

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, May 9, 2012, at 8:00 p.m. at the **Square House**. *The meeting will move from the Square House to Council Chambers in City Hall at approximately 8:45 p.m.*

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. Resolution to accept a donation from the *Alumni & Friends of Rye High School* for the landscaping and tree replacement on the easterly side of Boston Post Road from Parsons Street to the Rye High School Stadium.
4. General Announcements.
5. Draft unapproved minutes of the regular meeting of the City Council held April 18, 2012, the informal minutes of the Joint Meeting of the City Council and Board of Education held April 21, 2012, and the special meeting of the City Council held April 25, 2012.
6. Mayor's Management Report
 - Update on Rye Town Park Capital Grant
 - Update on 120 Old Post Road
 - Legal Update
7. Public Hearing to discuss potential capital projects to be included in a November, 2012 Bond Referendum.
8. Authorization for Harris Beach, PLLC to represent the City on pre-trial motions and settlement discussions in the Westchester Joint Water Works tax certiorari proceeding.
Roll Call.
9. Home Rule Resolution supporting S5902B(Oppenheimer)/A8556C(Latimer) extension of the City of Rye Hotel Occupancy Tax.
Roll Call.
10. Discussion of amending City of Rye Local Law Chapter 53, "Architectural Review" to reduce the number of applications subject to architectural review.
11. Discussion of proposed changes to amend local law Chapter 180, "Taxicabs", Section 14, Payment of Fares, of the Code of the City of Rye to increase taxi fares.
12. Residents may be heard on matters for Council consideration that do not appear on the agenda.

13. One appointment to the Rye Playland Advisory Committee for a three-year term, by the Mayor with Council approval.
14. Consideration of a request by Longford's Ice Cream for the use of City streets for their 20th Anniversary celebration on Sunday, June 10, 2012 from 12:00 p.m. to 5:00 p.m.
15. Miscellaneous communications and reports.
16. Old Business.
17. New Business.
18. Adjournment.

* * * * *

The next regular meeting of the City Council will be held on Wednesday, May 23, 2012 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 by appointment by emailing dfrench@ryeny.gov.



CITY COUNCIL AGENDA

NO. 3

DEPT.: City Manager's Office

DATE: May 9, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Resolution to accept a donation from the *Alumni & Friends of Rye High School* for the landscaping and tree replacement on the easterly side of Boston Post Road from Parsons Street to the Rye High School Stadium.

FOR THE MEETING OF:

May 9, 2012

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The not-for-profit group, *Alumni & Friends of Rye High School*, has made a donation to the City of Rye and the Rye City School District for the landscaping and tree replacement on the easterly side of Boston Post Road from Parsons Street to the Rye High School Stadium as well as the creation of a landscaped plaza. The project is in commemoration of Mr. Ben Bedini, Athletic Director and Head Football Coach of the Rye High School Garnets from 1954 to 1962. The project will include the creation of the "Ben Bedini Plaza" marked with a bronze plaque at the Rye High School Stadium's northern Post Road gate entrance. Six crimson king maple trees will replace the diseased trees previously removed by the City; they will be planted from the proposed Plaza to the stadium's bus gate just south of Blind Brook and the Post Road intersection with Parsons Street.

See attached.



THE ALUMNI AND FRIENDS OF THE RYE HIGH SCHOOL

PARSONS STREET
RYE, NEW YORK 10580

"A Tradition of Excellence"

April 24, 2012

Edward J. Shine,
Superintendent of Schools
and Members of the Rye City School District
Board of Education
411 Theodore Fremd Avenue
Rye, NY 10580

Scott D. Pickup,
City Manager
and Members of the City of Rye
City Council
1051 Boston Post Road
Rye, NY 10580

Ladies and Gentlemen:

For many years, members of the Alumni & Friends of Rye High School and Rye residents have pondered tangible and appropriate recognition to honor and memorialize Mr. Ben Bedini, Athletic Director and Head Football Coach of the Rye High School Garnets from 1954 to 1962. Coach Bedini passed away in 2010.

A "Ben Bedini Night" was held in September 2005 in Rye's stadium attended by close to 100 former players and where Coach Bedini, an inductee of the Westchester County Sports Hall of Fame, received accolades and proclamations from the Rye City School District, the City of Rye, Westchester County and the New York State Assembly recognizing his Rye and lifetime achievements. During his eight-years in Rye as Head Football Coach, Ben Bedini led the Rye Garnets to a 59-5-0 (.924) record during which time the Garnets dominated games by an average score of 28-8, or a three-touchdown margin. Beyond football, other coaches hired and trained by Bedini achieved stellar performances in the interscholastic sports of the era, track and field, baseball and basketball. For a period of the four consecutive years of 1957-1960, Rye High School won the Southern Westchester Interscholastic Athletic Conference championships in each of the four major sports, or sixteen straight league titles under Ben Bedini's coaching expertise and Athletic Department leadership.

Not only was Coach Bedini responsible for Rye's athletic success, but he molded young men and women into productive citizens and community members. Rye High School students from his era have become Chairman and CEO of Miller Brewing Co, Milwaukee; Chief Managing Partner of Simpson Thacher & Bartlett, LLP, a major New York City law firm; an executive physician with the US Center for Disease Control, Atlanta; a Westchester Superintendent of Schools; judges, realtors, ranchers, financial planners, doctors, bookstore proprietors, teachers and real estate developers. During the Bedini era winning, being successful and having a positive self-image all became deeply woven and engrained into the mindset and cultural fabric of the Rye community. When Rye won, the band played better, the cheerleaders yelled louder and Purchase Street buzzed with the many successes of the Rye Garnets. This positive community profile endures today and had its tap roots during Bedini's Rye tenure.

After consulting with, and obtaining sage advice from, the Superintendent of Schools and the City Manager, the Alumni & Friends determined that to be conservative, permission be sought and obtained from both Rye governmental bodies due to uncertain property lines and traditional City easements for sidewalks and utilities. What is being requested is approval by both bodies of a pre-packaged gift to the City of Rye and the Rye City School District as further described below.

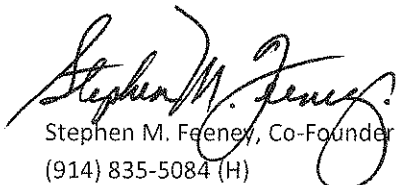
It is proposed to create a landscaped plaza, to be named "Ben Bedini Plaza" and marked with an appropriate and tasteful bronze plaque at the stadium's northern Post Road gate entrance, in the area bounded by the stadium's rear wall, the Boston Post Road/sidewalk and the two presently existing fieldstone stadium sidewalls. No construction whatsoever at the location is necessary. The sidewalks and walkways to the stadium gates would remain exactly as is. The Plaza Project is proposed to cover the purchase and installation of trees, bushes, shrubs and related materials and labor in accordance with the attached plan. Additionally the raised funds will be dedicated to the planting of six crimson king maple trees northward along the Post Road from the proposed Plaza to the stadium's bus gate just south of Blind Brook and the Post Road intersection with Parsons Street. These six crimson king maple trees will replace old and diseased City Norway maple, "street trees" previously removed by the City over the past few years from the easterly side of the Post Road. Each and every tree, bush and shrub installed as part of the Plaza Project will be of species whose foliage in the natural state is a variety of garnet (red) reinforcing a landscaping theme prevalent on the Rye High School campus. The creation of Ben Bedini Plaza will soften and enhance a barren area between the stadium and the Post Road transforming it into a beautifully landscaped, attractive and inviting area.

The Alumni & Friends, incorporated in 1990, is a 501(c)3 tax exempt, charitable organization, and it proposes to fund-raise a targeted \$25,000, primarily from Rye High School Alumni Football Players from the teams from 1954 to 1962 who were coached by Ben Bedini and who revere him. Following approval from both Rye governmental bodies, the Alumni & Friends plans to immediately launch fund-raising solicitations, and is targeting project completion and plaza dedication on or before October 20, 2012. It would be sincerely appreciated if the approvals could be expedited if at all possible.

Coach Bedini's wife, children and grandchildren have been consulted and they embrace the project and plan to be leadership contributors.

If either the Board of Education or the City Council has any questions or require additional information, please contact me at your earliest convenience.

Respectfully submitted on behalf of the Alumni & Friends of Rye High School, the men who played for Coach Bedini and the Bedini family,

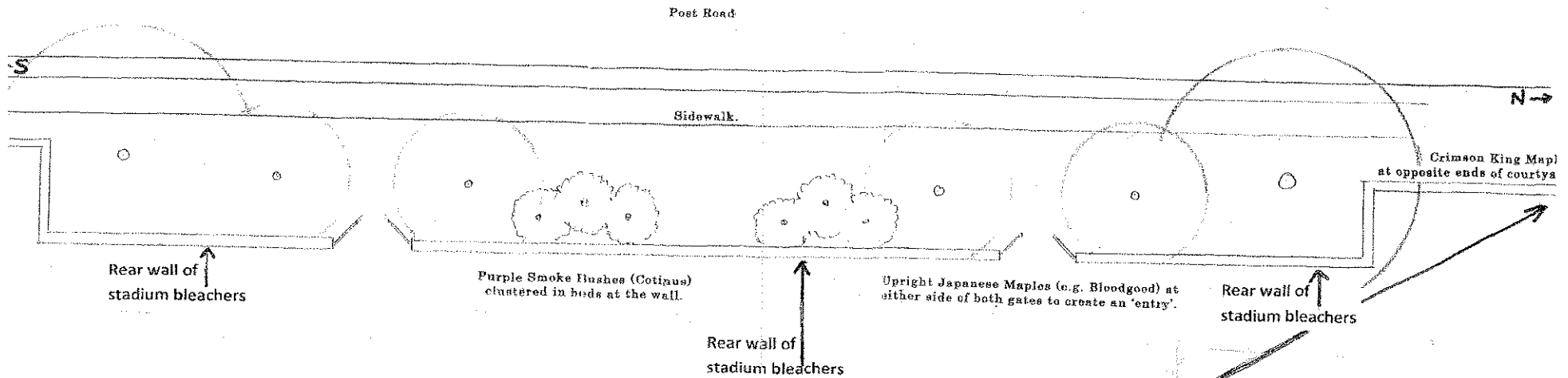


Stephen M. Feeney, Co-Founder
(914) 835-5084 (H)
(914) 649-6630 (C)
(202) 336-8534 (W)

Breath of Spring Landscaping

Rye High School - Post Road Field Entrance

BEN BEDINI PLAZA & GATE



Rear wall of stadium bleachers

Purple Smoke Bushes (Cotinus) clustered in beds at the wall.

