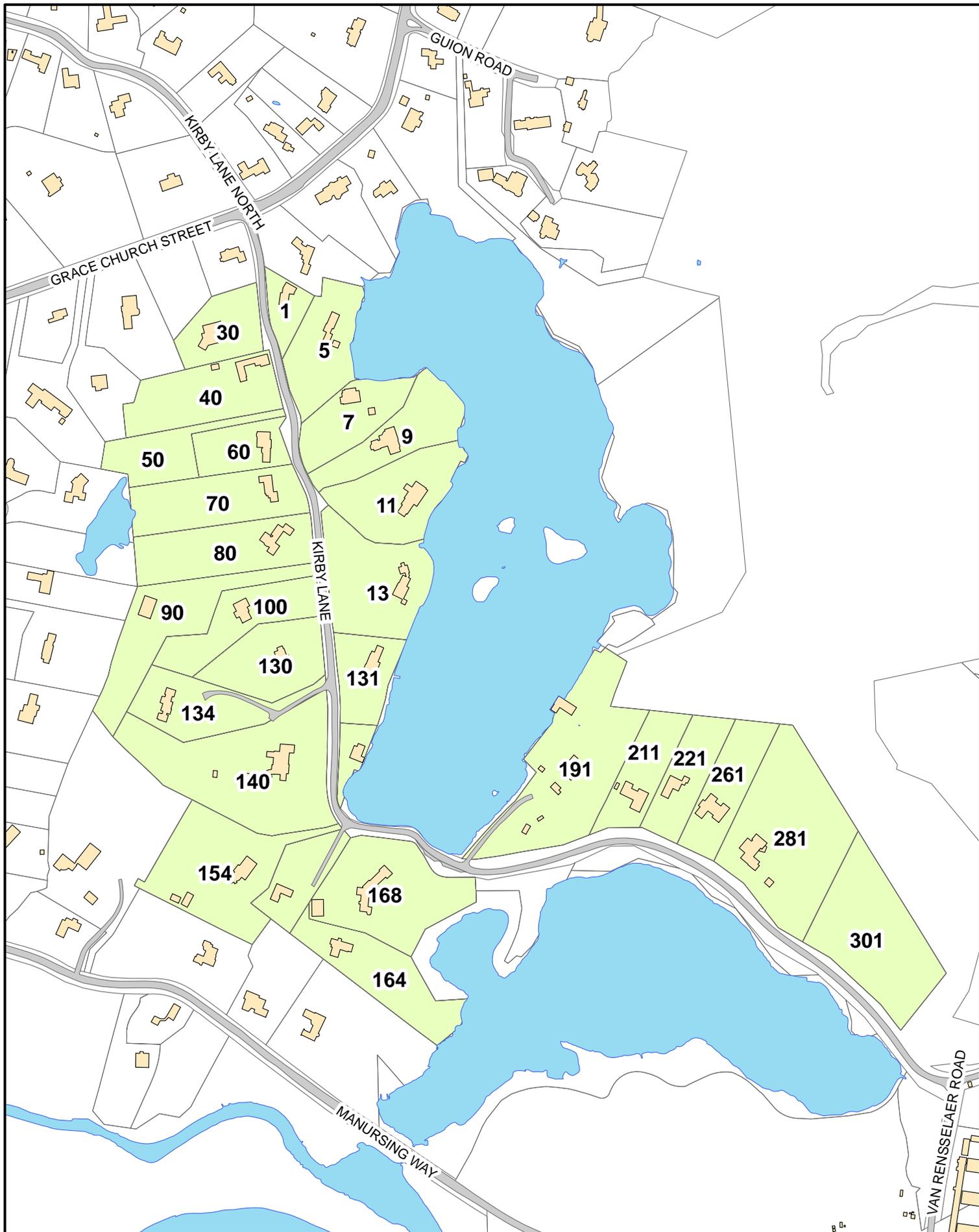
FOR THE MEETING OF:
March 2, 2011
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Rye City Council has received a petition from 23 of the 27 property owners in the district requesting that the City undertake a local improvement pursuant to Chapter 128 of the Rye City Code to extend sanitary sewer service to 29 properties located on Kirby Lane South of Grace Church Street. Section 128-2 provides that the Council may undertake a local improvement where it receives a petition from property owners who own more than 66 2/3% of the lots and parcels which would benefit by the requested local improvement. A public hearing and notice is required prior to creating a district.

