

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, November 7, 2012, at 8:00 p.m. in the Council Room of City Hall.

AMENDED AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held October 24, 2012.
5. Mayor's Management Report
 - Hurricane Sandy Storm Report
 - Legal Update
- 5A. Resolution to waive the City of Rye Building Department fees for electrical repair and generator installation related to Hurricane Sandy.
6. Consideration to amend the 2013 Budget Schedule.
7. Consideration to set a Public Hearing on the 2013 Budget for December 5, 2012.
8. Consideration to set a Public Hearing for December 5, 2012 to adopt a Local Law to override the State enacted tax levy limitation.
9. Resolution to accept the \$97,500 Federal share of the FEMA Pre-Disaster Mitigation Grant LPDM-PJ-02-NY-2008-009 for the Bowman Avenue Upper Pond feasibility study.
Roll Call.
10. Resolution to accept the \$93,956.13 Federal share of the FEMA Pre-Disaster Mitigation Grant LPDM-PJ-02-NY-2009-002 for the installation of a generator at Rye City Hall.
Roll Call.
11. Three appointments to the Rye Golf Club Commission by the Council for three-year terms expiring January 1, 2016, one appointment for a one-year term expiring January 1, 2014, and the designation of one member to the Rye Golf Club Nominating Committee.
12. Residents may be heard on matters for Council consideration that do not appear on the agenda.

13. Adjournment.

* * * * *

The next regular meeting of the City Council will be held on Wednesday, November 28, 2012 at 8:00 p.m. The City Council will hold Budget Workshops on Wednesday, November 14, 2012 including the presentation of the 2013 Budget, Monday, November 26, 2012, and Wednesday, November 28, 2012 beginning 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. 4

DEPT.: City Clerk

DATE: November 7, 2012

CONTACT: Dawn Nodarse

AGENDA ITEM Draft unapproved minutes of the regular meeting of the City Council held October 24, 2012, as attached.

FOR THE MEETING OF:

November 7, 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 October 24, 2012, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on October 24, 2012 at 8:00
P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI (left at approximately 12:15 a.m.)
PETER JOVANOVICH
JULIE KILLIAN (arrived at approximately 8:05 p.m.)
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

Announcements were made regarding various events occurring in the community.

4. Approval of the election of one new member to the Rye Fire Department

Mayor French made a motion, seconded by Councilwoman Parker and unanimously carried to adopt the following Resolution:

RESOLVED, that the City Council of the
City of Rye hereby approves the election of Kyle
Fabio Famalho-Rodriques to the Poningoe Engine
and Hose Company as approved by the Board of
Fire Wardens at their October meeting.

5. Draft unapproved minutes of the regular meeting of the City Council held October 10, 2012, the Special Meeting held October 13, 2012, the Special Meeting held October 16, 2012, and the Special Meeting held October 18, 2012

Councilwoman Brett made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on October 10, 2012, as submitted.

Councilwoman Brett made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the special meeting of the City Council held on October 13, 2012, as amended.

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the special meeting of the City Council held on October 16, 2012, as submitted.

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the special meeting of the City Council held on October 18, 2012, as submitted.

6. Mayor's Management Report
- Update on the Boat Basin and Rye Golf Club

City Manager Pickup said preliminary discussions have been held regarding concerns about the Boat Basin and the use of City property and other affiliated uses. Information may be provided to the Council by the end of next week. Based on the information gathered, a determination will be made on how to move forward. The Boat Basin is functioning. A boat protection plan will be put into effect if the predicted storm hits. Councilman Sack said that the Council should engage separate counsel to conduct the investigation into the Boat Basin.

Members of the public who commented on the Boat Basin investigation and suspension of the Boat Basin Supervisor included *Barry Dolich, John Carolin, Ted Carroll, Jim Amico, Ray Tartaglione, and Golf Commission Member Greg Gavlik.*

The Council took a short recess at this time.

Mayor French said there were several aspects to the Golf Club Investigation:

- The City's policy regarding conflict of interest. Corporation Counsel Wilson said it is hoped that a conflict of interest policy can be in place by the beginning of the year.
- Interim management of the business. City Manager Pickup said that the Golf Commission is working on issues and alternative plans for operation if things continue beyond the 30-day administrative leave period.
- The Committee that will develop a "go forward" strategy. Appointments will be made to this Temporary Committee later in the meeting to develop an RFP by mid-December, if possible.

Mayor French also noted that in both the Boat Basin and Golf Club investigations there is no innocence or guilt of the parties involved at this time, just administrative leave based on allegations that the City Council is looking into.

John Duffy, the new Chair of the Golf Commission, asked that the Council consider appointing the candidate who received the next highest amount of votes at the last election to fill the vacancy currently on the Commission. *Pat Geoghegan*, Golf Commission Member, said that the Commission would like to have a full board

Councilman Sack made a motion to amend the Nominations, Elections and Voting Eligibility procedures of the Rye Golf Club to allow for the filling of a vacancy when the Commission falls below nine members. Corporation Counsel Wilson said that the steps that would be necessary would be worked out to be on the agenda for the November 7th meeting. There was no second to the motion.

Members of the public who spoke about the Golf Club Investigation and how it was being handled by the Council and the City included *Ted Carroll*, *Leon Sculti* and *Pat Geoghegan*.

- Capital Projects Update: Bond Referendum, Central Avenue Bridge, Sluice Gate
- *Central Avenue Bridge*. City Manager Pickup said that general information has been posted on the website and it is hoped that people will be on site within the next week to ten days. Work should continue into next summer.
- *Sluice Gate*. Testing is being done on site. There are issues related to the generator but the gate is operational. The actuators are being tested. The gate can be raised in a storm event.

Sis D'Angelo asked if the Sluice Gate would be ready to protect downtown Rye in the predicted Hurricane. City Manager Pickup said that the gate is installed and being tested. The City does not have 100% ownership of it yet. He added that a coastal storm may not have any impact on the Sluice Gate.

- *Black Bass site (2 Central Avenue)*. Corporation Counsel Wilson said everything for the redevelopment of the site has been approved but she does not know the construction timing.
- *Bond Referendum*. A fact sheet has been put together and sent to the media and a video was completed and should be posted on YouTube. Council members have been encouraged to speak with various community groups.

Residents commenting about the proposed Bond Referendum included *Ted Carroll*. There was also a discussion about the purchase of 1037 Boston Post Road and the reasons why a Bond Referendum was not held in connection with that purchase.

- Update on the Midland Avenue Stop Sign

The Traffic and Transportation Committee has recommended that the stop signs at Midland Avenue and Palisade Road should become permanent. City Manager Pickup said there was some neighborhood concern that on busy days people are cutting through the side streets and the City will monitor this issue. *Jim Amico* thanked the City for making the signs permanent and said that impact on the surrounding streets is exaggerated.

- Update on outstanding union contracts

City Manager Pickup said the City is still in arbitration with the Police Association. There is a meeting scheduled for December 13th. He hopes that both sides of the case can be completely presented to the panel by that date. The contract expired in 2008. The maximum that can be awarded under arbitration is three years, which would only get a contract through 2011. There have been no negotiations with the Fire Fighters yet. Their contract expired in 2009. The CSEA DPW does not have the right to binding arbitration, but there are no additional talks scheduled. The last offer was rejected and they may file for mediation.

- Legal Update

Corporation Counsel Wilson reported on the *Bassett v. City of Rye* case. The appeal has been fully submitted and the date for oral argument is awaited.

7. Presentation by Sustainable Playland Inc. on the agreement signed with Westchester County for *Reinventing Playland for the 21st Century*

Mayor French noted that when the County announced they were going to “reinvent Playland” the City created a Strategic Playland Committee in order to provide a voice for the City of Rye in the process. The values that came from the Committee were incorporated into the County RFP. Dhruv Narain, the President of Sustainable Playland, Inc., presented an overview of the organization’s plan for Playland. He said that the plan is for the property to remain County-owned in order to preserve public access to the water. The Amusement Park will remain the centerpiece of the Park, with approximately 70% of the rides remaining. The pool will be converted to a shallow water deck with slides; there will be an indoor Field House and outdoor ball fields; the equivalent of the Great Lawn in Central Park near the water; a cluster of restaurants and cafes in differing price ranges; and a multi-event space. The hope is to attract families from all over. There will be six or seven different For-Profit businesses operating the different elements of the park in conjunction with public areas. In the event that any one of the businesses fails, the entire park will not fail. The historical buildings will be preserved. It is hoped that contracts with the County will be signed by the end of the year in order to be in partial operation for the 2013 season with complete operation by 2014.