Rear wall of stadium bleachers

Upright Japanese Maples (e.g. Bloodgood) at either side of both gates to create an 'entry'.

Rear wall of stadium bleachers

Crimson King Maples at opposite ends of courtyard

Plus Six (6) additional Crimson King Maples, representing each of Coach Bedini's teams and reinforcing the garnet color of Rye's Garnets, to be installed along the Boston Post Road from Ben Bedini Plaza to the brookside bus gate to Rye Stadium



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Clerk

DATE: May 9, 2012

CONTACT: Dawn Nodarse

AGENDA ITEM Draft unapproved minutes of the Regular Meeting of the City Council held April 18, 2012, the informal minutes of the Joint Meeting of the City Council and Board of Education held April 21, 2012, and the minutes of the Special Meeting of the City Council held April 25, 2012, as attached.

FOR THE MEETING OF:

May 9, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Approve the minutes of the Regular Meeting of the City Council held April 18, 2012, the informal minutes of the Joint Meeting of the City Council and Board of Education held April 21, 2012, and the minutes of the Special Meeting of the City Council held April 25, 2012, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on April 18, 2012 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI (arrived at 9:50 p.m. and left at 11:30 p.m.)
PETER JOVANOVIK
SUZANNA KEITH
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: None

1. Pledge of Allegiance

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

2. Roll Call

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

3. General Announcements

- A public hearing will be held by the County on the bus situation in Rye on Tuesday April 24th in City Hall.
- The Sustainability Committee was recognized by the EPA for the plastic bag law.
- The City will receive an award for recycling.
- The Council will ask candidates who are interested in applying for the Council seat that will be vacated by Councilwoman Keith to attend the May 23rd Council meeting. The final appointment will be made on June 13th.

Announcements were also made regarding the activities of various organizations and upcoming events that will be held in town.

Mayor French announced that he has received a retroactive permit for work done by the previous owners of the property he owns at 13 Richard Place. He added that there was no illegal construction.

4. Approval of the election of the Chiefs of the Rye Fire Department

Councilwoman Parker made a motion, seconded by Councilwoman Keith and unanimously carried, to approve the election of Michael Taylor as Chief of the Rye Fire Department; Peter Cotter as 1st Assistant Chief; and Michael Billington as 2nd Assistant Chief held at the Annual Fire Department Meeting held in April.

5. Draft unapproved minutes of the regular meeting of the City Council held April 4, 2012

Councilwoman Keith made a motion, seconded by Councilman Jovanovich and unanimously carried, to approve the minutes of the regular meeting of the City Council held on April 4, 2012, as amended.

The Council heard two speakers for Agenda Item 11 out of order.

Agenda Item 6 was discussed after Agenda Item 10.

6. Mayor's Management Report

- Update on the City of Rye 2011 Result of Operations

City Manager Pickup provided the highlights from the preliminary results of operation for 2011 prepared by the auditors. 2011 actuals on revenues were about \$700,000 higher than forecast. \$300,000 is sales tax revenue; \$250,000 is building department revenue; the Recreation Camp was \$100,000; and the City received an additional \$85,000 in an unbudgeted Workers Comp premium refund. Although, the Mortgage Tax Revenues were \$28,000 over the amount budgeted, they were \$107,000 lower than 2010 figures. The total Mortgage Tax Revenue received for 2011 was \$1,153,559. Sales tax revenues cover the period October 2010 through September 2011 and the City receives two major postings of sales tax revenue during the year. 2011 actual expenses came in about \$500,000 less than forecast. Most of the savings were due to internal controls on purchase orders and elimination of non-necessary expenditures. Looking forward, the Undesignated Fund Balance is projected to be \$3.8 million, which is about 12% of appropriations. The City has about 70 cost centers with 300 expense accounts within the cost centers, which have been carefully reviewed. A full presentation will be made by the auditors at the May 23rd meeting.

- Legal Update

Corporation Counsel Wilson reported on the following items:

- *Butler v. Planning Commission* – Petitioners have filed a Notice of Appeal in connection with this Article 78 proceeding. They have six months to perfect their appeal in the Appellate Division, Second Department.
- *Panetta v. Planning Commission* – The attorneys for the Petitioner have commenced a Declaratory Judgment Action regarding a Takings Claim that was not addressed in the original decision wherein the Court found that the Planning Commission had not been “arbitrary and capricious”.
- *Dapolite v. City Manager* – An Article 78 Petition and Amended Notice of Petition have been served on the City by the attorney for Andrew Dapolite. The matter has been referred to the City’s insurance carrier for a coverage determination.

7. Presentation on a Zoning Amendment Petition for 120 Old Post Road to include zoning for Hotels

Seth Mandelbaum, Esq., of the firm of McCullough, Goldberger & Staudt, represented Old Post Road Associates, the owners of 120 Old Post Road, which is currently improved with a three-story, approximately 75,000 sq. ft. office building that has been almost entirely vacant for about two years. The owners request an amendment to the Zoning Ordinance to facilitate the adaptive reuse of the building for use as a hotel. The proposed reuse would increase tax revenue for the City and would create no significant environmental impact on the property or area. They request that the Council refer the request to the Planning Commission and Westchester County Planning Department for their input and recommendations back to the Council. The proposed hotel would not be an extended stay hotel. There is no bar, restaurant or banquet facility proposed. There would be a breakfast area and a small pool and workout area for guests. There will be a 15,000 sq. ft. decrease in impervious area on the property and a decrease of 71 parking spaces, which creates the opportunity for additional landscaping and state of the art stormwater management techniques. The traffic would be less than that generated by an office building. Jeff Wyszynski of Tecton Architects made a presentation on the concept plans for the building and landscaping and said that the key drivers in the project were: (1) a sustainable approach to the adaptive reuse of the building; (2) creating a transitional aesthetic through the building and landscaping; and (3) sensitivity to the existing buffers. The proposed area is 97,000 sq. ft., consisting of the existing building and a three-story addition at the rear of the property. There would be 150 rooms and 169 parking spaces. The reduced parking areas would be turned into green space. John Saccardi of VHB Engineering spoke about the planning basis for the requested amendment. He said there are six planning factors and one economic factor that are important considerations for why the transitional use plan makes sense: (1) the reduction in impervious surface of 15,000 sq. ft; (2) the reduction in parking spaces; (3) the additional landscaping throughout the site; (4) the lesser amount of peak hour traffic (approximately 20%) that will be generated by a hotel; (5) the low impact stormwater management; (6) the architectural character of the building that has a more residential feel than the existing office building; and (7) the hotel will generate additional revenue for the City through both hotel occupancy tax (\$184,000 per year estimate) and property taxes (\$65,000 per year estimate). City Planner Christian Miller gave an overview of the process. The Council will refer the application to the Planning Commission and the County Planning Department for advisory recommendations. The recommendations will then be referred back to the City Council in order for the Council to consider setting a public hearing on the proposed zoning change. Additional environmental review must also be done. If the zoning change is approved there will still be a substantial

review process by the Planning Commission and other City boards before the project could go forward.

Council comments and questions:

- Will the proposed zoning change allow for hotels at other locations? (There is a slight possibility if they met the strict requirements in the proposed amendment.)
- What is the vacancy rate for office space in Westchester County? (30%)
- There should be several public meetings with the Council on this project. What is the noticing process? (Discussions have been held with the applicant about doing more than the legally required notifications.)
- Will the building be LED certified? (The project will reuse the existing building and will be a sustainably designed building.)
- The applicant should reach out to the residents of Old Post Road to alleviate their concerns.
- The City Council must make a determination based on the best interests of the City – quality of life vs. greater tax revenues.
- The public safety issue of children walking to school along this route should have been addressed in the proposal. (The number of trips decreases during the time when school children will be in the area.)
- What about lighting in the parking lot at night? (The same boxed down lighting that is presently in the lot will be used.)
- The applicant should commit to putting up notification signs on the property regarding public hearings.

Greg Wilson, 11 Hammond Road said that he opposed the project because of the impact it would have on homeowners, traffic and safety issues, and the increased costs to the City for services provided by the Police Department, Fire Department and Department of Public Works.

The City Manager was asked to provide the Council with regular updates on the progress of the application.

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

RESOLVED, that the petition of Old Post Road Associates, LLC to amend the City of Rye Zoning Code be forwarded to the Rye City Planning Commission and the Westchester County Planning Department for their recommendations and comments.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote

8. Discussion of proposal to amend Chapter 187, "Trees" of the City Code regarding the legislation of trees

City Planner Miller outlined the changes made to the draft Tree Ordinance based on discussions at a previous Council meeting. Additional language was included to clarify requirements; scientific names were added for invasive tree species; a provision was included to allow for mitigation that can be required by the Board of Architectural Review (BAR); the tree removal criteria was modified; and different standards were established for larger properties (five acres or more) that would allow removal of more trees without having to obtain BAR approval. Corporation Counsel Wilson reported that she had met with the BAR and EAGR members. They are positive about the proposed amendments, but do not agree with the sliding scale for larger properties and would prefer the requirement to seek BAR approval for removal of four trees or more. It was the consensus of the Council to not go forward with the larger property standards and return to the requirement to seek approval from the BAR to remove more than four trees.