Kirby Lane Extension Sanitary Sewer Special Assessment District





CITY COUNCIL AGENDA

NO. 8

DEPT.: Corporation Counsel

DATE: March 2, 2010

CONTACT: Kristen Wilson, Corporation Counsel

ACTION: Consideration to set a Public Hearing to amend Local Law Chapter 53, Section 53-2, "Membership of Architectural Review Board", stipulating residency requirements for architects serving on the Board of Architectural Review.

FOR THE MEETING OF:

March 2, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Membership on the Architectural Review Board currently stipulates that all members shall be residents of the City. Due to constraints in finding architects to serve on the Board who are Rye residents, the proposed amendment will expand the residency requirement for the serving architect to be a resident of Westchester County.

See attached draft Local Law.

**CITY OF RYE
LOCAL LAW NO. 2011**

**A local law to amend Chapter, 53-2 “Membership of Architectural Review Board”
of the Code of the City of Rye as follows:**

Section 1

[Amended 2-1-2006 by L.L. No. 2-2006]

§ 53-2 Membership of Architectural Review Board.

In accordance with Article 19 of the Rye City Charter, there is hereby created a Board of Architectural Review which shall consist of seven members who shall serve without compensation. **Any** # members of the Board shall be a **lawful** residents of the City and shall be specially qualified by reason of training or experience in architecture, land development, community planning, real estate, landscape architecture, architectural history, engineering, law, building construction or other relevant business or profession, or by reason of civic interest and sound judgment to judge the effect of a proposed erection, reconstruction or alteration of a structure upon the desirability, property values and development or preservation of surrounding areas and to understand and carry out the legislative findings and policy statements of the Council set forth in §53-1. **There shall be no requirement that a member of the Board be a citizen of the United States.** At least one member shall be a registered architect in the State of New York. The Chair and other members of the Board shall be appointed by the Mayor, with the approval of the Council, for terms of three years, with staggered terms, such terms to be subject to renewals at the discretion of the Mayor, subject to the approval of the Council, except that one new appointment made in 2006 shall be for a two-year term, and one new appointment made in 2006 shall be for a one-year term so that term, and thereafter their successors shall be appointed for terms of three years from and after the expiration of the term of their predecessors in office. In the same manner, vacancies shall be filled for the unexpired term of any member whose place has become vacant.

Section 2

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



CITY COUNCIL AGENDA

NO. 9 DEPT.: City Manager's Office DATE: March 2, 2011
CONTACT: Scott D. Pickup, City Manager

<p>AGENDA ITEM: Resolution on potential uses for Rye Playland to be submitted to Westchester County.</p>	<p>FOR THE MEETING OF: March 2, 2011 RYE CITY CODE, CHAPTER SECTION</p>
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RECOMMENDATION: That the Council review the Resolution to be submitted to Westchester County.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Rye City Council will submit a resolution to Westchester County regarding the City's primary principles and values to be applied during Westchester County's review of proposals submitted in response to the Request for Proposal entitled "Reinventing Playland Park for the 21st Century". The resolution will be based on input from the Playland Strategic Planning Committee who have been evaluating options for Rye Playland.

See attached resolution.