Members of the Council expressed their appreciation to the Sustainable Playland organization for their plan for Playland. The group was urged to perform a thorough traffic analysis and look into noise, lighting, proximity and parking issues relative to the neighborhoods near Playland. It was also suggested that they work with the Playland Advisory Committee to

deal with any issues that might arise, and to utilize the Resolution adopted by the City Council outlining important values as a guide.

Jim Amico, Dave Heller, Steve Vasco, and Mack Cunningham commented about the Sustainable Playland proposal, expressing opinions both pro and con.

8. Financial Update by the City Comptroller providing 3rd quarter results

Acting City Comptroller Joseph Fazzino reported on the City's third quarter results for 2012. General Fund Revenues are up \$1.4 million compared to 2011 revenues at the same point. Property taxes, are up \$574,000; building permits are up \$351,000; \$297,000 was received from FEMA for Hurricane Irene reimbursement; mortgage tax for the first half of the year is up about \$78,000 and estimates for the entire year are that mortgage tax revenues will be about \$25,000 over the 2012 budget; and sales tax for the first two quarters are up slightly over 2011. Interest income continues to fall and is about \$12,000 less than last year. On the expenditure side, excluding The Osborn settlement from last year which accounted for \$1.3 million, overall expenditures are down \$600,000 but nothing has been paid to New York State Retirement yet. Salaries and wages are down \$450,000 through September; materials and supplies are down about \$250,000; tax certiorari payments are down about \$121,000 but should equal 2011 figures by the end of the year. Interfund transfers are down because no capital or building and vehicle projects were budgeted for 2012. Health insurance costs are increasing and there was a large worker's compensation claim that has caused cost increases for this year. Overall, the projection through the end of 2012 is that the City's revenues will be higher than expenditures.

9. Presentation by the Finance Committee on Rye Recreation

Laura Leach, representing the Finance Committee ("the Committee"), presented a report focusing on Finance Committee suggestions for the Recreation Department ("the Department"). The Department was asked to increase revenues as a percent of expenses to 50%. In 2011 the Department achieved 48% up from 38% in 2008. Expense growth has been controlled over the past through years by job eliminations. It is expected that expenses will increase by 5% over the next several years. The Committee believes that the Department must increase its user fees in order to maintain the 50% recovery target. Several "areas of opportunity" were suggested: (1) revise the approach of pricing programs to set fees based on a combination of direct costs and overhead costs to the program; (2) change the pricing philosophy for programs such as the Senior's Program and the Camp Program; (3) the fields need capital funds and there should be a specific capital plan for them and surcharges related to field programs should be reserved for fields only; and (4) maybe it is time for Recreation Programs to be closer to the Rye Golf model of recouping all costs.

Mayor French thanked Ms. Leach for her presentation and said that the Council could look at the facts presented in order to make philosophical and business decisions regarding the Department. The Council can explore the recommendations more in budget season.

Lisa Dempsey, representing the Recreation Commission ("the Commission"), presented a response on behalf of the Commission. The Committee's report highlights areas where the

Department should raise fees or contemplate other ways to raise revenue. The Council must resolve the question of what portion of recreational costs and services the City is willing to shoulder in order to guide the Commission on amending its mission statement to focus on revenue generation instead of providing quality and affordable leisure services to all residents. To recoup all costs the Department would have to increase its fees across the board to all users in excess of 100%.

10. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department: (a) approval of General Orders revised as part of a comprehensive review of the Department Manual and (b) approval of revisions to General Order #103.10 "Deployment of Electro-muscular Disruption Device (Taser)"

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

RESOLVED, that the City Council of the City of Rye hereby approves the revisions to the following sections of the Rules and Regulations of the City of Rye Police Department as proposed:

- General Order #101.2 Mission Statement
- General Order #101.4 Goals and Objectives
- General Order #102.2 Order of Rank
- General Order #102.3 Authority and Command
- General Order #102.4 Job Classifications
- General Order #103.2 Legislative Restrictions/Off Duty Employment
- General Order #104.2 P.B.A. Bulletin Board
- General Order #104.3 Uniform Classifications
- General Order #104.4 Annual Inspection of Uniforms and Equipment
- General Order #111.04 Processing of Recovered Firearms: "Crime Guns"
- General Order #113.19 Confrontation Situations
- General Order #113.29 Hate Crimes
- General Order #114.3 Emergency Mobilization
- General Order #114.8 Mutual Aid
- General Order #116.2 Promotions and Appointments
- General Order #116.9 Procedure for Determining Claims Pursuant to General Municipal Law §207-c
- General Order #120.7 Disciplinary Matters
- General Order #121.2 Awards and Recognition
- General Order #103.8 Use of Mobile Notebook Computers
- General Order #118.1 Department Records
- General Order #118.9 Employee Personal History Form
- General Order #119.4 Guardian Calling Program

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

RESOLVED that the City Council of the City of Rye hereby approves the proposed revision of the Rules and Regulation of the City of Rye Police Department: General Order #103.10, "Deployment of Electro-muscular Disruption Device (Taser)."

11. Public Hearing to amend local law Chapter 31, "Police Pension Fund", Section 9, Accrual and Payment of Pensions, to increase the payment amount for the sole recipient of the fund

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

There was no one from the public who wished to speak on the proposed local law.

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to close the public hearing.

Councilwoman Parker made a motion, seconded by Councilman Jovanovich, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 06 OF 2012**

A Local Law to amend Chapter 31 "Police Pension Fund", Section 31-7 "Payments from fund" of the City Code of the City of Rye to increase the annual sum to a widow by the cost of living adjustment

Be it enacted by the Rye City Council as follows:

Section 1. Chapter 31 "Payments from fund"

§ 31-7. Payments from fund.

A.

(2) To the widow of any member who has died or who shall hereafter die after 10 years of service in the Police Department of the village/city, which a member of such force, or who shall have died having retired upon a pension, if there be no child or children under 18 years of age of any such member, a sum of \$2,841 plus the cost of living adjustment per year beginning in the year 2012 per annum, but if there be such child or children of such member under the age aforesaid, then such sum may be divided between such widow, child or children in such proportions and in such manner as the Trustees may direct; provided, however, that if such widow did not become the lawful wedded wife of such member prior to the attainment of his

50th birthday and was not cohabiting with him at the time of his death, said pension shall be payable in the discretion of the Trustees of the fund. Any widow who shall qualify for this payment after January 1, 2012 shall be paid the sum of \$2,841 plus the annual cost of living adjustments each year after January 1, 2012.

Section 2. This local law will take effect immediately upon filing in the Office of the Secretary of State.

ROLL CALL:

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

The local law was adopted by a 7-0 vote

12. Resolution to establish a temporary Committee to develop an RFP for the operation of Whitby Castle

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

WHEREAS, the Rye City Council has decided to appoint an independent, seven-member temporary Committee to develop a Request for Proposal (RFP) on operating the restaurant and catering facility at Whitby Castle; and

WHEREAS, it is expected that the Committee will report back to the City Manager and City Council by December 15, 2012; and

WHEREAS, the Committee will develop strategic recommendations for the long-term use and operation of Rye Golf Club for review by members, residents, Mayor and Council;

NOW, THEREFORE, BE IT RESOLVED, that the City of Rye Temporary Committee to develop an RFP for the operation of Whitby Castle is hereby established; and be it further

RESOLVED, that the Committee is temporary in nature and shall function and report to the Council independently; and be it further

RESOLVED, that the members of the Temporary Committee shall be appointed by the Mayor with approval of the City Council.

Dean Neeley, Albert Brunner, Charles Dorn, Doug Mello, and Al Vitiello are appointed to serve on the Temporary Committee, with Dean Neeley serving as the Chairman. The Committee members were appointed subject to confirmation that they do

not have a financial or other appearance of a conflict of interest with the Golf Club. The remaining two members are yet to be determined.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote

13. One appointment to the Rye Senior Advocacy Committee for a three-year term expiring January 1, 2015, by the Mayor with Council approval

Councilwoman Parker made a motion, seconded by Councilman Filippi and unanimously carried, to appoint Joseph Murphy to the Rye Senior Advisory Committee for a three-year term expiring on January 1, 2015.