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

WHEREAS, the Council wishes to amend Chapter 187 "Trees" of the Code of the City of Rye; and

WHEREAS, it is now desired to call a public hearing on such proposed amendments to the law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on May 23, 2012 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

PUBLIC NOTICE
CITY OF RYE

Notice of Public Hearing on a proposed local law to amend Chapter 187 “Trees” of the City Code regarding the legislation of trees.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 23rd day of May, 2012 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposal to amend Chapter 187 “Trees” of the City Code of the City of Rye regarding the legislation of trees.

Copies of said local law may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: May 11, 2012

9. Discussion of proposed Memorandum of Understanding between the City of Rye and Lester’s of Rye, LLC for the right of first refusal for the purchase of the property located at 1037 Boston Post Road

Councilman Filippi made a motion seconded by Councilwoman Parker and unanimously carried to adjourn into executive session to discuss a potential real estate matter relating to the property located at 1037 Boston Post Road at 10:12 p.m.

Councilwoman Jovanovich made a motion, seconded by Councilwoman Keith and unanimously carried to adjourn the executive session at 10:42 p.m. The regular meeting reconvened at 10:44 p.m.

Mayor French announced that this agenda item would be deferred to a special meeting of the City Council to be held on Wednesday, April 25, 2012 at 7:00 p.m.

10. Consideration to set a Public Hearing for May 9, 2012 to discuss potential capital projects to be included in a November, 2012 Bond Referendum

City Manager Pickup reported on key dates for consideration of putting a bonding resolution together for the General Election in November. There will be discussions at both May meetings where a list of potential projects will be presented. At the end of the public hearing process staff will have bond counsel prepare the appropriate Resolutions for approval in June. A sixty percent majority vote of the Council will be required to go forward with the Referendum.

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

WHEREAS, the Council wishes to discuss potential capital projects to be included in a November 2012 Bond Referendum; and

WHEREAS, it is now desired to call a public hearing to discuss such potential capital projects, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on May 9, 2012 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such potential capital projects to be included in a November 2012 Bond Referendum.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing to discuss potential capital projects to be included in a November 2012 Bond Referendum.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 9th day of May, 2012 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning potential capital projects to be included in a November 2012 Bond Referendum.

Copies of said proposals may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: April 28, 2012

11. Residents may be heard on matters for Council consideration that do not appear on the agenda

The first two speakers were heard after Agenda Item 5.

Lawrence Lehman, 10 Chester Drive, said he had submitted his resignation from the Flood Advisory Committee on April 9th to the City Manager and said he had spoken to him about what he believed were the problems with the Committee as constituted and that he could not continue to serve unless there was a change in leadership. He noted that he was the only engineer appointed to the Committee. Mr. Lehman also questioned the plans and specs for the Sluice Gate Project as being “contractor friendly”. Members of the Council expressed their thanks to Mr. Lehman for his past service to the City.

Dhruu Narain, 6 Martin Butler Court, spoke on behalf of the Sustainable Playland Group. The Group will be holding a fund-raising event on Friday April 20th at the Coveleigh Club. The guest speaker will be Dan Biederman, who led the restoration of Bryant Park in New York City.

Ray Tartaglione, 600 Anderson Hill Road, Purchase, asked Mayor French if he had put a new heating system in the residence owned by him at 13 Richard Place in 1995. Mayor French said that he has addressed the situation regarding the property at 13 Richard Place and no illegal construction was done at the property.

Jim Amico, 350 Midland Avenue, read a statement about the death of his son Jared six years ago and the fact that stop signs have yet to be put up at the intersection of Midland Avenue and Palisade Road. He said he believes a stop sign at that intersection will prevent other children from being struck by cars on Midland Avenue.

Bob Zahm, 7 Ridgewood Drive, spoke about the new sidewalks on Old Post Road near the bridge over the Playland Parkway and said it was much safer in that area now. He asked when legal crosswalks would be put in to complete the project. City Manager Pickup said he would talk to the construction manager so they can be put in when the heavy equipment is finished at the location.

12. One appointment to the Board of Assessment Review for a five-year term expiring on September 30, 2016, by the Mayor with Council approval

Mayor French made a motion, seconded by Councilwoman Keith and unanimously carried, to appoint Howard Husock to the Board of Assessment Review for a five-year term expiring on September 30, 2016.

13. Miscellaneous Communications and Reports

Councilwoman Parker announced that there will be a Playland Advisory Committee meeting on Monday, April 23rd at the Playland Ice Casino to discuss the beginning of the season.

Councilwoman Keith reminded people that the Plastic Bag Ordinance will go into effect in the beginning of May. An Eye on Rye will be done in connection with the implementation of the law.

Councilman Sack noted that the Rye Town Park Commission passed a balanced budget of revenues and expenditures of \$917,000. There was \$53,000 in the budget for capital expenditures, of which the City is responsible for 39% or approximately \$20,000. Mayor French added that credit cards would now be utilized to take cash out of the system; car counters were being installed; the wrist bands for beach access were being numbered in order to keep a set inventory; parking receipts must be displayed in the car window; and if an incorrect receipt is received the recipient will get a free pass to the park for a future visit. Also, the security team has been asked to work on community relations.

14. Old Business

Councilwoman Brett asked for an update on the sluice gate and the soil testing on the upper pond. City Manager Pickup said that borings were being done on the upper pond location and a preconstruction meeting will be held next week on the sluice gate project.

Councilwoman Keith asked for an update on the Central Avenue Bridge. Mayor French said that a letter had been received from the Department of Transportation (DOT) saying that the project was not fully funded by \$5,800, which is money the City had already committed to pay. The Mayor will write to the Lieutenant Governor and advise him of the situation. A meeting has been held with Assemblyman Latimer and another one will be set up. Ms. Keith also asked what the next steps were on the proposed grease recycling program. City Manager Pickup said the vendor who made a presentation to the Council was supposed to provide the City with follow up information, but it has not been received yet.

Mayor French said he was disappointed in the new restaurant fee for Golf Club members and that Council members are now hearing from Club members who are receiving notification about the requirement and saying that they were not aware of it until now. Councilwoman Parker suggested that a workshop be held to allow for dialogue among the Commission, the City Council and Club members. The Mayor asked for a report to determine if the new dining requirement has impacted pool memberships. The Mayor also asked for an update on the Midland/Palisades stop sign. City Manager Pickup said that the City did a mark out and asked the County DPW to come out and review it. It has now been submitted to the County for approval. Once approval is received, speed studies will be done in May and June and a presentation will be done on the impacts in order to determine if a stop sign is the appropriate measure for this intersection.

Councilman Sack asked about a new yield sign that has been put up at the intersection of Ridge and Purchase Streets and asked for an update on the proposed rotary. City Manager Pickup said he would look into the sign and that the County has spent the money that would have been used on the rotary project and if the project is done now it would all be at City cost. He added that the project is not on the current City Capital Plan. Mr. Pickup said that the County has also raised the issue of removing the mid-block stop signs, which are in the City Code. Councilman Sack also asked if the Council should consider passing a Resolution supporting continuation of bus service in Rye.

15. New Business

Mayor French said there is a proposed Joint Resolution with the School Board regarding mandate reform. He asked Council members to notify the City Manager's office of any proposed changes. The Resolution will be discussed at the Joint Meeting with the School Board on Saturday, April 21st.

16. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the meeting at 11:48 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

DRAFT UNAPPROVED MINUTES of the
Joint Meeting of the City Council of the City of Rye
and the Rye City School Board held in City Hall on
April 21, 2012 at 9:00 A.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
PETER JOVANOVIK
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

LAURA SLACK President
KAREN BELANGER
EDWARD FOX
KATY KEOHANE GLASSBERG
JOSH NATHAN
RAY SCHMITT
Board Members

SCOTT PICKUP, City Manager
EDWARD SHINE, Superintendent of Schools
SALLY ROGOL, Recreation Superintendent
KATHLEEN RYAN, School District Assistant Superintendent for Business
BRIAN DEMPSEY, Chair of Transportation and Pedestrian Safety Committee

ABSENT: RICHARD FILIPPI
SUZANNA KEITH
Councilmembers
KENDALL EGAN
Board Member

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

The meeting commenced with a roll call of both boards. A quorum of both boards was present.

3. Update on Rye City School District approved bond and next steps

Board President Slack announced that the architects were busy meeting with the science teachers on how the rooms will be laid out and that all classrooms will be equipped so that all science subjects can be taught in every classroom. The architects will meet with school officials and a report will come back to the Board in the end of June. In October the architects should be able to go to SED for permit approvals. When approvals are received the project will go out to bid. The target completion date is September 2014. City Manager Pickup asked if there were any areas of the campus that would be closed off during construction. Superintendent Shine said there may be need for temporary closures of the parking lot and participation by the City Manager, Police Commissioner and Fire Department may be needed.

4. Update on the City of Rye proposed bond

Mayor French said that in the last ten years the City has invested in its buildings but now it is time to invest in its crumbling infrastructure and flood mitigation. The Council is considering \$5 to \$10 million in critical needs infrastructure projects. There is a list of 14 possible items which include: expansion of the upper pond; the crumbling wall opposite CVS on the Boston Post Road; the reconstruction of Smith Street; intersections in the Central Business District; and Police/Court projects related to prisoner transport. City Manager Pickup said that if the Council passes a Resolution in June, it will go on the ballot in November. Public safety is the key in determining projects. The great unknown is the cost of resizing the Bowman Avenue Upper Pond. The City is also working with the County on another detention facility north of Anderson Hill Road.