CITY OF RYE

CITY HALL • RYE, NEW YORK 10580

TELEPHONE (914) 967-5400

RYE CITY COUNCIL RESOLUTION REGARDING THE CITY'S PRIMARY PRINCIPLES AND VALUES TO BE APPLIED DURING WESTCHESTER COUNTY'S REVIEW OF PROPOSALS SUBMITTED IN RESPONSE TO THE REQUEST FOR PROPOSAL ENTITLED "REINVENTING PLAYLAND PARK FOR THE 21ST CENTURY"

WHEREAS, in anticipation of Westchester County issuing a "Request for Proposal" (RFP) about Playland, the Rye City Council (the "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. "

WHEREAS, 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.

WHEREAS, the County's RFP does not reflect any particular vision for Playland and invites responses to supply such a vision, the Rye Playland Strategic Planning Working Group has sought to identify principles and values it believes should be applied to evaluate responses to the request for proposal.

NOW, THEREFORE, BE IT RESOLVED, that based on the Playland Strategic Planning Working Group's findings, the City Council adopts 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-envisioned 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.

Roll call vote:



CITY COUNCIL AGENDA

NO. 10 DEPT.: City Manager's Office DATE: March 2, 2011
CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Resolution to adopt the proposed changes to the City of Rye's post 65 retiree Aetna health insurance program.

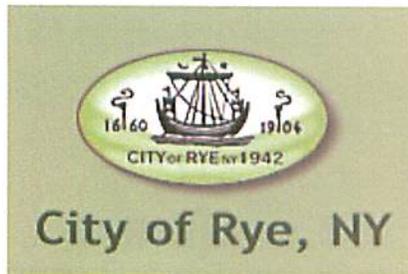
FOR THE MEETING OF:
March 2, 2011
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City has proposed to modify the current post 65 retiree health insurance program for Aetna benefits to take advantage of the changing dynamics in the health insurance industry. These changes will assist the City in maintaining retiree benefits in a cost effective manner. An information session to review the changes was held with retirees on February 16, 2011. The meeting is available for viewing on the City of Rye website.

See attached.



Potential Premium Savings with Switching from Aetna to a Medicare Supplement Plan with Aetna Rx

Total Current Monthly Cost Per Retiree: \$1,406

Total Current Annual Cost Per Retiree: \$16,875

Aetna Group Medicare Supplement Plan F	\$332.42	Rate changes 1/1/2012
Medicare Part B Premium Rate	\$96.40	
	\$428.82	
Aetna Group Rx Plan	\$232.90	\$10/\$20/\$40 Copay
Estimated Total Package Cost	\$661.72	Per insured per month

Number of Retirees & Spouses 65 +	72	
5 Spouses Under 65 & 1 Child	6	x rate of \$765.22
	78	

Monthly Premium Cost:

Retirees	\$47,701	(adjusted for \$115.40 Part B rate)
5 Spouses under age 65 and 1 child	\$4,591	(6 @ \$765.22)
	\$52,292	

Projected Proposed Cost Per Retiree	\$1,067	
Current Cost	\$1,406	
Projected Cost	\$1,067	
Estimated Monthly Savings Per Retiree	\$339	
Estimated Savings Per Month	\$16,612	\$199,346 Annualized

Savings 6/1/2011 - 12/31/2011 = \$116,285

Monthly Rate for New		
Medicare - Eligible Retirees	\$332.42	Aetna Group Medicare Supplement Plan F
	\$115.40	Medicare Part B Premium Rate
Included in \$560 rate	\$232.90	Aetna Group Rx Plan
	\$680.72	