14. Designation of the Chair of the Rye Senior Advocacy Committee by the Mayor

Mayor French designated Joseph Murphy as Chair of the Rye Senior Advocacy Committee.

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

Ron Fisher spoke about flooding issues on Hewlett Avenue. He said the storm drains in the Hewlett/Forest Avenue area were not able to deal with flooding and said the Council should give serious consideration to fixing this situation in the upcoming budget discussions.

Bob Zahm asked about work being done on City streets in the evenings and suggested that the City issue a statement regarding it. City Manager Pickup said the work was being done by Con Edison. *Mr. Zahm* also suggested that the City bring in temporary staff to deal with filling FOIL requests in order to get caught up on outstanding requests.

Ray Tartaglione read a statement about a recent article in the *Rye Record* regarding the Boat Basin investigation that referred to him, and to the investigation of the Boat Basin.

16. Miscellaneous Communications and Reports

There was nothing discussed under this agenda item.

17. Old Business

Councilwoman Brett asked for an update on when all the requested documents on Rye Golf Club will be available. City Manager Pickup said that the payroll records are being reviewed in order to redact privacy information. It is a very large file and each year will be posted instead of the entire file and it is hoped the records will be posted by the end of the week.

Ms. Brett said that City staff is reaching a breaking point regarding the number of FOIL requests received and their ability to respond on time. She suggested that complaints regarding response time should be with the Council, not staff. She suggested a log be kept regarding receipt and response of requests and that staff keep track of time spent on FOILs for the Council to use in order to consider possibly adding staff to deal with them. Corporation Counsel Wilson clarified when the law allows a municipality to charge for time spent in connection with responding to a FOIL request. City Manager Pickup said that FOIL requests being received are increasingly broad and complicated, which makes them more time consuming to satisfy. It was suggested that the City post FOILs.

18. New Business

There was nothing discussed under this agenda item.

19. 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 12:25 A.M.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: November 7, 2012

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

November 7, 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:

- Hurricane Sandy Storm Report
- Legal update



CITY COUNCIL AGENDA

NO. 5A

DEPT.: City Manager's Office

DATE: November 8, 2012

CONTACT: Scott Pickup, City Manager

ACTION: Resolution to waive the City of Rye Building Department fees for electrical repair and generator installation related to Hurricane Sandy.

FOR THE MEETING OF:

November 8, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and Council authorize the City Manager to waive these fees for work related to Hurricane Sandy damages for City of Rye residents.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A suggestion has been made by City of Rye Building Inspector Maureen Eckman to waive the fees normally charged for electrical repair and generator installation related to Hurricane Sandy as detailed below:

- A) the \$70 filing fee for electrical repairs caused as a result of Hurricane Sandy would be waived. Residents must provide proof that the repair was necessitated by damage from the storm.
- B) the \$140 filing fee for generator installation would be waived for the period from October 29, 2012 through June 30, 2013. Waiving the fee will encourage homeowners to file and have the units inspected by the City.



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager

DATE: November 7, 2012

CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Consideration to amend the 2013 Budget schedule.

FOR THE MEETING OF:

November 7, 2012

RYE CITY CODE,

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RECOMMENDATION: That the Council amend the dates for the upcoming 2013 Budget Presentation and Workshops.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Due to setbacks from Hurricane Sandy the Budget Presentation and Workshop schedule will be amended as follows:

Wednesday, November 14: Presentation of the Budget

Monday, November 26: Budget Workshop

Wednesday, November 28: Council Meeting/Budget Workshop

Wednesday, December 5: Public Hearing on the Budget

Wednesday, December 12: Budget Workshop (if needed)

Wednesday, December 19: Adoption of the Budget

See attached

2013 Budget Schedule

<u>Meeting Date</u>	<u>Budget Topic</u>
11/14/12	Presentation of Manager's Budget Tax Cap Analysis
11/26/12	Police Department Budget review Library Budget review
11/28/12	Fire Department Budget review Golf Club Department Budget Review Review Council Budget questions
12/05/12	Public Hearing on 2013 Budget Presentation of Citizen's Budget: 3-year Budget Plan
12/12/12	Budget Workshop (if necessary)
12/19/12	Budget Adoption

November 2012

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6 Election Day	7 Council Meeting	8	9	10
11	12 Veterans Day	13	14 Budget Workshop Budget Presentation Tax Cap Analysis	15	16	17
18	19	20	21	22 	23	24
25	26 Budget Workshop Police Budget Library Budget	27	28 Council Meeting/ Budget Workshop Fire Dept Budget Golf Club Budget	29	30	

December 2012

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5 Council Meeting Public Hearing Citizen's Budget	6	7	8 Hanukkah Starts
9	10	11	12 Budget Workshop (if needed)	13	14	15
16	17	18	19 Council Meeting Budget Adoption	20	21	22
23	24	25 Christmas	26	27	28	29
30	31					



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager

DATE: November 7, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Consideration to set a Public Hearing on the 2013 Budget for December 5, 2012.

FOR THE MEETING OF:

November 7, 2012

RYE CITY CODE,

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RECOMMENDATION: That the Mayor and the Council schedule a public hearing on the proposed 2013 Rye City Budget on December 5, 2012 at City Hall.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Charter stipulates that a Public Hearing must be held on the proposed budget. The Public Hearing shall be held not later than the first Wednesday in December of the current year and upon at least 10 days' notice.



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager

DATE: November 7, 2012

CONTACT: Scott D. Pickup, City Manager

ACTION: Consideration to set a Public Hearing for December 5, 2012 to adopt a Local Law to override the State enacted tax levy limitation.

FOR THE MEETING OF:

November 7, 2012

RYE CITY CODE,

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SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: New York State enacted a 2% tax cap on June 24, 2011. A provision in the law allows a municipality to override this tax cap under certain provisions including:

- Local governments may override the tax levy limit only by first passing a local law that allows for the tax levy limit to be exceeded.
- This override vote requires a 60 percent vote of the total voting power of the governing body to pass.
- In a case where a weighted vote is used to pass the budget, the override will require a 60 percent weighted vote of the local government 's governing body.
- The override vote must precede the vote on adoption of the budget although both votes may occur on the same day.

See attached draft Local Law.

CITY OF RYE

LOCAL LAW NO. ___ FOR THE YEAR 2012

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C**

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

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the City of Rye pursuant to General Municipal Law §3-c, and to allow the City of Rye to adopt a budget for the fiscal year beginning January 1, 2013 and ending December 31, 2013 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

It is the determination of the City Council of the City of Rye that the property tax cap recently enacted by the State Legislature is unfair to the residents of the City of Rye and would severely curtail the ability of the City of Rye to provide necessary services to the City residents. The City Council finds that this local law would provide the City the flexibility it may need when it adopts the 2013 budget. Thus, the City Council of the City of Rye finds that it is in the best interests of the City to enact the local law.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the City Council to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the City Council.

Section 3. Tax Levy Limit Override: The City Council of the City of Rye, County of Westchester is hereby authorized to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State.

The Property Tax Cap

Guidelines for Implementation



The information presented is current as of this publication's revision date.

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On June 24, 2011 the property tax cap was signed into law (see Chapter 97 of the NYS Laws of 2011). Below is guidance to assist local governments in the implementation of the property tax cap.

Key Components of the Tax Cap

- ✓ **What is the property tax cap?**
The tax cap law establishes a limit on the annual growth of property taxes levied by local governments and school districts to two percent or the rate of inflation, whichever is less.
- ✓ **Who is subject to the tax cap?**
The cap applies to all independent school districts outside of the Big Five Cities (i.e. dependent school districts) and to all local governments including counties, cities, towns, villages and special districts (except those special districts noted below). The cap does not apply to New York City.
- ✓ **Are there exceptions to the tax cap?**
There are limited, narrow exclusions to the cap, including certain costs of significant judgments arising out of tort actions and unusually large year-to-year increases in pension contribution rates.
- ✓ **Is there an override mechanism to the tax cap?**
The tax levy cannot exceed the cap unless 60 percent of voters (for school districts) or 60 percent of the total voting power of the governing body (for local governments) approve such increase.
- ✓ **When is the tax cap effective?**
The cap first applies to local fiscal years beginning in 2012. Local budgets that commenced in 2011 but conclude in 2012 are not affected.