Mayor French also provided an update on the City-owned property at 1037 Boston Post Road. The property was purchased in 2006 with the idea of using it for a public purpose. The Council has determined that it will not go forward with a Police Station/Courthouse and since there is no longer a public purpose, the Council will consider an offer on the property from the current tenant at a special Council meeting on April 25th.

City Manager Pickup also provided an update on a proposal to readapt the building located at 120 Old Post Road for hotel use. The building has been vacant since the last tenant moved out five years ago. The current owner has proposed a zone change for use of the property for a 150 room hotel. There will be no banquet facilities, bar or restaurant on site. The amount of parking spaces on site will be reduced and a preliminary traffic analysis indicates that the amount of actual traffic in and out of the site will be reduced from when it was a fully utilized office building. Proposals have also been made to upgrade stormwater detention on site. The proposal has been referred to the Planning Commission and Westchester County Planning Commission for their opinion. If, based on the opinions provided, the Council decides to go forward, public hearings will be held on the proposed zoning change. If the change is approved the actual site plan will be submitted to the Planning Commission for approval. Mr. Pickup said that this request may be the beginning of requests for re-adaptive uses by owners of commercial property in Rye.

There was a discussion among the members of the two boards regarding what would become allowable if the proposed zoning change was enacted and possible affects on the community. It was noted that the Council had requested the applicant to consider the public safety issue of school children who would travel past the location on their way to and from school. Members of the School Board stressed safety issues for school children and it was suggested that the Council only consider approving a minimal change of the zoning laws to encourage a non-residential, upscale facility. The need for the proposal to be fully vetted by the public was noted. The City Manager was asked to keep the School Superintendent informed on the project so the School Board can be informed and active in the process. It was suggested that the School Board create a memo listing areas of special interest that can be forwarded to the incoming School Superintendent and the City Manager.

5. Discussion of Pedestrian Safety initiatives: improvement at Boston Post Road and Parsons Street

City Manager Pickup said the City and Board of Education continue to monitor pedestrian and traffic movements in and around school campuses. The proposal in question came up as a recommendation of the Shared Roadways Committee and was circulated to the City Council in June. Some classes are now walking from the High School/Middle School campus to the Nature Center for programs during the day and a group will also be leaving from the Presbyterian Nursery School Program in the afternoon and there are resulting traffic concerns. Brian Dempsey said that the Traffic and Pedestrian Safety Committee (TPS) is now looking at a proposal from the Shared Roadways Committee to add crosswalks and a pedestrian refuge island to improve the connection across the Boston Post Road to the Nature Center. The recommendations have not been approved. He said there are site distance issues that must be looked at. He said students from the Middle School would probably continue to use the crosswalk at the Middle School Driveway. City Manager Pickup said that what is missing from the proposal is the issue of crossing the Boston Post Road to the Nature Center and the area further down the Post Road by the snow dump parking area. The creation of the pedestrian refuge island would impact traffic flow by increasing the number of cars cutting through the Presbyterian Church property and traveling through Parsons Street to Milton Road. It was suggested that a test be done by blocking the area that would be occupied by the island in order to study the traffic implications. City Manager Pickup said the proposal is being looked at now because there will be issues with the snow dump lot and temporary parking during construction at the school.

Mr. Dempsey reported on other traffic and pedestrian safety projects that TPS is working on including: coordinating with the County on the bridge on Old Post Road project and the Trailways Project along Playland Parkway. They have also been working with City staff on putting sharrows on Forest Avenue and a new crosswalk at Hewlett Avenue. A question was raised about how to better delineate the street on Hewlett Avenue from the sidewalk at the drop off area at Milton School, such as rumble strips, in order to prevent drivers from parking too close to the sidewalk and car doors from opening into children walking by. A request was also made to look into removing the striped diet markings on the Boston Post Road in the area near the driveway at Osborn School to facilitate cars making a right turn coming out of the driveway.

There was also a discussion about the issue of crossing guards and preventing people from driving through crosswalks. Suggestions were made to increase enforcement during the first few weeks of the school year in order to re-enforce traffic safety regulations; scheduling police officers at crosswalks to control traffic as part of their regular duties; sending out a Nixle alert prior to the beginning of the school year; utilizing volunteer parents at intersections; or, not using crossing guards at noon dismissal and using them at afternoon dismissal instead. City Manager Pickup said that putting police at crosswalks is a staffing and budget issue and suggested that staggering Middle School and High School hours should also be looked at.

6. Discussion of potential sharing of services: tax collection and viewing

Mayor French said that tax collection is an area of shared services that has been discussed between the City and School District and that in the past the City collected the school taxes. City Manager Pickup said that City Comptroller Jean Gribbins and School Board Business Manager Kathleen Ryan would sit down and discuss how the process would be implemented and then come back to the respective boards with a report on how it might work. Mr. Pickup said that he believed the City would receive any penalties incurred by late payments.

7. Discussion of a joint statement on mandate relief

Mayor French said that a joint statement was issued last year in connection with the tax cap, which was implemented without the requested mandate relief. Both Boards received a draft of a proposed Resolution at their last meetings. Changes suggested by the School Board at their meeting to make the language stronger were discussed and additional language added. It was noted that many people do not know what is meant by the term “mandate relief” and that it was important that the City and School District educate the public as to what type of relief is being sought and why it is important to them.

Board Member Nathan made a motion, seconded by Councilwoman Brett to adopt the following Resolution:

Joint Resolution of the Rye City School District and the City of Rye

Be it RESOLVED by the Rye City School District Board of Education and the Mayor and the Council of the City of Rye that meaningful mandate relief must be enacted by the cooperative efforts of the New York State Legislative and Executive branches in order to provide relief to jurisdictions that are in compliance with the limits of annual growth in the local property tax levy, and

WHEREAS, the joint Mandate Relief Council comprised of representatives of both the Legislative and Executive branch of New York State is currently tasked with reviewing and implementing mandate relief reforms as a part of comprehensive tax reforms for overburdened New York taxpayers, and

WHEREAS, both the provision of essential services and the quality of educational opportunities and city programs are being negatively impacted by the current 2% tax cap, and

WHEREAS, repealing State statutes such as the Triborough Amendment would immediately improve the ability of the school district and city to control costs, and

WHEREAS, the repeal of the Wicks Law would also provide immediate savings in the cost of capital improvements by reducing the requirements for multiple contractors on construction projects, and

WHEREAS, the costs of public employee pension contributions are increasing at a rate that is unsustainable with the current exclusion language in the tax cap levy, and should be limited so that the state-mandated employer contribution rates are capped at the same growth rate increase as is allowed under the current tax cap, now

THEREFORE, BE IT RESOLVED that the Rye City School District Board of Education and the Mayor and Council of the City of Rye demand that the Governor and the Legislature, as well as the Mandate Relief Council in accordance with Article 24, Executive Law 666, act upon these specific items of concern, and,

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the NY State Mandate Relief Council, Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, and Members of the State Senate and Assembly representing Rye.

ROLL CALL:

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

ROLL CALL:

AYES: School Board President Slack, Board Members Belanger, Fox, Glassberg, Nathan, and Schmitt
NAYS: None
ABSENT: Board Member Egan

The Resolution was adopted by an 11-0 vote

8. Review of fields and facilities management scheduling

City Manager Pickup said that the City and School District work closely together on sharing facilities throughout the year. Recreation Superintendent Sally Rogol said that the Recreation Department plays a role in providing, maintaining and distributing the assets in terms of field use outside the school. The Department works with the School District to maintain the facilities and coordinates all the youth sports leagues, which have growing demands for field space. As the seasons grow the infrastructure is taking a hit. Many improvements have been made over the last year to both City and School District fields in cooperation, and there is currently a joint project with the School District and a Sport Clerk Consultant. They are awaiting

a report on how to have better practices at the fields and use better techniques that will save money in the long run to maintain the fields. The Recreation Commission has been doing a field study for about a year to identify if there is another property within the footprint that could have better drainage or handle artificial turf. The Recreation Department holds an annual tour, which will be held on May 10th at 6:00 p.m. and will include discussions of field projects that have been done, others that are contemplated in the future, and site visits to some fields where improvements have been made to discuss why the improvements were made. Ms. Rogol and Ms. Ryan are again looking at programs and will participate in some webinars to determine if a software program is available for scheduling purposes that is compatible for both entities. There was a suggestion made that the field use fees collected should be used for field rehabilitation. Superintendent Rogol said that only \$5 of the \$15 user fees the City collects goes to field rehabilitation. There was a discussion of the School District tying into the City's field cancellation policy in order to better protect their fields. There was also a suggestion that since there is increased demand and limited field space, the City might look into adding the Thruway Field to its bond referendum projects. Mayor French said that the Thruway Field is off the table because the City would never own the field and the lease would be structured as ten, 11-month leases which would allow use of the property to revert back to the State for their purposes for one month each year. The City will not invest \$300,000 in a field under those conditions.

9. Adjournment

Before adjourning the meeting, congratulations and thanks were extended to Superintendent Shine, who will be retiring at the end of the school year.

There being no further business to discuss Councilwoman Brett made a motion, seconded by Board Member Fox and unanimously carried, to adjourn the meeting at 11:30 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

DRAFT UNAPPROVED MINUTES of the
Special Meeting of the City Council of the City of
Rye held in City Hall on April 25, 2012 at 7:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI
PETER JOVANOVICH
SUZANNA KEITH
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: None

1. Pledge of Allegiance

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

2. Roll Call

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

3. Authorization for the City Manager to enter into a Memorandum of Understanding between the City of Rye and Lester's of Rye, LLC for the right of first refusal for the purchase of the property located at 1037 Boston Post Road.