City of Rye, NY

PLAN DESIGN & BENEFITS

Aetna Medicare Supplement Plan F

Plan Features	Medicare Pays	Aetna Medicare Plan F Pays	You Pay ¹
• Medicare Part A Deductible (per benefit period) ²	\$0	\$1,132	\$0
• Medicare Part B Deductible (per calendar year)	\$0	\$162	\$0
<ul style="list-style-type: none"> • Unless otherwise indicated, the Deductible must be met prior to benefits being payable. • Part A Deductible applies to: <ul style="list-style-type: none"> • Hospitalization, including semi-private room and board • General nursing • Miscellaneous services and supplies • Part B Deductible applies to: <ul style="list-style-type: none"> • In or out of the hospital physician services • Inpatient and medical and surgical services and supplies • Physical and speech therapy • Mental health • Diagnostic tests • Durable medical equipment • Deductible amounts are subject to change each year based upon Medicare guidelines. 			
• Annual Supplemental Retiree Medical Deductible	n/a	n/a	n/a
• Annual Out-of-Pocket Maximum	n/a	n/a	Unlimited
Part A: Hospital Services (per benefit period)			
• Hospitalization ²			
• First 60 days	All but \$1,132	\$1,132	\$0
• Days 61 through 90	All but \$283/day	\$283/day	\$0
• Day 91 and after:			
• While using 60 lifetime reserve days	All but \$566/day	\$566/day	\$0
• Once lifetime reserve days are used:			
• Additional 365 days ³	\$0	100% of Medicare eligible expenses	\$0
• Beyond the additional 365 days	\$0	\$0	All charges
• Blood			
• First 3 pints	\$0	100%	\$0
• Additional amounts	100%	\$0	\$0
• Hospice Care Coinsurance or Copayment	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Copayment of up to \$5 for Rx drugs, 5% for inpatient respite care