Technical Information

I. Applicability

The tax cap applies to all independent school districts and all local governments outside of New York City, and is intended to capture the broad range of property taxes levied in New York. Accordingly, the tax cap applies broadly to property taxes that support all local governments, including special districts that are independently governed as well as special districts that are established, governed and administered by another municipality. Where a local government, such as certain special districts, is wholly integrated within another local government – i.e. the special district is established, administered and governed by the board of that other local government, and is supported by a tax levy imposed by and under the authority of that other local government – then any property tax being levied by the overarching local government to support the operations of the subordinate special district is considered part of the tax levy of the overarching local government for purposes of administering the tax cap and override vote, if any. The following entities are covered by the cap:

- All Counties (except those within NYC)
- All Cities (except NYC)
- All Towns
- All Villages
- All Fire Districts
- School Districts (including common, union free, central, central high school, and city school districts, but excluding NYC and the Big Four¹)
- Special Districts (including, but not limited to sewer, water, library and fire protection districts). In the case of special districts the tax cap applies as follows:
 - The tax levy of a special district (such as a water or sewer district) that (i) has a separate independent elected board, and (ii) has the authority to levy a tax, or can require a municipality to levy a tax on its behalf, **is subject to the tax levy limit.**
 - The tax levy of a special district that (i) has a separate independent board appointed by the governing body of another local government, and (ii) has

¹ The budgets for the school districts in the Big Four Cities are within the cities' budgets, and those school districts have no separate taxing authority. The portion of the tax cap law applicable to local governments applies to the budgets of the Big Four Cities.

the authority to levy a tax, or can require a municipality to levy a tax on its behalf, **is subject to the tax levy limit.**

- To the extent the budget of a special district, such as a library district, is comprised of revenues generated by its own taxing authority, or by a tax levy of another local government that the local government is required to impose on behalf of that special district, those tax revenues fall within the tax levy limit of the special district. To the extent the budget of that special district is comprised of revenues generated by the taxing authority of another local government (such as a town or village), and that local government is not required to impose that tax levy on behalf of the special district, those tax revenues fall within the tax levy limit of the town or village.
- A tax levy that supports the operations of a special district that is established, administered and governed by the governing body of another local government— such as a tax levy imposed by a town or county board, under its authority, to support an improvement district created, administered and governed by that town or county board - is part of that town or county's tax levy, and **is to be applied to the tax levy limit of that town or county** – it is not to be separately reported by the special district.
- A special district that raises revenue solely through fees based on use **is not subject to the tax levy limit.**

II. Quantity Change

The Quantity Change Factor adjusts the tax levy limit to reflect an increase in the full value of taxable real property in a local government due to physical or quantity change – i.e. new growth or significant additions to existing properties.

- The Commissioner of Taxation and Finance will issue a Quantity Change Factor for all local governments that have experienced an increase in the full value of taxable real property due to a physical or quantity change.
 - Increases in full value due to changes in assessment only do not constitute a basis for a quantity change factor. A physical or quantity change does not result from the splitting or merging of parcels.
 - Property returning to the tax rolls after the expiration of a PILOT does not constitute a basis for a Quantity Change Factor.

III. Inflationary Factor

The growth in annual levy is limited to the lesser of 2 percent or the Consumer Price Index (CPI), subject to certain limited exceptions and adjustments. For the purposes of the cap the applicable CPI will be the unadjusted “All Items Consumer Price Index for All Urban Consumers” (CPI-U), the broadest and most comprehensive measure released by the Bureau of Labor Statistics. The CPI-U is released on a monthly basis, generally in the third week of the subsequent month.

Based on the most recently released calendar of release dates, the following table illustrates when the inflationary factor will be available for use by local governments in preparing their levy limit for upcoming budgets.

Chart 1. Timing of the Release of CPI-U Index for the Property Tax Cap Inflation Factor

Fiscal Year beginning	CPI-U period ends	CPI-U released
January 1, 2012	June 30, 2011	July 15, 2011
April 1, 2012	September 30, 2011	October 19, 2011
June 1, 2012	November 30, 2011	December 15, 2011
July 1, 2012	December 31, 2011	January 14, 2012

IV. Calculating the Tax Levy Limit

Each local government shall calculate the tax levy limit for the coming year as follows:

- First, determine the total amount of **taxes levied**, not collected, in the prior fiscal year.
 - Property taxes levied by a town to fund the town budget under its taxing authority fall within the town’s tax levy limit.
 - Property taxes levied by a town on behalf of another local government (e.g. fire district) pursuant to the taxing authority of that other local government fall within that other local government’s tax levy limit.
- Second, if a "tax base growth factor" has been reported to the local government by the Commissioner of Tax and Finance, the total amount of taxes levied for the prior year is to be multiplied by the growth factor.
- Third, add any PILOTs that were receivable in the base year. The total amount of PILOTs receivable is to be included in the calculation of the tax levy limit. No adjustment is permitted.

- Fourth, beginning for fiscal year 2013, subtract the tax levy necessary to support expenditures for tort actions for any amount that exceeds 5 percent of the local government's tax levy in the prior fiscal year. There is no subtraction for these expenditures in the calculation for the 2012 fiscal year.
- Fifth, multiply the result by the allowable levy growth factor, which will be provided by the Office of the State Comptroller.
- Sixth, subtract any PILOTs receivable in the coming year. The total amount of PILOTs receivable is to be included in the calculation of the tax levy limit. No adjustment is permitted.
- Seventh, beginning with fiscal year 2013 budgets, add any available carryover from the prior fiscal year. There is no available carryover for the 2012 fiscal year.
- Eighth, unused exclusions associated with growth in pension costs or tort judgments may not be carried forward.

V. Filing the Levy Limit Calculation

Each local government shall submit to the Office of the State Comptroller any information necessary for calculating the tax levy limit for the coming fiscal year prior to adopting a budget for that year. The Comptroller's office will provide additional information on the form and manner in which such submissions are to be made.

- A special district whose tax levy is determined by the board of another local government (such as a town or county board) does not have to separately submit the above information to the Office of the State Comptroller. The tax levy for that special district is part of that town or county's tax levy, is to be applied to the tax levy limit of that town or county, and is to be included within the information submitted by that town or county to the Office of the State Comptroller.
- A special district that raises revenues solely through fees based on use is not subject to the tax levy limit, and therefore does not have to submit the above information to the Office of the State Comptroller.
- All other special districts are each responsible for ensuring that its tax levy limit is calculated and reported in an accurate and timely manner.
- A special district may authorize another local government that handles its administrative affairs to calculate and report the tax levy limit on its behalf.

VI. Limited Exclusions

The tax cap law allows for a limited number of exclusions to the tax levy limit. These exclusions are:

- **Torts.** Local governments can increase their property tax levy beginning for fiscal year 2012 above the levy limit (the base year levy as adjusted for growth and inflation) for costs resulting from court orders or judgments against the local government arising out of tort actions to be paid in the coming fiscal year. The adjustment can only be made for costs of those court orders or judgments that exceed 5 percent of the total prior year's tax levy. Tax certioraris and breach of contract actions are among the types of actions that **are not** tort actions.
- **Pensions.** The pension exemption is triggered if the annual growth in the average actuarial contribution rate for the Employees' Retirement System (ERS), the Police and Fire Retirement System (PFRS), or the normal contribution rate for Teachers' Retirement System (TRS) exceeds two percentage points. Under the exemption, pension costs associated with the annual growth in the employer contribution rate above two percentage points are exempted from the cap.
 - **Variance in Plans.** In years in which the pension exclusion is triggered, the pension exemption rate is the same percentage of salary (growth in the system average actuarial rate minus two percentage points) for all employers.