Corporation Counsel Wilson said there have been recent changes to the agreement, which is no longer a Memorandum of Understanding, but is now a Purchase and Sale Agreement that contains a Right of First Refusal. Ms. Wilson recommended that the Council go into executive session to discuss the proposed changes. It was the consensus of the Council that a vote should not be taken at this meeting in order to allow time for the public to review the proposed agreement. Ms. Wilson said that the Council did not have to take a vote at this meeting, but said the longer the vote is delayed the shorter the window is. The lease with the current tenant expires in February 2013, so the City is approaching a deadline where there may no longer be a tenant for the building. City Manager Pickup said that the tenant had asked for one year notice if he was not going to be in the building past the current lease expiration date. He said the decision will also impact the 2013 budget, which staff begins preparing in July and August.

Two members of the public spoke on the agenda item. *Ted Carroll of Forest Avenue* said that the public expected to see the documents. *Victor Kiarsis of 320 Grace Church Street* said

that if the tenant is interested in buying the building he has an economic interest in continuing to be in it. He added that if the transaction is a good one the Council should move on it.

4. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the special meeting at 7:30 p.m. Councilman Filippi made a motion seconded by Councilwoman Brett and unanimously carried to immediately adjourn into executive session to discuss a proposed real estate transaction relating to 1037 Boston Post Road. Councilwoman Keith left the executive session at 8:50 p.m. Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the executive session at 9:50 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: May 9, 2012

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

May 9, 2012

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:

- Update on Rye Town Park Capital Grant
- Update on 120 Old Post Road
- Legal Update

For: City Council, City of Rye, NY

May 3, 2012

Our firm, Carpe Diem-Westchester, Inc. , has successfully secured state and federal funds amounting to \$400,000 for the Rye Town Park Commission, where Mayor French is a member We were able to replace the roof of the Historic Bathing Pavilion located in the RTP at a cost of \$1.2 million dollars.

Now RTPC seeks to raise \$3.2 million dollars to seal the exterior envelope of this historic building and find a suitable tenant, who will refurbish the interior and do business there under a long term lease. Funds from this lease will benefit the approximately 100,000 area residents who use this park and beach.

We will seek \$1.6 million from the federal government and \$1.6 from the state government to accomplish this goal. Both of these grants are matching grants. They can now be used to match each other. We have no way of predicting whether these grants will be awarded in full, in part or at all. As you know, The Town of Rye has a 60% responsibility for matching these funds and The City of Rye has a 40% responsibility.

If all \$3.2 million is awarded then no additional funds are needed.

If no funds are awarded then no matching funds are required and the project is postponed.

If , for example, half of the funds are awarded (\$1.6MM) they must be matched. Thus, \$1.6MM in matching funds would need to raised.

This would work out	60% Town of Rye	\$960,000
	40% City of Rye	<u>640,000</u>
		\$1,600,000

Possibilities:

Your investment banker is the group most suited to advise you as to a private or public bond offer for any amount needed.

Interest rates are currently low - our clients have found bidders sharpen their pencils in these lean times. Architect's estimates have been bid 20% lower even in Manhattan.

If in total you need \$640,000 you are borrowing 50% of your needs as the grantor provides the balance. You are making improvements with 50 cent dollars.

The City of Rye has a Aaa bond rating for GO's - the highest and a relatively low debt burden.

Based on a population of 15,000 a debt of \$640M would be \$42.67 per capita payable over a number of years, i.e.: 10 years @ \$4.27 principal, plus interest.

Your public improvement bonds should bear an interest coupon of 4.0% to 4.5% while general obligation bonds would have a lower coupon.



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager

DATE: May 9, 2012

CONTACT: Scott Pickup, City Manager

ACTION: Public Hearing to discuss potential capital projects to be included in a November, 2012 Bond Referendum.

FOR THE MEETING OF:

May 9, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Timeline for a 2012 Bond Referendum:

May 23, 2012 – close Public Hearing regarding the projects to be bonded
May 24, 2012 – June 7th – City Staff to work with Bond Counsel on bonding resolution
June 8, 2012 – Distribute Bond Resolution to Council for review prior to adoption
June 13, 2012 – adopt bonding resolution by 60% majority including a yes vote by the Mayor
August, 2012 – send ballot information to Board of Elections (City Staff action only)
November, 2012 – General Election
November, 2012 – override the tax levy cap for 2013 budget to pay debt
November to December 2012 – borrow funds if Bond Referendum passes
January, 2013 – begin work on projects
November, 2013 – override the tax levy cap for 2014 budget to pay debt
December, 2013 – first interest payment due
June, 2014 – second interest payment due
December, 2014 – first principal payment and third interest payments due

See attached tentative project list.

**Potential Capital Projects for Inclusion in
Possible November 2012 Bond Referendum
City of Rye, New York**

Project Name	Description	Estimated Cost
<i>Smith Street Reconstruction</i>	Project involves the reconstruction (including paved surface and base) and curb replacement, where necessary. Other improvements as noted in the 2009 CBD Planning and Streetscape Study should also be considered.	\$450,000 - \$500,000
<i>Smith/Elm/Purchase Intersection Improvements</i>	As recommended in the 2009 CBD Capital Planning and Streetscape Study the project involves replacing existing signal with stop signs and other traffic calming measures including changes in intersection paving material, bump-outs and new crosswalks.	\$225,000-\$300,000
<i>Purchase/Fremd/Purdy Signal Replacement</i>	As recommended in the 2009 CBD Capital Planning and Streetscape Study the project involves replacing traffic signals at this intersection to meet NYSDOT requirements and adding a turning lane on Theodore Fremd Avenue to reduce intersection delays.	\$425,000 - \$475,000
<i>Locust Avenue Sewer Siphon Replacement</i>	Abandon the “siphon” under the Locust Avenue bridge and construct a new sewer line with a more reliable, straight, gravity flow sewer line to the County trunk in Blind Brook. The existing pipes are approximately 100 years old, and one of the existing 4” pipes is partially compromised with an obstruction. The siphon conveys sewage for many businesses in the CBD.	\$150,000-\$200,000
<i>Boston Post Road Retaining Wall</i>	The rock wall/embankment on Boston Post Road opposite Purdy Avenue has been shedding rocks, compromising slope and wall stability. The wall straddles private and City right-of-way property lines. A unified wall approach similar to that completed on BPR would likely provide the greatest functional and aesthetic benefit, however more detailed engineering is required to determine whether the existing wall can be salvaged or a complete reconstruction is required.	\$350,000-\$525,000
<i>Sidewalk and Pedestrian Improvements</i>	Replacement of deteriorated sidewalk on Milton Road, ADA compliance and other pedestrian improvements needs in the City.	\$100,000

Project Name	Description	Estimated Cost
<i>MTA Parking Lot Improvements</i>	The City (which does not own the lot, but shares in the parking revenue with the MTA) previously discussed with the MTA possible cost/revenue sharing strategies to implement necessary repairs to the deteriorated lot. The proposed improvements would rehabilitate the lot, which has not been repaved in over 20 years, and implement pedestrian and vehicles safety improvements consistent with a preliminary concept plan prepared by MTA consultants in 2006.	\$2,650,000-\$3,000,000
<i>Sonn Drive Traffic Signal</i>	Installation of a traffic signal at the Boston Post Road/Sonn Drive intersection. Intersection may not meet criteria (i.e. “warrants”) for a traffic signal at this location based on the traffic and pedestrian data analyzed by the City’s consulting traffic engineer. Upgrades to the existing signals and Old Post Road and Osborn/Oakland Beach would have to be made so that the three signals are properly coordinated to not adversely impact existing vehicle service levels. Project would likely require a crossing guard after project completion.	\$165,000-\$200,000
<i>Rye Free Reading Room Improvements</i>	Pending information from RFRR	Pending
<i>Police/Court Upgrades</i>	Project includes construction of new secured sally port, elevator, interior stairwell, expanded court clerk facilities, judges chamber, court officer facilities and prisoner holding facility.	\$1,200,000
<i>Bowman Avenue Upper Pond Flood Mitigation Improvements</i>	Project would expand the capacity of the flood storage area of Bowman Avenue upper pond.	Pending final engineering analysis from WSP Sells
<i>Total</i>		\$5,365,000-\$6,400,000



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager

DATE: May 9, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for Harris Beach, PLLC to represent the City on pre-trial motions and settlement discussions in the Westchester Joint Water Works tax certiorari proceeding.

FOR THE MEETING OF:

May 9, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council authorize Harris Beach, PLLC to represent the City's interests commence with pre-trial motions and settlement discussions at a rate of \$215 per hour.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Westchester Joint Water Works (WJWW) has a pending tax certiorari proceeding in Westchester County Supreme Court. At the Court's request, there have been several legal issues that all parties have briefed. Currently, WJWW has submitted a motion that both the City and Rye Neck Union Free School District are opposing. As part of this motion practice, the Court has asked for specific issues to be addressed. Due to the amount of time and additional resources that are needed to represent the City's interests in this tax proceeding, Corporation Counsel is asking to authorize Harris Beach, PLLC to be retained. The estimated legal fees are \$3,000. Rye Neck Union Free School District is also actively involved in this particular tax certiorari as well.



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager's Office

DATE: May 9, 2012

CONTACT: Scott Pickup, City Manager

ACTION: Home Rule resolution supporting S5902-B (Oppenheimer)/ A8556C (Latimer) extension of City of Rye Hotel Occupancy Tax.

FOR THE MEETING OF:

May 9, 2012

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the City Council approve the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Hotel tax was previously approved by the City Council on January 25, 2012. The City was advised by Assemblyman George Latimer that a modification was made from four years to three years. The City Council must approve this change to the Home Rule resolution before the Bill can advance in Albany.