City of Rye, NY

PLAN DESIGN & BENEFITS

Aetna Medicare Supplement Plan F

Plan Features	Medicare Pays	Aetna Medicare Plan F Pays	You Pay ¹																								
<ul style="list-style-type: none"> • Skilled Nursing Facility Care (per benefit period) ² <ul style="list-style-type: none"> • You must meet requirement, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital. 																											
• First 20 days	All approved amounts	\$0	\$0																								
• Days 21 through 100	All but \$141.50/day	\$141.50/day	\$0																								
• Day 101 and after	\$0	\$0	All charges																								
Part B: Medical Services (per calendar year)																											
<ul style="list-style-type: none"> • Medical Expenses (Part B Deductible) <ul style="list-style-type: none"> • First \$162 of Medicare-approved amounts ⁴ <table style="width: 100%; border: none;"> <tr> <td style="width: 45%;"></td> <td style="width: 20%; text-align: center;">\$0</td> <td style="width: 20%; text-align: center;">\$162</td> <td style="width: 15%; text-align: center;">\$0</td> </tr> </table> • Remainder of approved amounts for other than preventive Part B services <table style="width: 100%; border: none;"> <tr> <td style="width: 45%;"></td> <td style="width: 20%; text-align: center;">Generally 80%</td> <td style="width: 20%; text-align: center;">Generally 20%</td> <td style="width: 15%; text-align: center;">\$0</td> </tr> </table> • Part B excess charges (generally 15% above Medicare-approved amounts when using providers that do not participate with Medicare) <table style="width: 100%; border: none;"> <tr> <td style="width: 45%;"></td> <td style="width: 20%; text-align: center;">\$0</td> <td style="width: 20%; text-align: center;">100%</td> <td style="width: 15%; text-align: center;">\$0</td> </tr> </table> • Blood <ul style="list-style-type: none"> • First 3 pints <table style="width: 100%; border: none;"> <tr> <td style="width: 45%;"></td> <td style="width: 20%; text-align: center;">\$0</td> <td style="width: 20%; text-align: center;">100%</td> <td style="width: 15%; text-align: center;">\$0</td> </tr> </table> • Additional amounts <table style="width: 100%; border: none;"> <tr> <td style="width: 45%;"></td> <td style="width: 20%; text-align: center;">100%</td> <td style="width: 20%; text-align: center;">\$0</td> <td style="width: 15%; text-align: center;">\$0</td> </tr> </table> • Clinical Laboratory Services <ul style="list-style-type: none"> • Tests for diagnostic services ⁵ <table style="width: 100%; border: none;"> <tr> <td style="width: 45%;"></td> <td style="width: 20%; text-align: center;">100%</td> <td style="width: 20%; text-align: center;">\$0</td> <td style="width: 15%; text-align: center;">\$0</td> </tr> </table> 					\$0	\$162	\$0		Generally 80%	Generally 20%	\$0		\$0	100%	\$0		\$0	100%	\$0		100%	\$0	\$0		100%	\$0	\$0
	\$0	\$162	\$0																								
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	100%	\$0	\$0																								
	100%	\$0	\$0																								
Parts A & B																											
<ul style="list-style-type: none"> • Home Health Care <ul style="list-style-type: none"> • Approved services: <ul style="list-style-type: none"> • Medically necessary skilled care services and medical supplies <table style="width: 100%; border: none;"> <tr> <td style="width: 45%;"></td> <td style="width: 20%; text-align: center;">100%</td> <td style="width: 20%; text-align: center;">\$0</td> <td style="width: 15%; text-align: center;">\$0</td> </tr> </table> • Durable Medical Equipment ⁵ <table style="width: 100%; border: none;"> <tr> <td style="width: 45%;"></td> <td style="width: 20%; text-align: center;">80%</td> <td style="width: 20%; text-align: center;">20%</td> <td style="width: 15%; text-align: center;">\$0</td> </tr> </table> • Part B Preventive Care Coinsurance ⁵ <table style="width: 100%; border: none;"> <tr> <td style="width: 45%;"></td> <td style="width: 20%; text-align: center;">80%</td> <td style="width: 20%; text-align: center;">20%</td> <td style="width: 15%; text-align: center;">\$0</td> </tr> </table> <ul style="list-style-type: none"> • Includes: Cardiovascular Screenings; Smoking Cessation; Mammograms; Pap Tests and Pelvic Exams; Colorectal and PSA Tests; Flu, Pneumococcal and Hepatitis B Vaccines; Bone Mass Measurements; Diabetes Screening, Supplies and Self-Management Training; Glaucoma Tests; One Welcome to Medicare Physical Exam; Medical Nutrition Therapy and Abdominal Aortic Aneurysm • Foreign Travel Emergency <ul style="list-style-type: none"> • Separate \$250 annual deductible and \$50,000 lifetime limit <table style="width: 100%; border: none;"> <tr> <td style="width: 45%;"></td> <td style="width: 20%; text-align: center;">\$0</td> <td style="width: 20%; text-align: center;">100%</td> <td style="width: 15%; text-align: center;">\$250</td> </tr> </table> • State Mandated Benefits May Apply <table style="width: 100%; border: none;"> <tr> <td style="width: 45%;"></td> <td style="width: 20%; text-align: center;">\$0</td> <td style="width: 20%; text-align: center;">100%</td> <td style="width: 15%; text-align: center;">\$0</td> </tr> </table> 					100%	\$0	\$0		80%	20%	\$0		80%	20%	\$0		\$0	100%	\$250		\$0	100%	\$0				
	100%	\$0	\$0																								
	80%	20%	\$0																								
	80%	20%	\$0																								
	\$0	100%	\$250																								
	\$0	100%	\$0																								

- ¹ Indicates your liability for covered charges. You are responsible for all other non-covered charges.
- ² A benefit period begins on the first day you receive care as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.
- ³ When your Medicare Part A hospital benefits are exhausted, the Aetna stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy. During this time, the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.
- ⁴ Once you have been billed \$162 of Medicare-approved amounts for covered services, your Part B deductible will have been met for the calendar year.
- ⁵ Coverage after Part B deductible has been met.

Pharmacy		
	<u>Preferred Care</u>	<u>Non-Preferred Care</u>
• Retail	\$10 copay for generic drugs \$20 copay for formulary brand-name drugs \$40 copay for non-formulary brand-name drugs	20% of submitted cost after the applicable preferred copay
<i>Up to a 30-day supply at participating pharmacies</i>		
• Mail Order	\$20 copay for generic drugs \$40 copay for formulary brand-name drugs \$80 copay for non-formulary brand-name drugs	Not Applicable
<i>Up to a 31-90 -day supply from Aetna Rx Home Delivery®</i>		



CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager's Office

DATE: March 2, 2011

CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Authorization for City Manager to enter into a preservation easement with the New York State Historic Preservation Office in satisfaction of a grant for the Rye Meeting House from the National Park Service.