Determining the Pension Exclusion

- In accordance with the employer contribution rates recently promulgated by the Office of the State Comptroller, the pension exemption will be triggered for both ERS and PFRS in local governments' FY 2012 budgets. The ERS average contribution rate is increasing by 2.6 percentage points and the PFRS average contribution is increasing by 4.2 percentage points. As a result, the ERS exemption is 0.6 percentage points and the PFRS exemption is 2.2 percentage points. These exemptions are calculated by subtracting two percentage points from the year-to-year increases in the ERS and PFRS average contribution rates (2.6 and 4.2 percentage points, respectively, for FY 2012). A similar exemption is allowed for local governments with TRS pension costs.
- For a hypothetical employer with a \$1 million ERS salary base and a separate \$1 million PFRS salary base, the ERS exemption would be calculated by multiplying 0.6 percent by the \$1 million salary base (\$6,000), and the PFRS exemption would be calculated by multiplying 2.2 percent by the separate \$1 million salary base (\$22,000), for a total pension exemption of \$28,000. All other pension costs fall within the property tax cap limitation.
- The system average contribution rate is to be utilized in calculating the amount of the exemption, even when the system average contribution rate is different than the actual contribution rate that the local government pays for its ERS pension plans. For example, if the ERS average contribution rate is increasing by 2.6 percent, and a local government's actual ERS plan contribution rate increased by only 2 percent, that local government would still be eligible to exclude 0.6 percent of its ERS salary base of \$1 million (or \$6,000). On the other hand, in years where the ERS average contribution rate increased by 3 percent and a local government's actual contribution rate increased by 3.5 percent, that local government can only exempt an amount equal to 1 percent of its \$1 million ERS salary base (or \$10,000).

- **Adjustments and Reconciliations.** Salary reconciliations and adjustments are not to be factored into the pension exclusion.

- **Contribution Rates.** The system average actuarial contribution rate is the average contribution rate paid by all employers in ERS and PFRS. It is published annually by the Office of the State Comptroller.
 - For fiscal years beginning in 2012, the Office of the State Comptroller recently published the ERS and PFRS contribution rates. TRS first published its estimated employer contribution rate in February 2011 for fiscal year 2012.
 - Local governments should use the ERS and PFRS contribution rates recently promulgated by the Office of the State Comptroller to calculate their exclusion for fiscal year 2012. Local governments with TRS pension costs should use the TRS contribution rate formally adopted in August 2011 (which was first published as an estimate in February 2011) for their FY 2012 budgets.
 - In future years, no local government may assume a pension exclusion until the Office of the State Comptroller officially promulgates the ERS and PFRS contribution rates. Accordingly, local governments will not be eligible to take advantage of the pension rate exclusion unless they use these contribution rates. If a local government's local law requires an earlier budget calculation and adoption, the local law must be changed with respect to when the budget is due in order to utilize the pension exception.

- **Salary Base.** The Office of the State Comptroller will provide local governments with their estimated salary bases to calculate their ERS and PFRS pension exclusions. Local governments with TRS pension costs must use their own salary base estimates to determine their TRS pension exclusion.
 - For ERS and PFRS, local governments must use the salary base projected by the Office of the State Comptroller in the calculation of their pension exclusion.
 - For TRS, local governments must continue to use their own initial salary base projections.

- **Amortization.** Local governments utilizing amortization may not levy for the pension exclusion.

VII. Erroneous Levies

Excess levies that are collected due to calculations that are inconsistent with the statute are required to be placed in reserve.

- The law provides for no minimum threshold before funds are placed in reserve, although the Office of the State Comptroller may issue guidelines in this area.
- The law requires that cash be put in reserve.
- If the levy exceeds the tax levy limit due to technical or clerical errors, the excess amount shall be placed in reserve in accordance with Office of the State Comptroller requirements.
- If the Office of the State Comptroller finds upon audit that a local government has levied in excess of the tax levy limit, the local government must place an amount equal to the excess amount of the levy in reserve.

VIII. Overrides of the Tax Levy Limit

Local governments **may override the tax levy limit only by first passing a local law** (or a resolution in the case of a fire or other special district) that allows for the tax levy limit to be exceeded.

- This override vote requires a 60 percent vote of the total voting power of the governing body to pass.
 - In a case where a weighted vote is used to pass the budget, the override will require a 60 percent weighted vote of the local government's governing body.
 - The override vote must precede the vote on adoption of the budget although both votes may occur on the same day.
- The local government may exercise reasonable discretion in drafting a local law or resolution that overrides the tax levy limit, but any such local law or resolution must contain language that clearly overrides the levy limit.
- The local governing body may adopt the budget right after adopting the local law. If the Secretary of State rejects the local law for filing because of technical reasons, and those technical reasons are not cured within a reasonable period of time, the amount of the tax levy that exceeded the tax levy limit (other than a levy for those items excluded from the tax levy limit) shall be placed in reserve pursuant to paragraph 6 of section 3-c of the General Municipal Law.

- In the event that a local government successfully overrides the tax levy limit, the base for the following year's tax levy limit calculation is the amount that was levied in the prior year inclusive of the override amount, less any amounts to be subtracted as set forth in the statute.
- In the case of a special district that requires a popular vote to pass the budgetary increase, the 60 percent voting requirement only applies to the board's vote, not to the popular vote (where only a majority vote continues to be required).

Example: Non-Charter Counties Budget Process

- The budget officer of a non-charter County has to submit a tentative budget by November 15, but may be required by the County's board of supervisors to submit that tentative budget by October 1.
- Members of the committee of the board of supervisors designated or created to review the tentative budget are entitled to investigate and inquire about the estimate of any administrative unit or the request for an appropriation of any authorized agency, and are entitled to attend all hearings conducted by the budget officer.
- The board of supervisors of that County has until December 20 to adopt a budget.
- Accordingly, that County has between 5 to 11 weeks to enact a local law that overrides the tax levy limit (which local law has to be upon the desks or tables of the board of supervisors for at least 7 calendar days, excluding Sundays, unless there is a message of necessity).
- As is required for all local laws, the proposed local law that overrides the tax levy limit is subject to a public hearing on five days notice, unless a local law prescribes a different notice requirement.
- See attached charts entitled **"Timeline for Tentative County Budget that Requires Tax Cap Override"** and **"Timeline for Tentative County Budget as Amended by Board of Supervisors that Requires Tax Cap Override."**

Example: Town Budget Process

- The town clerk of a town has to submit a tentative budget to the town board on or before September 30 (or on or before October 30 for towns in Westchester and Monroe Counties).
- A town board has until November 20 (or December 20 for towns in Westchester and Monroe Counties) to adopt the budget.
- Accordingly, towns in counties other than Westchester and Monroe have more than 6 weeks to enact a local law that overrides the tax levy limit (which local law has to be upon the desks or tables of the town board members for at least 7 calendar days, excluding Sundays, unless there is a message of necessity). Towns in Westchester and Monroe Counties have nearly 6 weeks to pass such a local law.
- As is required for all local laws, the proposed local law that overrides the tax levy limit is subject to a public hearing on five days notice, unless a local law prescribes a different notice requirement.
- See attached charts entitled “**Timeline for Tentative Town Budget that Requires Tax Cap Override**” and “**Timeline for Tentative Town Budget as Amended by the Town Board that Requires Tax Cap Override.**”

IX. Budget Process: Final Adoption of a Budget

A budget officer, or chief executive, may prepare a tentative budget that requires a tax levy in excess of the levy limit. However, the governing body cannot, without first complying with override requirements, (i) adopt a budget that requires a levy in excess of the tax levy limit, or (ii) impose or cause the imposition of a tax levy to the extent that a budget requires a levy in excess of the levy limit.

X. Special Circumstances: Consolidation, Dissolution & Transfer of Functions

When significant changes are made to the structure or governance of a local government, the tax levy limit calculation will need to be determined by the Office of the State Comptroller.