See attached.

S T A T E O F N E W Y O R K

8556--C

2011-2012 Regular Sessions

I N A S S E M B L Y

August 24, 2011

Introduced by M. of A. LATIMER -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 89 of the laws of 2009 amending the tax law relating to the imposition of an occupancy tax in the city of Rye, in relation to extending the effectiveness thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Section 2 of chapter 89 of the laws of 2009 amending the
 2 tax law relating to the imposition of an occupancy tax in the city of
 3 Rye is amended to read as follows:
 4 S 2. This act shall take effect immediately and shall expire and be
 5 deemed repealed [three years after such date] SEPTEMBER 1, 2015.
 6 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD13332-06-2



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager's Office

DATE: May 9, 2012

CONTACT: Scott Pickup, City Manager

ACTION: Discussion of amending City of Rye Local Law Chapter 53, "Architectural Review" to reduce the number of applications subject to architectural review.

FOR THE MEETING OF:

May 9, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A recommendation has been made to review Local Law Chapter 53, "Architectural Review" to:

- reduce the number of applications which are currently subject to architectural review
- provide clarification of small projects and exemption of small projects from review
- remove the additional review on items such as windows and doors
- provide a clearer definition on patio projects such as patios on grade or patios with sitting wall and with cooking fixtures that are not portable

Additionally, it has been recommended that the City create a more restrictive law which would require fire sprinkler systems in all new homes. Eight other local municipalities already include this requirement in their Local Law.

See attached applicable sections of the current Local Law.

BAR Applications by year

2000 - 247

2001 - 225

2002 - 246

2003 - 298

2004 - 259

2005 - 265

2006 - 195

2007 - 234

2008 - 173

2009 - 152

2010 - 158

2011 - 209

2012 - 65 - through the last BAR meeting date of May 7, 2012

§ 53-1. Legislative findings; definitions.

A. The Council hereby finds that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of structures erected, reconstructed or altered in any residential, business and other areas in the City of Rye adversely affects the desirability of the immediate area and neighboring areas within the community and by so doing impairs the benefits of occupancy or use of real property in such areas, impairs the stability and value of both improved and unimproved real property in such areas, prevents the most appropriate development of such areas, produces degeneration of the property in such areas, with attendant deterioration of conditions affecting the health, safety, morals and general welfare of the inhabitants of the community, and destroys a proper relationship between the taxable value of real property in the community and the cost of municipal services provided therefor. It is the purpose of this chapter to prevent these and other harmful effects and thus to promote and protect the health, safety, morals and general welfare of the community.

B. As used in this chapter, the following terms shall have the meanings indicated:

[Amended 5-31-1995 by L.L. No. 6-1995]

ERECTED, RECONSTRUCTED or ALTERED

As defined in Chapter 68, Building Construction, of the Code of the City of Rye and in the approved regulations of the Building Inspector.

ORDINARY MAINTENANCE AND REPAIR

As defined in Chapter 68, Building Construction, of the Code of the City of Rye and in the approved regulations of the Building Inspector.

SMALL PROJECT

Any addition to or alteration or modification of an existing single- or two-family residence structure:

(1) For which a valid certificate of occupancy exists for all structures on the property;

(2) Upon which property there are no open building permits and no building permit or certificate of occupancy was issued within the immediate past 12 months;

(3) That:

(a) Has a gross floor area of 300 square feet or less where located in Zoning Districts R-1, R-2 and R-3 and 200 square feet or less where located in all other zoning districts;

(b) Does not create a second story if none previously existed on the structure; and

(c) Is less than 15% of the existing floor area of the structure; and

(4) That does not substantially change the appearance visible from the street of any front or side facade or roof.

STRUCTURE

Includes all buildings, accessory buildings, decks, signs and satellite earth station dish antennas as defined by Chapter 108, Housing Standards, and Chapter 197, Zoning, of the Code of the City of Rye.



CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager's Office

DATE: May 9, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Discussion of proposed changes to amend local law Chapter 180, "Taxicabs", Section 14, Payment of Fares, of the Code of the City of Rye to increase taxi fares.

FOR THE MEETING OF:

May 9, 2012

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The taxi owners in Rye have petitioned the City Council for a raise in fares as rates have not been raised since 2002. The owners cite rising expenses including gas prices, insurance, vehicle maintenance, and taxicab license fees, as the need for the fare increase. At a meeting with the City Clerk and Deputy City Clerk the owners requested:

- an increase of \$3.00 of the minimum fare in each of the three taxi zones (see attached taxi fare zone map)
- an additional increase of \$4.00 between the hours of 12:00 a.m. and 6:00 a.m.
- an increase of \$1.00 (from \$2.00 to \$3.00) for each additional passenger coming from the same location to the same destination
- an increase of \$15.00 (from \$30 to \$45) in the waiting time for shopping and touring in the City
- to limit the number of taxi companies permitted to operate in the City to the current six
- the addition of three spaces for the exclusive use of taxis; currently there are six spaces

The taxi owners agreed to a reduced rate by \$1 for Seniors through the existing income-based voucher system overseen by the Rye Interfaith Housing Corporation.

See attached information.

Additional Taxi Information

A) A taxi company must have a minimum of three (3) cars in order to rent one of the six taxi stall spots at the Metro North train station. These spots are assigned through a lottery system held by the City Clerk's office on an annual basis in December. The spots are rotated every two months so that every company has access to each different spot at one point during the year.

B) Fees related to taxi companies:

- Annual fee for a taxi stall at the Metro North train station - \$751.62
- Annual license fee for the taxi driver - \$75.00
- Annual license fee for a taxicab - \$130.00

NOTE: these fees were increased in 2011

C) Six Taxi Companies currently operating in the City of Rye:

1) County Taxi & Airport Service

88 Purchase Street
Rye, New York

2) Purchase Street Taxi

51 Purchase Street
Rye, New York

3) Rye Brook Cab & Airport Service

68 Purchase Street
Rye, New York

4) Rye Metro Taxicab

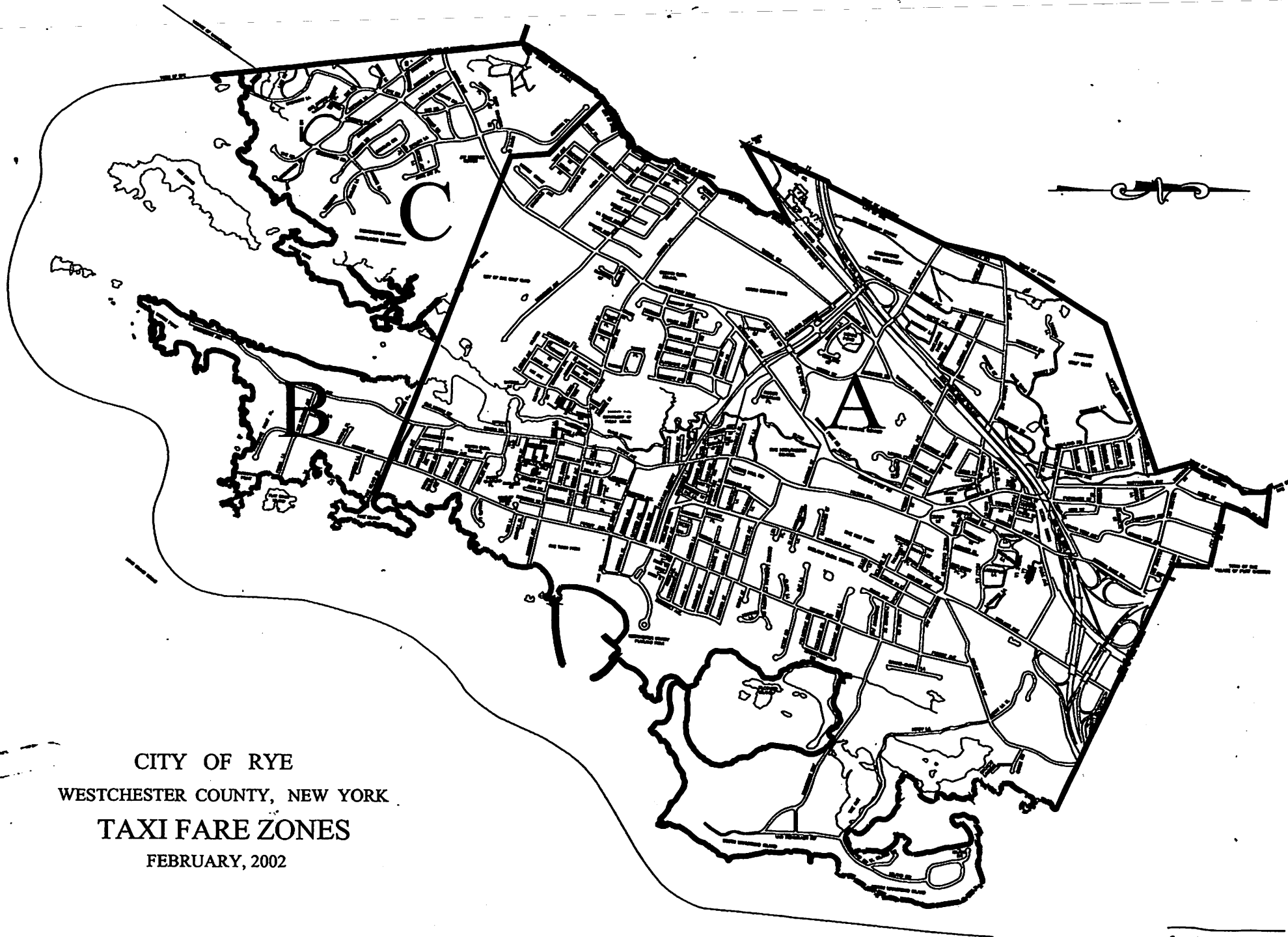
62 Orchard Ave
Rye, New York

5) Rye's Taxi

68 Purchase Street
Rye, New York

6) Westchester Taxi & Airport Service

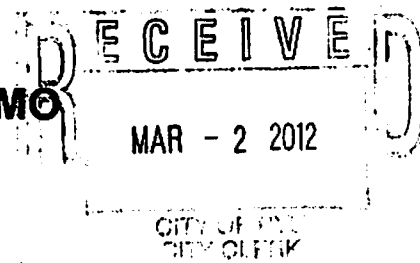
16 School Street
Rye, New York



CITY OF RYE
WESTCHESTER COUNTY, NEW YORK
TAXI FARE ZONES
FEBRUARY, 2002

PURCHASE STREET TAXI & LIMO

51 Purchase Street
Rye, NY 10580
(914) 967-500



City of Rye, March 02/2012

Mayor, City Counsel, and City Clerk
3rd Floor, City Hall
1051 Boston Post Road
Rye, NY 10580