FOR THE MEETING OF:

March 2, 2011

**RYE CITY CODE,
CHAPTER
SECTION**

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

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City was awarded a Save America's Treasures Grant for the Rye Meeting House. A requirement of the grant is to obtain a preservation easement on the property. It must run for no less than 50 years from the date it is registered and is held by the State Historic Preservation Office.

See attached Preservation Easement.

DRAFT

**CONSERVATION EASEMENT AGREEMENT
For Save America's Treasures Grant - Rye Meeting House**

INTRODUCTION. This conservation easement agreement is made the day of _____, 2011, between *The City of Rye*, New York, a municipal corporation and political subdivision of the state of New York with principal offices at 1051 Boston Post Road, Rye, NY 10580, as GRANTOR of a conservation easement (hereafter referred to as the "Grantor"), and the New York State Historic Preservation Office, as GRANTEE of the conservation easement (hereafter referred to as the "Grantee"). This conservation easement agreement is entered under the New York State Environmental Conservation Law for the purpose of preserving the *Rye Meeting House*, a building that is important culturally, historically, and architecturally.

1. **The Subject Property.** This agreement creates a conservation easement in real estate legally described as 153-6-1-60 on the City of Rye tax map. The Subject Property is the site of the *Rye Meeting House*, located at 624 Milton Road, Rye, Westchester County, New York, (hereafter referred to as the "Property").

2. **Grant of conservation easement.** In consideration of the sum of \$49,305.00 received in grant-in-aid financial assistance from the National Park Service of the United States Department of the Interior, the Grantor hereby grants to the Grantee a conservation easement in the Subject Property for the purpose of assuring preservation of the *Property*.

3. **Easement required for Federal grant.** This conservation easement is granted as a condition of the eligibility of the Grantor for the financial assistance from the National Park Service of the United States Department of the Interior appropriated from the Historic Preservation Fund for the Save America's Treasures Grant Program.

4. **Conditions of easement:**

a. Duration. This conservation easement is granted for a period of fifty (50) years commencing on the date when it is filed with the County of Westchester.

b. Documentation of condition of the Property Name at time of grant of this easement. In order to make more certain the full extent of Grantor's obligations and the restrictions on the Subject Property, and in order to document the nature and condition of the Property, including significant interior elements in spatial context, a list of character-defining materials, features and spaces is incorporated as Exhibit "A" at the end of this agreement. The Grantor has provided to the Grantee architectural drawings of the floor plans. To complement Exhibit "A", Grantee personnel have compiled a photographic record, including photographer's affidavit, black and white photographs and negatives, color digital prints, photograph logs, and a keyed location map. The Grantor agrees that the nature and condition of the Property on the date of execution of this easement is accurately documented by the architectural drawings and photographic record, which shall be maintained for the life of this easement in the Grantee's conservation easement file for the Property.

c. Restrictions on activities that would affect historically significant components of the Property. The Grantor agrees that no construction, alteration, or remodeling or any other activity shall be undertaken or permitted to be undertaken on the Subject Property which would affect historically significant interior spaces and features identified in Exhibit "A", exterior construction materials, architectural details, form, fenestration, height of the Property, or adversely affect its structural soundness without prior written permission of the Grantee affirming that such reconstruction, repair, repainting, refinishing, rehabilitation, preservation, or restoration will meet The Secretary of the Interior's *Standards for the Treatment of Historic Properties* (hereinafter referred to as the "Standards").