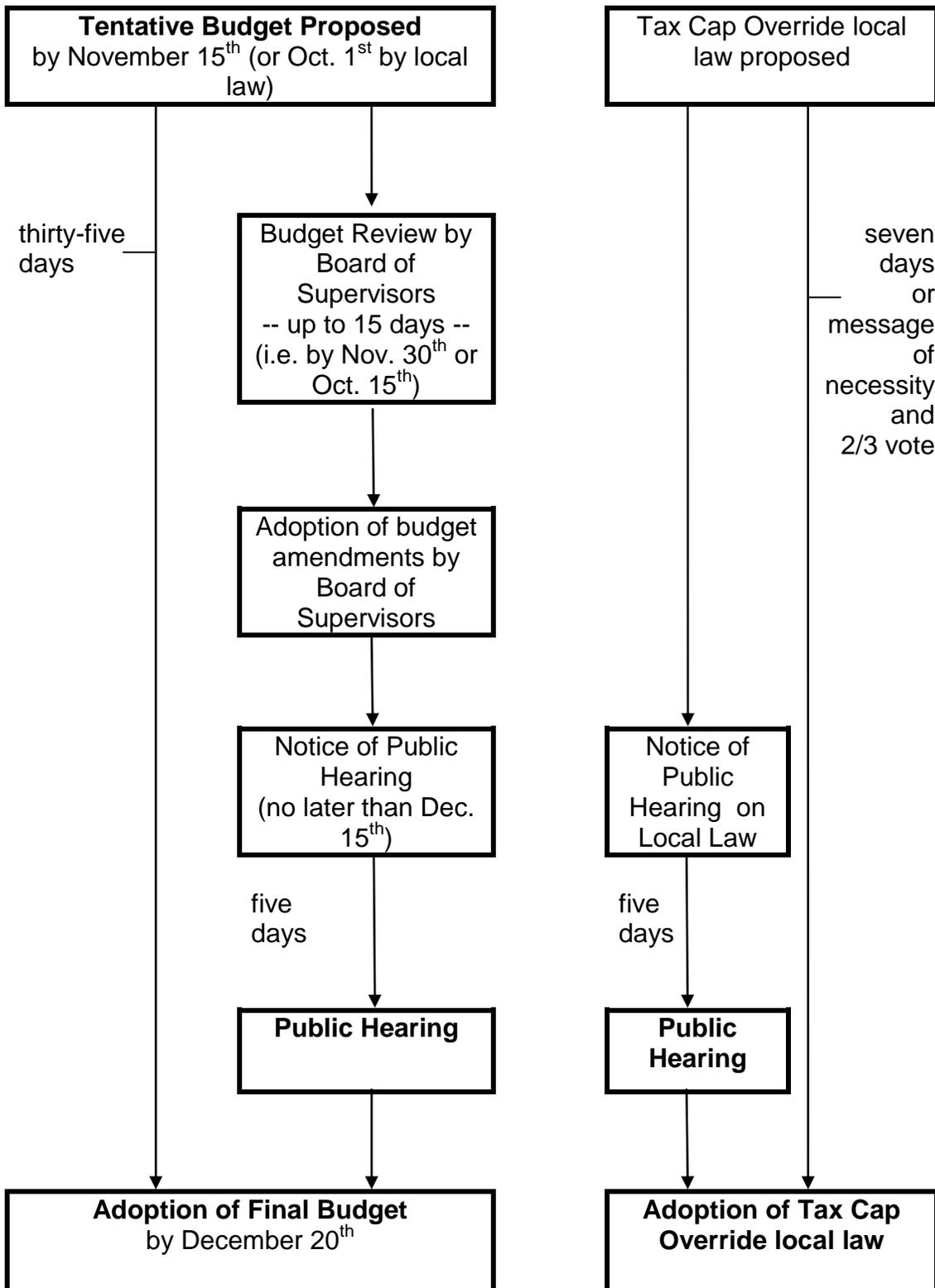
- **Consolidation.** When two or more local governments consolidate, the Office of the State Comptroller will calculate the tax levy limit for the first year after the consolidation. This calculation will be based upon the prior year tax levy limits of both local governments, but other factors pertaining to the consolidation may also be considered.

- **Transfer of Functions.** If a local government determines that it is in the best interest of the citizens to transfer the function for a governmental activity (such as policing) to another local government, the Office of the State Comptroller shall determine the costs and savings of the associated function for both local governments. This determination will be provided to the local governments so that the appropriate adjustments can be made to their tax levy limit calculations.
- **Dissolutions.** When a local government dissolves, the Office of the State Comptroller will calculate the tax levy limit for the local government that assumes the debts, liabilities and obligations of the former local government. This calculation will be based upon the prior year tax levy limits of both local governments, but other factors pertaining to the dissolution may also be considered.
- **New Local Governments.** The tax levy limit does not apply to the first fiscal year of a newly established local government (which is not the result of a consolidation or dissolution).

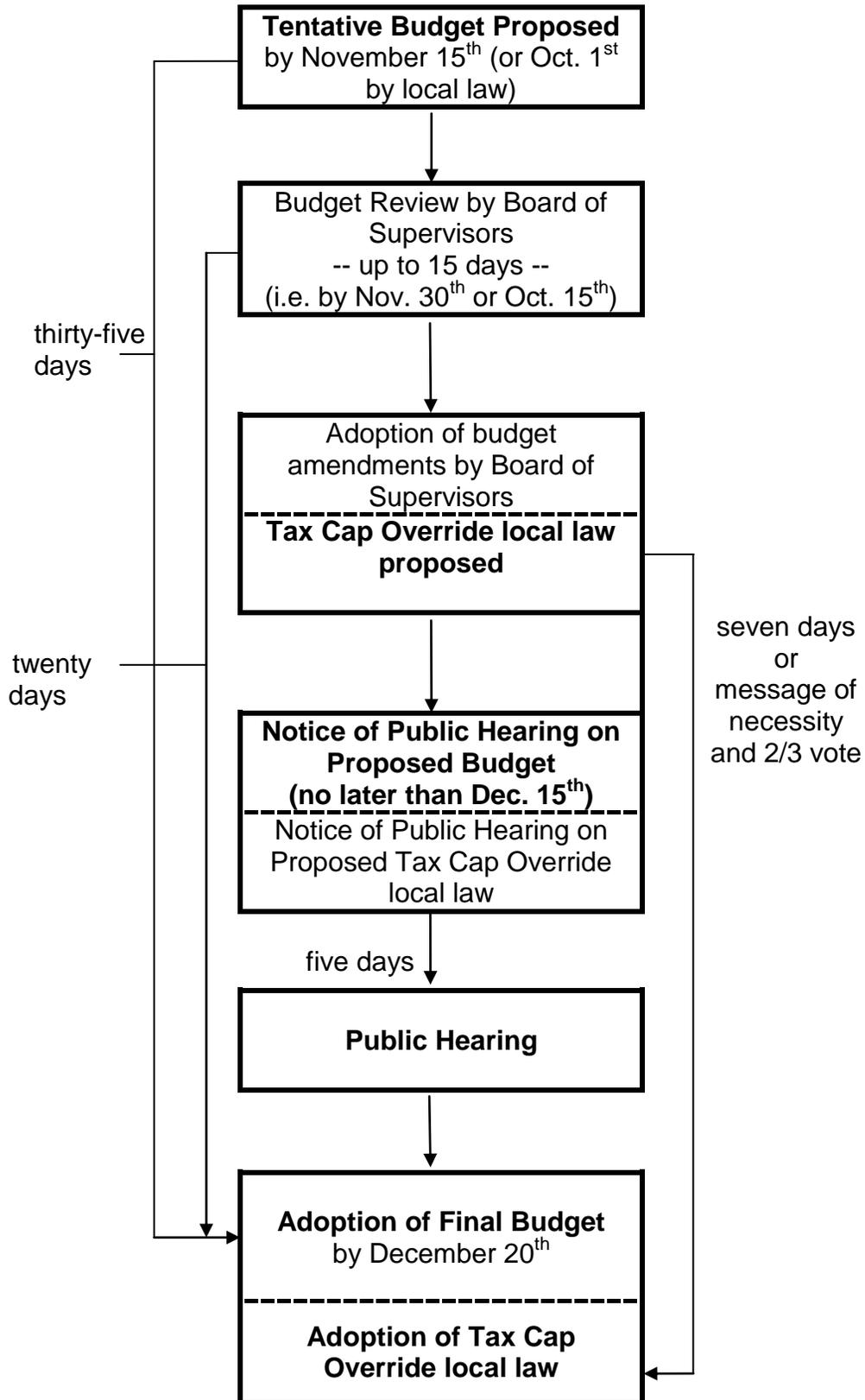
XI. Treatment of “Chargebacks” by Counties

As a general matter, property taxes levied by a County under its taxing authority to fund the County budget fall within the County’s tax levy limit. Accordingly, taxes levied by the County under the County’s taxing authority which are for the support of entities such as Community Colleges and County Boards of Election are subject to the County’s tax cap, notwithstanding the chargeback of those taxes to another local government. Counties may not decide independently to apportion those tax levies to another municipality.