Mayor, Members of City Counsel, and City Clerk:

This Letter is written as a formal request for an increase in minimum Cab fare in the City or Rye from \$ 4 to \$ 7. We deemed this increase is needed and long overdue based upon the following reasons:

- 1) The last increase we were granted took place 10 years ago on March 21 of 2002
- 2) The gas prices have more than triple in 10 years. The average gas price in 2002 was \$ 1.36. It is \$ 4.05 at the present time and continues to go up.
- 3) Insurance premiums for taxies have more than double in this period, being the average amount we now have to pay \$ 4,500.00
- 4) Maintenance and parts for the vehicles have considerably increased
- 5) All other branches of the transportation industry (Trains, buses, planes) have increased their prices several times due to the inflation and to be able to stay in business. Even the City of Rye was in need to double the parking permits fees last year(which don't required any maintenance or spending in order to function) to make them profitable.

We feel the fares we are presently charging are disproportioned to the realities of the financial situation the country is going through, and is making it very difficult to our drivers to make a living and render an adequate and efficient service.

Thank you for your time and consideration on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Kabdebo".

Frank Kabdebo
Owner
Purchase Street Taxi & Limo

Rye Taxi & Airport Service, Inc.
88 Purchase Street
Rye, NY, 10573
T 914-967-3003
F 914-967-0683

April 11, 2011

Mr. Scott Pickup
City Manager
City of Rye
Rye City Hall
Third Floor
Rye, NY, 10580

Mr. Pickup,

Pursuant to Mr. Frank Kabdebos letter of March 2, 2012 and our meeting of April 4, 2012 Rye Taxi & Airport Service, Inc. would like to add the following to your agenda for consideration:

- The addition of three spaces designated for the exclusive use of taxis, so as to not block commuter parking.**
- Presently the area where vans and buses are waiting for passengers blocks the view of pedestrians trying to cross the street creating a hazardous situation. It also might be suggested that they do not idle their engines while waiting, as this is not of any benefit to our environment.**
- *We understand that The City is contemplating to limit the companies servicing the City of Rye to the current number of six. Additional companies would result in even more taxis in need of station parking, and decrease the income of those drivers currently employed.**

We appreciate your time and effort concerning this issue.

Sincerely,

Daniel Delisa
Owner
Rye Taxi & Airport Service, Inc.

TAXI FARES

Municipality	Fare	Late Night Charges	Additional Passenger Fee	Senior Rate	Date Adopted
Bronxville	\$4.50	\$5.50 (10:00 pm to 5:00 am)	\$1.00 for each additional passenger in same party	\$2.75 between 10:00 am and 3:00 pm	1990
Dobbs Ferry	\$6.00	\$1.00 for pickup after 10:00 pm	\$1.00 for additional passengers to or from same address		2008
Larchmont	\$4.25	\$6.00 (11:00 pm to 6:00 am)	\$1.00 for additional passenger to same stop		9/15/2005
Mamaroneck Village	\$4.50	\$2.50 additional (12:00 am to 4:30 am)	\$1.50 for each additional passenger	\$4.00	3/5/2007
New Rochelle	\$3.50 first 2/8 of a mile - \$.25 for each additional 1/8 of a mile	1 ½ times day rate (11:00 pm to 6:00 am)		\$.35 off the initial fare of \$3.50	2008
Port Chester	\$4.00		\$1.25 for each additional passenger	\$2.00	12/1/2003
Scarsdale	\$4.50 to \$9.00 based on zone		\$2.00 for each additional passenger		6/30/2008
Tarrytown	\$4.00		\$1.00 each additional passenger to same stop	\$3.00	
Tuckahoe	\$4.75		\$1.00 for each additional passenger	\$.75 with coupon 9:00 am to 3:00 pm	5/2008

CITY OF RYE

PROPOSED LOCAL LAW NO. 2012

A local law to amend Chapter 180, Taxicabs, §180-6, “Form of License; Badge”, §180-7, “Renewal of driver’s license”, and §180-14, “Payment of fares” of the Code of the City of Rye

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

Section 1: Chapter 180, Taxicabs

§180-1. Definitions.

Unless otherwise expressly stated, whenever used in this chapter the following words shall have the meaning given to them by this section:

DRIVER'S LICENSE

Any permission granted to any person to drive a licensed taxicab upon the streets of the city.

OPERATOR

Any person owning or having control of the use of one or more taxicabs used for hire upon the streets of the City or engaged in the business of operating a taxicab.

TAXICAB

Any motor vehicle engaged in the business of carrying persons for hire, whether the same be operated from a street stand or subject to calls from a garage or otherwise operated for hire, except vehicles subject to the provisions of the Transportation Corporations Law or used by undertakers in carrying on their business.

TAXICAB DRIVER

Any person who drives a taxicab, whether such person be the owner of such taxicab or employed by a taxicab owner or operator.

TAXICAB LICENSE

Any permission granted to any person to operate or keep for hire any taxicab in the city.

TAXICAB STAND

Any place alongside the curb of a street or elsewhere which is exclusively reserved for the use of taxicabs.

§180-2. General license requirements.

It shall be unlawful for any person to drive, operate or keep for hire or pay within the City any taxicab without first having obtained and paid for a license to drive or a license for operating or keeping for pay or hire, or both.

§180-3. Driver's license required.

No person shall drive a taxicab and no person shall permit anyone to drive a taxicab within the City without a driver's license.

§180-4. Application for driver's license.

[Amended 10-14-1981 by L.L. No. 5-1981]

An application for a driver's license must be made on a blank form furnished by the Police Department. The original application, which must have the approval of the Commissioner of Police endorsed thereon, shall be filed with the Clerk, who shall issue a license as provided herein. The applicant must file a copy of said application with the Commissioner of Police and comply with the following to the satisfaction of the Commissioner of Police:

- A.** First have obtained a chauffeur's license.
- B.** Be of sound physique with good eyesight and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him or her unfit for the safe operation of a public vehicle.
- C.** Be clean in dress and person and not addicted to the use of intoxicating liquors or drugs.
- D.** Be familiar with the provisions of this chapter, the vehicle and traffic and highway laws of the state and the traffic regulations and geography of the city.
- E.** Produce on forms to be provided by the Police Department:
 - (1) A testimonial affidavit from his or her employer.
 - (2) Affidavits of good character from two responsible persons who have known him or her personally and have observed his or her conduct for at least one year next preceding the date of his or her application.
 - (3) An affidavit by the applicant, giving such additional information as may be required.

§180-5. Photograph of driver.

[Amended 10-14-1981 by L.L. No. 5-1981]

Each applicant for a driver's license must file with his or her application three unmounted, unretouched photographs of himself or herself, in such position and in such size as the Commissioner of Police may direct, taken within the 30 days preceding the filing of his or her application; photographs shall be of a size which may be easily attached to his or her license, one of which shall be attached to the license when issued, one shall be filed with the Clerk and one shall be filed with the copy of the application filed with the Commissioner of Police.

§180-6. Form of license [badge].

Upon satisfactory fulfillment of the foregoing requirements, the Clerk shall issue to the applicant a license, which shall be in such form as to contain the photograph and signature of the licensee,

[~~and a metal badge,~~] with his or her license number thereon, which must be constantly and conspicuously displayed on the outside of the driver's outer garment when he or she is engaged in his or her employment. All licenses shall be displayed in a conspicuous place in the taxicab which is in the charge of the licensee.

§180-7. Renewal of driver's license.

[Amended 10-14-1981 by L.L. No. 5-1981]

A driver, in applying for a renewal of his or her license, shall make such application not less than [30] 60 days next preceding its expiration upon a blank form to be furnished by the Police Department. A copy of said application for renewal must be filed with the Commissioner of Police. The original renewal application, which must have the approval of the Commissioner of Police endorsed thereon, shall be filed with the Clerk, who shall thereupon issue a license as provided herein.

§180-8. Fee for driver's license.

[Amended 12-4-1985 by L.L. No. 16-1985; 12-18-1991 by L.L. No. 31-1991; 12-21-1994 by L.L. No. 4-1994; 12-20-2000 by L.L. No. 17-2000; 2-1-2006 by L.L. No. 3-2006]

An annual license fee shall be set annually by resolution of the City Council before adoption of the budget for the following year for a driver's license or renewal thereof; no allowance shall be made for any part of a year.

§180-9. Record of driver's license.

[Amended 10-14-1981 by L.L. No. 5-1981]

The Commissioner of Police shall keep a complete record of each license issued to a driver and of all renewals, suspensions and revocations thereof.

§180-10. Application for license for vehicle.