d. Restrictions on activities that would affect archeological resources. The Grantor agrees that no ground disturbing activity shall be undertaken or permitted to be undertaken on the Subject Property which would affect historically significant archeological resources identified in Exhibit "A" without prior written permission of the Grantee affirming that such work will meet The Secretary of the Interior's "*Standards for Archeology and Historic Preservation*".

e. Maintenance of recovered materials. The Grantor agrees to ensure that any data and material recovered will be placed in a repository that will care for the data in the manner prescribed in the *Standards for Archeology and Historic Preservation* or will comply with the requirements of the Native American Graves Protection and Repatriation Act, and with 36 CFR 79 and 43 CFR 10.

f. Duty to maintain the Property. The Grantor agrees at all times to maintain the Property in a good and sound state of repair and to maintain the subject Property, including the *Other structures or features of the site*, according to the Standards so as to prevent deterioration and preserve the architectural and historical integrity of the Property in ways that protect and enhance those qualities that make the Property eligible for listing in the National Register of Historic Places.

g. Public access. The Grantor agrees to provide public access to view the grant-assisted work or features no less than 12 days a year on an equitably spaced basis. The dates and times when the property will be open to the public must be annually published and provided to the Grantee. At the option of the Grantor, the relevant portions of the Property may also be open at other times by appointment, in addition to the scheduled 12 days a year. Nothing in this agreement will prohibit a reasonably nondiscriminatory admission fee, comparable to fees charged at similar facilities in the area.

h. Right to inspect. The Grantor agrees that the Grantee, its employees, agents and designees shall have the right to inspect the Property at all reasonable times, with twenty-four hours written notice, in order to ascertain whether the conditions of this easement agreement are being observed.

i. Anti-discrimination. The Grantor agrees to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 (d)), the Americans with Disabilities Act (42 U.S.C. 12204), and with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). These laws prohibit discrimination on the basis of race, religion, national origin, or disability. In implementing public access, reasonable accommodation to qualified disabled persons shall be made in consultation with the Grantee (*or State Historic Preservation Office if another organization is holding the easement*).

j. Easement shall run with the land; conditions on conveyance. This conservation easement shall run with the land and be binding on the Grantor, its successors and assigns. The Grantor agrees to insert an appropriate reference to this easement agreement in any deed or other legal instrument by which it divests itself of either the fee simple title or other lesser estate in the Property, the Subject Property, or any part thereof.

k. Casualty Damage or Destruction. In the event that the Property or any part of it shall be damaged or destroyed by fire, flood, windstorm, earth movement, or other casualty, the Grantor shall notify the Grantee in writing within 14 days of the damage or destruction, such notification including what, if any, emergency work has already been completed. No repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the Property and to protect public safety, shall be undertaken by the Grantor without the Grantee's prior written approval indicating that the proposed work will meet the Standards. The Grantee shall give its written approval, if any, of any proposed work within 60 days of receiving the request from the Grantor. If after reviewing the condition of the property, the Grantee determines that the features, materials, appearance, workmanship, and environment which made the property eligible for listing in the National Register of Historic Places has been lost or so damaged that its continued National Register listing is in question, the Grantee will notify the Keeper of the National Register (*or the SHPO if the Grantee is not the State*) in writing of the loss. The Keeper of the National Register will evaluate the findings and notify the Grantee in writing of any decision to remove the property from the National Register. If the property is removed, the Grantee will then notify the Grantor that the agreement is null and void. If the damage or destruction that warrants the properties removal from the National Register is deliberately caused by the gross negligence of the Grantor or future owner, then the Grantee will initiate requisite legal action to recover, at a minimum, the Federal grant funds applied to the property which will then be returned to the U.S. Treasury.