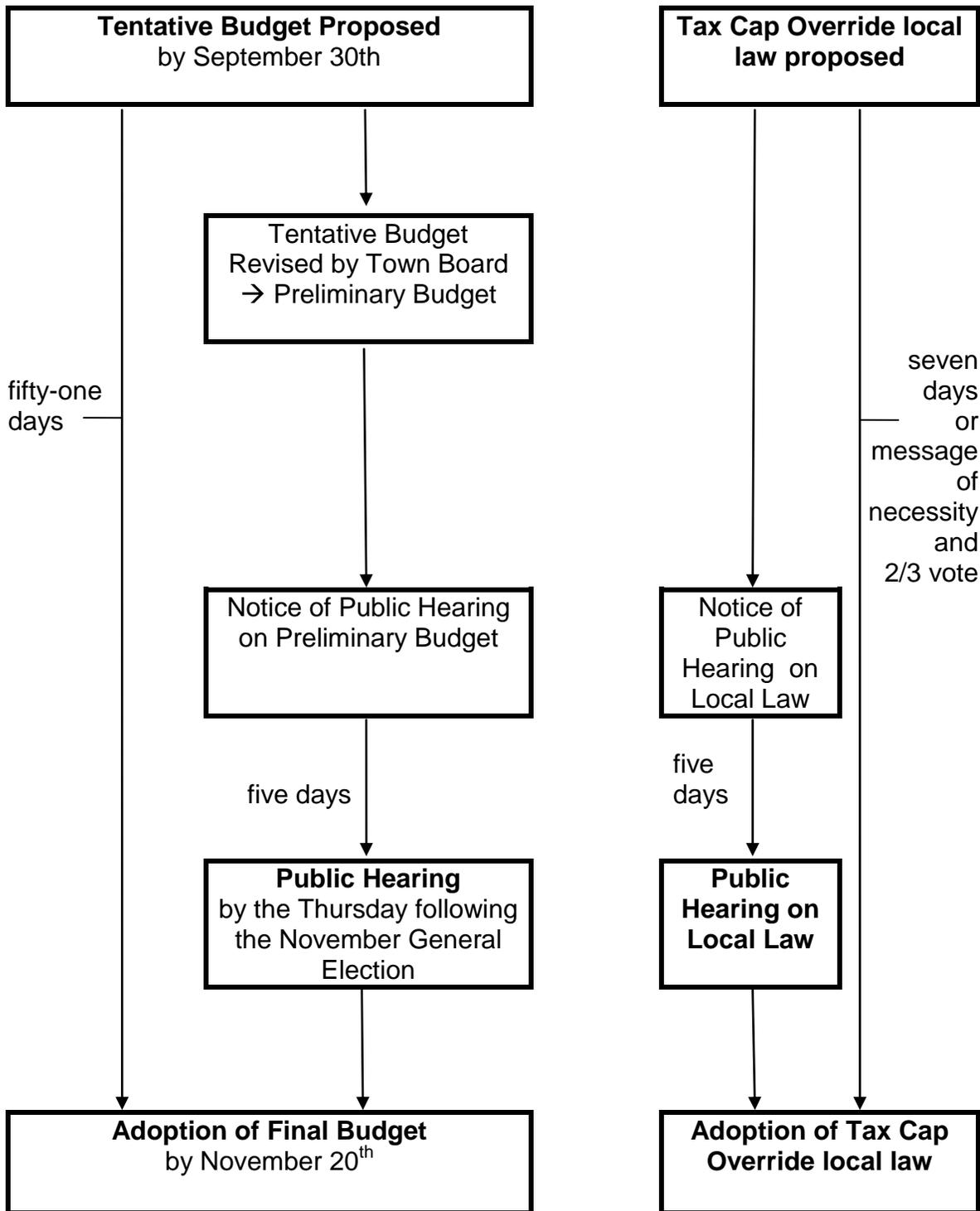
Appendix A
Timeline for Tentative County Budget that Requires Tax Cap Override



Appendix B
Timeline for Tentative County Budget as Amended by Board of Supervisors
that Requires Tax Cap Override

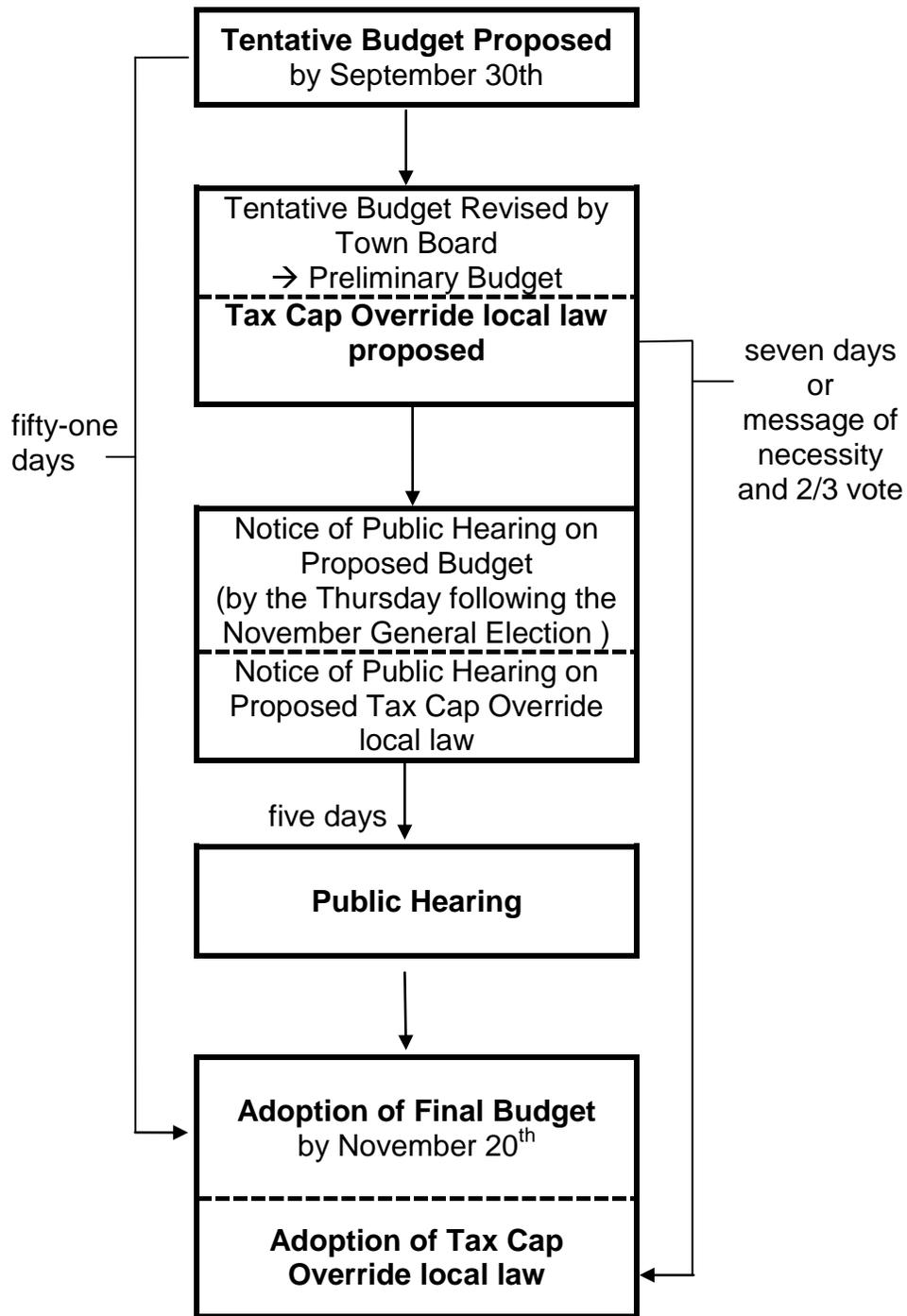


Appendix C
Timeline for Tentative Town Budget that requires Tax Cap Override*



* The budget calendars are different for towns in Monroe and Westchester Counties

Appendix D
Timeline for Tentative Town Budget as Amended by the Town Board
that requires Tax Cap Override*



* The budget calendars are different for towns in Monroe and Westchester Counties



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: November 7, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Resolution to accept the \$97,500 Federal share of the FEMA Pre-Disaster Mitigation Grant LPDM-PJ-02-NY-2008-009 for the Bowman Avenue Upper Pond feasibility study.

FOR THE MEETING OF:

November 7, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and the Council accept the Federal Grant money.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City applied to FEMA for a grant under their Legislative Pre-Disaster Mitigation Program (LPDM) which provides funding for measures designed to reduce or eliminate future disaster damage and disaster relief expenditure.