[Amended 10-14-1981 by L.L. No. 5-1981]

A. It shall be unlawful for any person to operate or permit to be operated a taxicab upon the streets of the City without first having obtained therefor a taxicab license. An application for a taxicab license shall be made by the owner on a blank form to be furnished by the Police Department, and a copy of said application shall be filed with the Commissioner of Police. The original application, which must have the approval of the Commissioner of Police endorsed thereon, shall be filed with the Clerk, who shall issue a license as provided herein.

B. It appearing that there are insufficient places to put taxi stands to provide parking in the core areas of the City, including the train station area, and that, as a result, there are arguments and disturbances and the streets are congested by the dispatching of taxicabs and the pickup and dropoff of passengers and that the number of taxi companies bears a direct relationship to the amount of congestion and to the disturbances that arise; it appearing, in addition, that the pressure for more and more drivers as more companies are created results in danger to the public health, welfare and the good relationships necessary

to living in a densely populated community, for these reasons, the number of companies which may be licensed at any one time is six.

§180-11. Inspection of vehicles before licensing.

[Amended 10-14-1981 by L.L. No. 5-1981]

No vehicle shall be licensed until it has been thoroughly and carefully inspected and examined by the Commissioner of Police and found to be in a thoroughly safe condition for the transportation of passengers. If, upon inspection, a taxicab is found to be of lawful construction and in proper condition in accordance with the provisions of this chapter, the Commissioner of Police shall endorse his or her approval on the application to be filed with the Clerk. Each vehicle shall be inspected each year by the Commissioner of Police.

§180-12. Vehicle license fees.

[Amended 12-4-1985 by L.L. No. 16-1985; 12-18-1991 by L.L. No. 31-1991; 12-21-1994 by L.L. No. 4-1994; 12-20-2000 by L.L. No. 17-2000; 2-1-2006 by L.L. No. 3-2006]

Each taxicab licensed under this chapter shall pay an annual license fee set annually by resolution of the City Council before adoption of the budget for the following year as follows:

- A. Taxicabs seating up to seven passengers.
- B. Coach or bus seating over seven passengers.

§180-13. Register of licensed taxicabs.

[Amended 10-14-1981 by L.L. No. 5-1981]

The Commissioner of Police shall keep a register of the name of each person owning or operating a taxicab licensed under this chapter, together with the license number and the description and make of such vehicle, with the date and complete record of inspections made of it. Such record shall be open to the inspection of the public at all reasonable times. If a taxicab shall be disabled, disqualified for service or sold, the Commissioner of Police may, in his or her discretion, permit the license granted for such taxicab to be used in connection with the taxicab purchased in its place. Should the state license number of a taxicab be changed during the term of the taxicab license, such change and number shall be immediately reported by the licensee to the Commissioner of Police and the Clerk.

§180-14. Payment of fares.

[Amended 5-6-1964 by Ord. No. 8-1964; 6-16-1970 by Ord. No. 6-1970; 5-1-1974 by Ord. No. 1-1974; 5-18-1977 by Ord. No. 4-1977; 8-15-1979 by Ord. No. 6-1979; 3-5-1986 by L.L. No. 2-1986; 4-21-1993 by L.L. No. 2-1993; 2-6-2002 by L.L. No. 2-2002]

- A.** Taxicab zones. The following taxicab Zones A to C are hereby established as shown on the annexed map which is made a part hereof: *Editor's Note: The Taxi Fare Zones Map is included at the end of this chapter.*

Zone	Fare
A	[\$4.00] <u>\$7.00</u>
B	[\$5.00] <u>\$8.00</u>
C	[\$5.50] <u>\$8.50</u>

B. Maximum fares to or from railroad station. The maximum fares for taxicabs between the railroad station and points within the taxicab zones shall be as follows:

Route	Maximum Fare
Between railroad station and points in Zone A	[\$4.00] <u>\$7.00</u>
Between railroad station and points in Zone B	[\$5.00] <u>\$8.00</u>
Between railroad station and points in Zone C	[\$5.50] <u>\$8.50</u>

C. Maximum fares between points other than to or from railroad station. The maximum fare between points within Zone A other than the railroad station shall be the regular fare of Zone A, plus \$0.50, and between points within other zones or between other zones shall be the regular fare of the highest zone involved, plus \$0.50.

D. Minimum fare. The minimum fare on Saturdays, Sundays and holidays shall be ~~[\$4.00]~~ \$7.00, and on other days between 12:00 midnight and 6:00 a.m. it shall be ~~[5.00]~~ \$9.00

E. Additional passengers. Each additional passenger coming from the same location as the passenger first engaging the taxicab and going to the same destination shall pay ~~[\$2]~~ \$3.00

F. Single passengers. Any single passenger who shall insist upon riding alone to the exclusion of other passengers waiting at the point of origin may be charged two whole fares.

G. Children. Children under six years, when accompanied by an adult, shall not be charged.

H. Rates per hour shall be as follows:

Service	Fee
Waiting time, shopping within the city, touring	[\$30] <u>\$45</u>

I. Rate card and Taxi Fare Zone Map. A card on which the above taxi fare rates are plainly printed and a copy of the Taxi Fare Zone Map shall be fastened and maintained in a conspicuous place in the taxicab so as to be conveniently read by passengers.

§180-15. Prepayment of fare.

Every driver of a taxicab shall have the right to demand payment of the legal fare in advance and may refuse employment unless so prepaid, but no driver of a taxicab shall otherwise refuse or neglect to convey any orderly person or persons upon request anywhere in the City unless previously engaged or unable to do so.

§180-16. Disputed fares.

All disputes as to fares shall be determined by the officer in charge at the police station, and failure to comply with such determination shall be a violation of this chapter and punishable as hereinafter provided. Whenever a passenger asks for a receipt, it shall be given to him by the driver. Such receipt shall state the name of the driver, the name of the owner of the taxicab, the number of the taxicab, the time when the trip began and ended and the amount of fare collected.

§180-17. Overcharging.

No person shall charge or attempt to charge any person a greater rate of fare than that to which the taxicab is entitled under the provisions of this chapter.

§180-18. Cruising and soliciting.

No vehicle offered to the public for hire, while waiting employment by passengers, shall stand on any public street or place other than a taxicab stand designated in accordance with the rules and ordinances of the city; nor shall any driver of such vehicle seek employment by repeatedly and persistently driving his vehicle to and from in a short space before, or by otherwise interfering with the proper and orderly access to or egress from, any theater, hall, hotel, public resort, railway or ferry station or other place of public gathering; but any such driver may solicit employment by driving through any public street or place without stops, other than those due to obstruction of traffic, and at such speed as not to interfere with or impede traffic, and may pass and repass before any theater, hall, hotel, public resort, railway or ferry station or other place of public gathering; provided that after passing such public places he shall not turn and repass until he shall have gone a distance of at least 500 feet upon the streets and highways of the city; and no person shall solicit passengers for a public vehicle as aforesaid, upon the public streets of the city, except the driver thereof, when sitting upon the driver's seat of his vehicle.

§180-19. Articles found in taxicabs.

Every driver of a taxicab, immediately after the termination of any hiring or employment, must carefully search such taxicab for any property lost or left therein, and any property, unless sooner claimed or delivered to the owner, must be taken to the police station and deposited with the officer in charge within 24 hours after the finding thereof.

Section 2: This local law will take effect immediately upon filing with the Secretary of State



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Mayor

DATE: May 9, 2012

CONTACT: Mayor French

ACTION: One appointment to the Rye Playland Advisory Committee for a three-year term expiring on January 1, 2015, by the Mayor with Council approval.

FOR THE MEETING OF:

May 9, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the appointment of Bill Meyers.

IMPACT: Environmental Fiscal Neighborhood X Other:

BACKGROUND:

<u>Current Committee Members</u>	<u>Expiration Date</u>
Charles Dorn, Chair	1-01-13
Jerry Bourkney	1-01-15
Joan Marshall Cresap	1-01-13
Mack Cunningham	1-01-14
Lloyd Emanuel	1-01-14
Garrick Gelinis	1-01-13
Lucinda McKinnon	1-01-14
Ellen Slater	1-01-14



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager

DATE: May 9, 2012

CONTACT: Scott Pickup

AGENDA ITEM: Consideration of a request by Longford's Ice Cream for the use of City streets for their 20th Anniversary celebration to be held on Sunday, June 10, 2012 from 12:00 p.m. to 5:00 p.m.

FOR THE MEETING OF:

May 9, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The owners of Longford's Ice Cream are requesting permission to close a portion of Elm Place on Sunday, June 10, 2012 from 12:00 p.m. to 5:00 p.m. to celebrate the 20th Anniversary of the Longford's Brand. The event has been held successfully in the past. The Rye Merchants Association has approved the event. Insurance will be supplied to the City and the owners will coordinate with the Rye Police Department.

See attached.

Received

APR 27 2012

City Manager's Office
Rye, New York

Longford's Ice Cream
4 Elm Place
Rye, NY 10580
(914) 967-3797
Cvita27@gmail.com

April 25, 2012

City of Rye
1051 Boston Post Road
Rye, NY 10580

Rye City Manager,

I wanted to take this opportunity to thank you for your support in June 2011. Our Anniversary Celebration was a huge success. I am requesting permission to close my half of Elm Place on Sunday June 10, 2012. This year we are celebrating the 20th Anniversary of the Longford's Brand! Once again, we would like to have a day of fun and give back to our loyal customers. We will offer the same activities as our last event. Longford's is fully aware of the requirements and responsibilities that are needed to make this event happen. I spoke to Lisa from the Rye Merchants Association and we have their support. Hope to hear from you soon.

Kind Regards,



Christine Vita
Owner



Bobby Vita
Owner

OK,
SDP