l. Enforcement. The Grantee shall have the right to prevent and correct violations of the terms of this easement. If the Grantee, upon inspection of the property, finds what appears to be a violation, it may exercise its discretion

to seek injunctive relief in a court having jurisdiction. Except when an ongoing or imminent violation will irreversibly diminish or impair the cultural, historical and architectural importance of the Property, the Grantee shall give the Grantor written notice of the violation and allow thirty (30) days to correct the violation before taking any formal action, including, but not limited to, legal action. If a court, having jurisdiction, determines that a violation exists or has occurred, the Grantee may obtain an injunction to stop the violation, temporarily or permanently. A court may also issue a mandatory injunction requiring the Grantor to restore the Property to a condition that would be consistent with preservation purposes of the grant from the National Park Service. In any case where a court finds that a violation has occurred, the court may require the Property to reimburse the Grantee and the New York State Attorney General for all the State's expenses incurred in stopping, preventing and correcting the violation, including but not limited to reasonable attorney's fees. The failure of the Grantee to discover a violation or to take immediate action to correct a violation shall not bar it from doing so at a later time.

m. Amendments. The parties may by mutual written agreement jointly amend this easement, provided the amendment shall be consistent with preservation purpose of this easement and shall not reduce its term of duration. Any such amendment shall not be effective unless it is executed in the same manner as this easement, refers expressly to this easement, and is filed with the County of Westchester, New York.

n. Effective date; severability. This conservation easement shall become effective when the Grantor files it in the Office of the Recorder of Westchester County, New York, with a copy of the recorded instrument provided to the Grantee for its conservation easement file. If any part of this conservation easement agreement is held to be illegal by a court, the validity of the remaining parts shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the conservation agreement does not contain the particular part held to be invalid.

GRANTOR: _____

By: _____
Scott D. Pickup, City Manager, City of Rye

STATE OF New York, Westchester COUNTY, ss: On this ____ day of _____, 2010, before me the undersigned, a Notary Public for said State, personally appeared **Scott D. Pickup**, to me personally known, who stated that he is the **City Manager of the City of Rye**, that no seal has been procured by said corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors, and that as such officer, he acknowledged that he executed the foregoing instrument as his voluntary act and the voluntary act of the corporation.

NOTARY PUBLIC

GRANTEE: _____

By: _____
Name and Title

STATE OF New York, Westchester COUNTY, ss: On the ____ day of _____, 2010, before me, a NotaryPublic for said State, personally appeared **Name of Person**, who stated that he is the duly appointed and actively serving **Title and Organization**, and that he executed the foregoing conservation easement agreement as his voluntary act and as the voluntary act of the State Department of Cultural Affairs.

NOTARY PUBLIC

EXHIBIT "A"
TO CONSERVATION EASEMENT AGREEMENT
Rye Meeting House, Rye, New York

To remain eligible for listing on the National Register of Historic Places, a property must be able to convey its significance. The following character-defining materials, spaces, and features have been identified as those that help convey the significance of the Property Name, photo documentation is attached.

Significant Interior Spaces and Features

Wood Greek Revival door surround opening to main interior congregating space

Cruciform plan of main interior congregating space

Vaulted ceiling

Rear painted-glass window

South addition, large six-over-six, double-hung windows

Significant Exterior Spaces and Features

Two-story bell tower

Open belfry with steep gable roof and decorative wood brackets and wood railing

Two pointed arch windows on tower façade

Wood clapboard cladding, some fastened with 19th-century square cut nails

Rear painted-glass window

South addition, large six-over-six double-hung windows



CITY COUNCIL AGENDA

NO. 12

DEPT.: Corporation Counsel

DATE: March 2, 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:

March 2, 2011

RYE CITY CODE,

CHAPTER

SECTION

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

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: On January 8, 2011 three FOIL requests were received for:

- 1) *A copy of all of the Rye Police Department Accident reports with regard to the December 23, 2010, accident at 125 Osborn Road.*
- 2) *A copy of all of the Rye Police Department incident reports with regard to the December 23, 2010, accident at 125 Osborn Road.*
- 3) *A copy of all of the Rye Police Department arrest reports with regard to the December 23, 2010, accident at 125 Osborn Road.*

A response was sent to the requestor on February 11, 2011; that response is being appealed.