Grant LPDM-PJ-02-NY-2008-009 provides for an engineering study to analyze the impact of increasing the Bowman dam pond size in reducing the discharges and the water surface elevations of Blind Brook downstream of the dam. This subject application is to perform the necessary work to obtain accurate construction costs to be developed to provide for the most feasible, cost effective, and environmentally sound alternative.

The City Council must accept the allocated funding for the project: a Federal share of \$97,500 and a required 25% matching share of \$32,500.

See attached.



FEMA

October 12, 2012

Mr. Steven Kuhr
Governor's Authorized Representative
New York State Division of Homeland Security & Emergency Services
Office of Emergency Management
Building #22, Suite 101
1220 Washington Avenue
Albany, New York 12226-2251

RE: Pre-Disaster Mitigation – Joint Explanatory Statement (LPDM-JES) FY 2008
LPDM-PJ-02-NY-2008-009
City of Rye - Feasibility Study

Dear Mr. Kuhr:

This letter serves as a supplemental notice of the City of Rye's sub-grant award through the Pre-Disaster Mitigation-Joint Explanatory Statement grant program. The sub-grant award was accepted by your office on September 27, 2012. Agreement Articles and conditions of approval are identified within the Federal Emergency Management Agency (FEMA) eGrants system where this letter is attached as an amendment.

The approved scope of work requires that City of Rye, as Sub-grantee, satisfy the requirements of Section 203 (g)(h)(i) of the Robert T. Stafford Act Relief Emergency Assistance Act.

Based on the information provided within the application, an October 12, 2014 project completion deadline is established for this project. This deadline provides, ample time for the Sub-grantee to complete all activities identified within the approved scope of work. The scope of work consist of data collection, field surveying, mapping and hydrologic and hydraulic analysis in order to compare existing water surface elevation with proposed water surface elevations resulting from the flood reduction measures at the Bowman Avenue Dam Site. Addressing any potential delays that may arise due to unforeseen circumstances will include sufficient time for your office to conclude its administrative requirements after the project is completed.

Any change to the approved scope of work as identified in the City of Rye's sub-application and this correspondence must be submitted by your office to FEMA for consideration and approval prior to implementation. Any modification to the approved scope of work that does not receive prior approval from FEMA would jeopardize grant reimbursement.

Funding has been made available in an amount not to exceed the total project cost of \$130,000 with a Federal share of \$97,500 and a required 25% non-Federal matching share of \$32,500.

Please notify the Subgrantee of project approval. In order to request a period of performance extension, the State must submit a formal written request to the Regional Director. The request must be made no later than 60 days prior to the expiration of the period of performance and must include a justification for the extension. This justification must also demonstrate that work is in progress and that it can be completed within the extended period of performance being requested. Other information required with this request includes a revised budget information form (regardless of whether or not there are changes to the budget); copies of any contracts entered into between the subgrantee with vendors, percentage of work completed and a description of all work completed. Extensions may not be considered for projects that are a result of delays in project initiation and implementation.

Any modifications to the scope of work must be submitted to FEMA for approval or funding will not remain eligible for this project. Problems or circumstances affecting completion dates, scope of work, or project costs that are expected to result in noncompliance with the approved grant conditions are to be described in the quarterly progress report. Requests for project time extensions will only be considered in instances where applicants have provided the grantee with accurate quarterly status reports. It is suggested that quarterly meetings be scheduled to review the projects status.

FEMA's staff is available to support State and local staff and provide technical assistance as requested. If you, your staff, or the Subgrantee should have any questions please contact Yemi Odutola at 212-680-8525 or Yemi.Odutola@fema.dhs.gov

Sincerely,



Timothy P. Crowley
Director
Mitigation Division



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager

DATE: November 7, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Resolution to accept the \$93,956.13 Federal share of the FEMA Pre-Disaster Mitigation Grant LPDM-PJ-02-NY-2009-002 for the installation of a generator at Rye City Hall.

FOR THE MEETING OF:

November 7, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and the Council accept the Federal Grant money.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City applied to FEMA for a grant under their Legislative Pre-Disaster Mitigation Program (LPDM) which provides funding for measures designed to reduce or eliminate future disaster damage and disaster relief expenditure.

Grant LPDM-PJ-02-NY-2009-002 provides for the installation of a generator at Rye City Hall which would be used during emergencies to allow the building to remain open to assist residents and to keep the traffic signal at City Hall operational.

The City Council must accept the allocated funding for the project: a Federal share of \$93,956.13 and a required 25% matching share of \$31,318.71.

See attached.



FEMA

October 12, 2012

Mr. Steven Kuhr
Governor's Authorized Representative
New York State Division of Homeland Security & Emergency Services
Office of Emergency Management
Building #22, Suite 101
1220 Washington Avenue
Albany, New York 12226-2251

RE: Pre-Disaster Mitigation – Joint Explanatory Statement (LPDM-JES) FY 2009
LPDM-PJ-02-NY-2009-002
City of Rye

Dear Mr. Kuhr:

This letter serves as a supplemental notice of the City of Rye sub-grant award through the Pre-Disaster Mitigation-Joint Explanatory Statement grant program. The sub-grant award was accepted by your office on September 26, 2012. Agreement Articles and conditions of approval are identified within the Federal Emergency Management Agency (FEMA) eGrants system where this letter is attached as an amendment.

The approved scope of work requires that the City of Rye, as Sub-grantee, satisfy the requirements of Section 203 (g)(h)(i) of the Robert T. Stafford Act Relief Emergency Assistance Act.

Based on the information provided within the application, an October 12, 2014 project completion deadline is established for this project. This deadline provides, ample time for the Sub-grantee to complete all activities identified within the approved scope of work. The proposed scope of work is to install a generator at the City Hall of the City of Rye.

Any change to the approved scope of work as identified in the City of Rye sub-application and this correspondence must be submitted by your office to FEMA for consideration and approval prior to implementation. Any modification to the approved scope of work that does not receive prior approval from FEMA would jeopardize grant reimbursement.

October 12, 2012
Mr. Steven Kuhr
LPDM-PJ-02-NY-2009-002
Page 2 of 2

Funding has been made available in an amount not to exceed the total project cost of \$125,274.84 with a Federal share of \$93,956.13 and a required 25% non-Federal matching share of \$31,318.71.

Please notify the Subgrantee of project approval. In order to request a period of performance extension, the State must submit a formal written request to the Regional Director. The request must be made no later than 60 days prior to the expiration of the period of performance and must include a justification for the extension. This justification must also demonstrate that work is in progress and that it can be completed within the extended period of performance being requested. Other information required with this request includes a revised budget information form (regardless of whether or not there are changes to the budget); copies of any contracts entered into between the subgrantee with vendors, percentage of work completed and a description of all work completed. Extensions may not be considered for projects that are a result of delays in project initiation and implementation.

Any modifications to the scope of work must be submitted to FEMA for approval or funding will not remain eligible for this project. Problems or circumstances affecting completion dates, scope of work, or project costs that are expected to result in noncompliance with the approved grant conditions are to be described in the quarterly progress report. Requests for project time extensions will only be considered in instances where applicants have provided the grantee with accurate quarterly status reports. It is suggested that quarterly meetings be scheduled to review the projects status.

FEMA's staff is available to support State and local staff and provide technical assistance as requested. If you, your staff, or the Subgrantee should have any questions please contact Yemi Odutola at 212-680-8525 or Yemi.Odutola@fema.dhs.gov

Sincerely,



Timothy P. Crowley
Director
Mitigation Division



CITY COUNCIL AGENDA

NO. 11

DEPT.: Golf Club

DATE: November 7, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Three appointments to the Rye Golf Club Commission by the Council for three-year terms expiring January 1, 2016, one appointment for a one-year term expiring January 1, 2014, and the designation of one member to the Rye Golf Club Nominating Committee.

FOR THE MEETING OF:

November 7, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the appointments and designate the individual elected to serve on the Rye Golf Club Commission Nominating Committee.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The following individuals were elected to serve on the Rye Golf Club Commission for three-year terms beginning on January 1, 2013:

Patrick Dooley

Chris O'Brien

Arthur Tiedemann

The following individual was elected to serve on the Rye Golf Club Commission Nominating Committee for one year:

Terence Caffrey